

# Jury Hears Tape of Nixon Bidding Dean Balk Inquiry

## Aide Was Told to 'Cut Off' Watergate Scandal 'at the Pass' to Clear the President of Any Involvement

NYTimes

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Special to The New York Times

WASHINGTON, Oct. 18 — Richard M. Nixon told John W. Dean 3d on March 17, 1973, to "cut" the Watergate scandal "off at the pass" by putting out a story that "basically clears the President."

Mr. Nixon's order to Mr. Dean, then his counsel, was recorded on the White House

Transcript of White House recording on Page 12.

taping system. The tape was played as evidence at the Watergate cover-up trial today in conjunction with Mr. Dean's testimony against the five former White House and Nixon campaign aides charged with the Watergate conspiracy.

It was the third tape to be played at the trial, and its playing — like the playing of many of the other tapes scheduled to be introduced in the weeks to come — was made possible by the special Watergate prosecution's successful battle against Mr. Nixon last spring and summer over the prosecution subpoena of White House tapes.

A few portions of the tape had been disclosed previously. One small segment was released by Mr. Nixon himself, in the collection of edited

White House transcripts that he turned over to the House Judiciary Committee and the public last spring.

Other segments of the conversation were disclosed in July when the House Judiciary Committee made public the transcript of a tape recording of a conversation between Mr. Nixon and his press secretary, Ronald L. Ziegler, on June 4, 1973, in which Mr. Nixon told Mr. Ziegler of some of the contents of the March 17 meeting.

But today's playing, to the jurors, the defendants and the rest of the people in Judge John J. Sirica's crowded second-floor courtroom at the United States Courthouse here, was the first disclosure of substantial other segments—including the set of "self-serving statements" that Mr. Nixon wanted Mr. Dean to arrange.

It disclosed, too, that Mr. Nixon had referred in this conversation—as he had in so many of the other conversations that have been made public—to his confrontation more than 20 years ago with Alger Hiss.

The main purpose of the meeting was to discuss ways to deal with the upcoming Sen-

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ate Watergate hearings. Mr. Nixon started by suggesting that Mr. Dean write a general statement to give to Senator Sam J. Ervin Jr., chairman of the Watergate committee, saying that "no one on the White House staff is involved" in the break-in at the Democratic national headquarters at the Watergate complex on June 17, 1972.

Mr. Dean said that he had been at a meeting before the break-in at which campaign officials—including John N. Mitchell, the former Attorney General who is now a defendant in the trial—had discussed "intelligence" operations such as bugging.

"Well, you won't need to say in your statement the bugging," Mr. Nixon told him, going on to advise that the statement could acknowledge the existence of an intelligence operation as carried out in any political campaign, but should say that it was a legal operation and that the President had given instructions that campaign workers behave totally legally.

### Clearing the President

"Then, you see," Mr. Nixon said a few moments later, "that basically clears the President frankly."

The two men went on to discuss the possible legal vulnerabilities of various persons at the White House. Mr. Nixon told Mr. Dean that he must do his best to keep the blame fixed on the seven men already arrested and prosecuted for the break-in, maintaining the story that these seven—though they were paid with campaign committee funds, and though included campaign employees, were not authorized by the committee to act as they did.

"I think what you've got to do, to the extent that you can, John, is cut her off at the pass," Mr. Nixon said. "And you cut off at the pass."

A second White House tape recording was played at the trial this afternoon, the recording of the now-familiar conversation on March 21, 1973, of Mr. Nixon, Mr. Dean and H. R. Haldeman, the President's chief of staff, who is another of the defendants at the trial.

In the second recording Mr. Dean told Mr. Nixon that there was a "cancer" growing on the Presidency, and Mr. Nixon authorized the payment of money to the original Watergate burglars.

### Pardoning of Nixon

Mr. Nixon, who was pardoned on Sept. 8 by President Ford for any crimes he may have committed during his Administration, resigned from office under the pressure generated by his disclosure in early August of yet another set of tapes—those of his conversa-

tions on June 23, 1972, just a few days after the Watergate break-in.

Those tapes—referred to by Mr. Ford yesterday in his explanation to Congress of the pardon—showed that Mr. Nixon had ordered a limit to the investigation of the Watergate break-in not only for national security reasons but also for political reasons.

They also show that Mr. Nixon was told at that point by Mr. Haldeman that the Watergate burglars were apparently acting under pressure from Mr. Mitchell, a leader of the Nixon re-election campaign.

Until the release of the June 23 tapes, though, the March 21 tape—disclosed by Mr. Nixon in April in his group of edited transcripts — was considered the most damaging of the White House tapes.

