

The Prosecution's Case In Watergate Coverup

'Nixon Himself Involved'

Washington

Assistant special prosecutor Richard Ben-Veniste laid out his case against the five Watergate coverup defendants yesterday, declaring he will prove that an illegal conspiracy existed among "the most powerful men in the government of the United States."

He said the plan to cover up the break-in at Democratic National Committee headquarters more than two years ago "involved the participation of even the President himself."

The 31-year-old prosecutor speaking from a lectern only a few feet from the jury box, said former President Nixon was willing to sacrifice a close aide to save himself and closer associates when the coverup was unraveling.

Quoting from an April 19, 1973, White House tape, Ben-Veniste said Mr. Nixon believed that if former White House counsel John W. Dean were turned over to Watergate prosecutors, they might not try to make a case against presidential aides H. R. Haldeman and John D. Ehrlichman or Mr. Nixon himself.

On the tape, Mr. Nixon said Haldeman and Ehrlichman should "give the investigators an hors d'oeuvres (Dean), maybe they won't come back for the main course," the prosecutor said.

Ben-Veniste said that in mid-April, 1973, Mr. Nixon, Haldeman and Ehrlichman "considered a strategy of pushing Dean outside the circle of wagons around the White House."

On April 19, Dean issued a statement saying he would not allow himself to become a scapegoat. He was fired by Mr. Nixon on April 30, after months of handling the White House response to the various Watergate investigations.

Dean will be the first pros-

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AP Wirephoto

Police issued passes to spectators lined up outside U.S. District Court in Washington to attend the Watergate coverup trial yesterday.

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ecution witness today once three of the defense lawyers have made their opening statements in the trial, which is expected to last three or four months.

Ben-Veniste presented the now-familiar story of the coverup in a courtroom jammed with reporters, about 35 spectators and some relatives of the defendants.

He spoke for more than three hours, describing the coverup in short, simple sentences, describing hundreds of meetings, phone calls and actions that comprise the complicated conspiracy case.

Among the few new developments was the assertion that former White House aide Richard Moore, who at-

tended one of the crucial meetings of the coverup, was pressured to forget what he remembered about how some payoffs to the original Watergate defendants were handled.

Ben-Veniste quoted Haldeman as telling Mr. Nixon that Moore's memory on the February, 1973 meeting at La Costa, Calif., "has become feeble beyond measure."

Mr. Nixon, according to the prosecutor, said later he was "gratified that Moore's recollection had dimmed a lot."

Earlier, Ben-Veniste said, Moore had been prepared to back up Dean's testimony on the meeting.

Another new element disclosed in the alleged con-



UPI Telephoto

RICHARD BEN-VENISTE
Assistant special prosecutor leaving court

spiracy was \$25,000 Ben-Veniste said was obtained from Mr. Nixon's friend, Charles G. (Bebe) Rebozo, for use in paying the original Watergate burglars.

Ben-Veniste said defend-

ant and former Attorney General John N. Mitchell dispatched an emissary to Florida to pick up \$50,000 in cash from Rebozo.

The prosecutor said the money was picked up by Nixon re-election committee official Frederick LaRue on Oct. 12, 1973. Half went to the original seven Watergate defendants and half went to an unnamed gubernatorial candidate, he said.

It was not clear if Rebozo knew how the money was to be used.

For more than a year, the

prosecutor told the jury, the defendants illegally tried to write off the original Watergate burglars as men "off on a lark of their own."

He said they failed because too many of those running the coverup knew about the plan for illegal wiretapping and burglary in advance.

Ben-Veniste said the prosecution will prove that the defendants and 19 unindicted co-conspirators, including Mr. Nixon, spent \$400,000 and attempted to thwart the FBI to keep the investigation away from themselves.

"We will prove to you in the course of this trial," Ben-Veniste said, "that the attempts of legitimate law enforcement agencies of the United States to ascertain the facts which led to this Watergate break-in, including those who authorized and paid for the illegal burglary and bugging of Democratic national offices, were met by an effort to cover up the facts and obstruct the investigation by the most powerful men in the government of the United States in a conspiracy that involved the participation of even the President himself."

Ben - Veniste's statement was delayed for nearly two hours because a juror, Lucille Plunkett, asked to be excused, saying she had not understood what sequestration means.

For the length of the trial, the jurors are living in a motel about two miles from the U.S. District Courthouse and are not permitted to travel to their homes or jobs.

Mrs. Plunkett was allowed to leave by U.S. District

Judge John J. Sirica and was replaced by an alternate, Helen D. Pratt.

Ben - Veniste cautioned the jury about the hundreds of hours of White House tape recordings to be admitted as evidence. Saying many of the tapes are hard to hear, the prosecutor also warned, "The language used is sometimes vulgar and coarse."

He said the jury should accept that men in high office use obscenities and not allow that to distract them from the substance of the conversations.

Ben-Veniste said that from the beginning Mitchell was in on the plan to wiretap and burglarize Democratic National Committee headquarters to insure the re-election of Mr. Nixon in 1972.

When a tap on the phone of Democratic National Committee chairman Lawrence F. O'Brien failed, Mitchell passed the word that he wasn't satisfied with results of the first break-in made over Memorial Day weekend in 1972, he said.

Ben-Veniste quoted G. Gordon Liddy, one of the original Watergate burglars, as saying, "The big man (Mitchell) was not happy with the results of the wiretapping." The break-in at which arrests were made was on June 17, 1972.

Besides Mitchell, the other defendants in the case are Haldeman, Erlichman, and two 1972 re-election committee officials, Kenneth W. Parkinson and Robert C. Mardian.

Associated Press