The conversation on March 21 appeared even more damaging when the Judiciary Committee subsequently released its own, more detailed transcript, showing Mr. Nixon's following comment regarding a demand by E. Howard Hunt Jr., one of the original Watergate defendants, for money: "Well for Christ's sake get it..."

### Arguments About Tape

The March 21 tape runs for an hour and 40 minutes, and most of the afternoon was taken up in introducing it, playing it, and then, on the part of defense lawyers, arguing about it, whether or not it should have been played.

The jurors and spectators, unlike the lawyers, were hearing the tape for the first time, each through a set of gray-and-black earphones connected to receivers tacked to the courtroom floor. They listened intently, straining at times to hear Mr. Nixon's deep, and often flat-sounding voice.

At one point in the conversation, the discussion turns to Judge Sirica, who was also the presiding judge in the trial of the original Watergate defendants, Mr. Dean calls the judge a "peculiar animal," and then a "son of a bitch."

Judge Sirica, listening to the tape through his own set of earphones, appeared to suppress a smile.

When the defense counsel objected afterward that the jurors should not have been allowed to hear this portion, lest they want to "vindicate" the judge, Judge Sirica, did smile.

"I've been called a lot worse than that," he said.

### Conspiracy Charge

The defendants, in addition to Mr. Haldeman and Mr. Mitchell; are John D. Ehrlichman, Robert C. Mardian and Kenneth Wells Parkinson. The basic conspiracy charge against all five is that they plotted to obstruct the investigation of the facts surrounding the break-in, by such means as perjury and destruction of documents.

Another means — among the most crucial of the prosecutor's case — was, allegedly, the payment of money to the Watergate burglars to keep them from telling the truth.

The prosecution's evidence today — both Mr. Dean's testimony and the two tapes — centered on this element.

Mr. Dean, testifying for the third day under questioning by the prosecutor, James F. Neal, was for the most part telling a familiar tale.

But for the prosecution's purposes, it was crucial — particularly in its case against Mr. Ehrlichman, Mr. Haldeman and Mr. Mitchell. Essentially, Mr. Dean testified about the growing pressure by the original Watergate defendants early in 1973 for money and for "assurances" that they could be taken care of — and about Mr. Ehrlichman's, Mr. Haldeman's and Mr. Mitchell's awareness of these demands and efforts to meet them.

#### Testimony by Dean

Mr. Dean said, for instance, that Mr. Haldeman had approved the delivery of the more than \$300,000 remaining in his secret White House cash fund to a Nixon campaign official who was providing money to the Watergate defendants.

Mr. Haldeman gave his approval, Mr. Dean said, after Mr. Dean "told him the reason for it was the defendants were off the reservation."

Mr. Dean also testified about a demand by Mr. Hunt on March 16, relayed to Mr. Dean on March 19 for more than \$120,000. According to Mr. Dean, testifying again today in a flat and seemingly weary

tone, Mr. Hunt threatened that unless he got the money he would "have some seamy things to say about what he did for John Ehrlichman at the White House."

Mr. Dean, now serving a one-to-four-year prison term for his own admitted role in the cover-up, said he reported the threat to Mr. Ehrlichman on March 20. He said Mr. Ehrlichman had commented, "That's interesting," and had suggested that Mr. Dean take the matter of payments up with Mr. Mitchell.

It was this demand by Mr. Hunt that figured in the March 21 conversation.

The March 17 tape, played as part of Mr. Dean's chronological account, included a segment — the only segment that Mr. Nixon released, in fact — referring to the difficulties that Mr. Ehrlichman might have, because of things Mr. Hunt and others had done for the plumbers unit that Mr. Ehrlichman supervised. That unit was set up to stop "leaks" from the White House.

One of Mr. Hunt's "jobs" was the break-in by the plumbers of the office of Dr. Daniel Ellsberg's former psychiatrist. The president's transcript made it clear that Mr. Nixon was dubious about the purpose of that break-in. The transcript provided by the prosecution today made it even clearer, recording, as Mr. Nixon's transcript did not, the question "Why?"

After the jury had been dismissed for the day, Judge Sirica took off his glasses and rubbed his eyes wearily as defense lawyers began to argue about whether the jury had heard "prejudicial" and "irrelevant" material on the March 21 tape.

Andrew C. Hall argued, for example, that a reference to his client, Mr. Ehrlichman, when the President and Mr. Dean were discussing the Vesco case, might lead the jury to believe Mr. Ehrlichman was culpable in that case.

Judge Sirica seemed irritated. He asked Mr. Hall why he had not brought up his objection earlier, before the tape was played for the jury, asking, "How long have you had the transcripts of these tapes? Three weeks, a month?"

"It's kind of late to object now," he added.