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Nixon Campaign Aides Describe Payoffs to Burglars

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WASHINGTON, Nov. 14—The jury at the Watergate cover-up trial was told today that Nixon campaign officials gave hundreds of thousands of dollars to the Watergate burglars to meet "commitments" to the burglars without ever knowing who had made the commitments.

The jury heard three witnesses describe secret deliveries of envelopes stuffed with hundred-dollar bills.

One witness, Frederick C. LaRue, explained that the deliveries had been made because "commitments" had been made and because if the commitments were not kept the burglars might tell the truth about Watergate, linking the break-in to the campaign to re-elect President Nixon.

But then, on cross-examination, a defense lawyer asked Mr. LaRue who had made the commitments.

Mr. LaRue, who is awaiting sentencing after pleading guilty to participating the the Watergate cover-up conspiracy, responded that he did not know and that, so far as he knew, none of the other officials involved in making the payoffs knew, either.

Talk Reported to Mitchell

Yesterday Mr. LaRue testified that he and Robert C. Mardian, a former official of the Committee for the Re-election of the President who is a defendant at the trial, had held a "debriefing" with G. Gordon Liddy, the man who devised the intelligence scheme that led to the watergate break-in. The debriefing, or attempt to learn what had happened, was held a few days after the June 17, 1972, burglary at the Democratic headquarters at the Watergate complex here.

In that session, Mr. LaRue said, Mr. Liddy declared that "commitments" had been made to the men who participated in the break-in. Mr. LaRue said that he had reported this conversation to John N. Mitchell, the former Attorney General and Nixon campaign director, also a defendant at the trial.

Today, on cross-examination, Mr. Mitchell's chief counsel, William G. Hundley, reminded Mr. LaRue of that meeting.

Q. Did he tell you who made the commitments? A. No.

Q. During the course of your whole involvement in what we call Watergate, did you ever find out who made the commitments? A. No, I didn't.

Q. Did you try to find out? A. No, I did not.

Mr. Hundley paused. Then, speaking very slowly and deliberately, he asked the final question.

Q. Do you know if anybody tried to find out? A. No, I have no knowledge.

The payments of money to the burglars is one of the crucial aspects of the case. The prosecution contends that the five defendants conspired to obstruct the original Watergate investigation through such means as payments of money to the burglars in return for their silence. Since the trial began there have been references to those payments.

New Question for Jury

But, until today, the question of who made the commitments had never been pressed in testimony before the jury. Whether it will be answered later in the trial remains unclear.

In all the public proceedings about Watergate, including the Senate Watergate hearings and the House impeachment inquiry, the question has gone unanswered.

Besides Mr. Mitchell and Mr. LaRue, the other defendants are H. R. Haldeman, the former White House chief of staff; John D. Ehrlichman, former adviser to President Nixon on domestic matters, and Kenneth Wells Parkinson, a former lawyer for the re-election organization.

Most of the day was spent in testimony by Mr. Larue, both on direct and cross-examination. He continued the account he started yesterday of the months after the break-in, extensively implicating both Mr. Mitchell and Mr. Mardian in the cover-up.

On cross-examination by Mr. Hundley and Mr. Mardian's attorney, Thomas C. Green, he generally stood by his account. But he gave some answers to the defense lawyers that could limit the effect of his testimony against the defendants.

He conceded, for instance, that he had testified somewhat differently as to certain details in appearances elsewhere. He became confused as to some events he was testifying about, admitting at one point that he had a "very hazy recollection" about one incident.

Approach Is Relaxed

Mr. Hundley's cross-examination of Mr. Larue was at times almost a model of how to handle a potentially damaging witness.

For one thing, Mr. Hundley approached Mr. Larue in a friendly, relaxed and cheerful manner, in marked contrast to the angry or nervous approach that some lawyers take in questioning a witness whose testimony may harm their case.

There was no hint to the jury that Mr. Hundley might be upset by Mr. LaRue's account.

Emphasizes the Helpful

Mr. Hundley also ignored several of the most incriminating aspects of Mr. LaRue's earlier testimony, such as his statement yesterday, under questioning by Richard Ben-Veniste, the assistant prosecutor, that Mr. Mitchell had told him to work on the "problem" of meeting commitments to the burglars.

Instead, he concentrated much of his questioning on those bits of testimony Mr. LaRue had given that were helpful to Mr. Mitchell, such as his testimony that Mr. Mitchell had taken a let's-not-decide-now attitude when given two proposals for illegal activity.

Other witnesses at the trial have testified that Mr. Mitchell approved the proposals, one of which led to the Watergate break-in.

Mr. Hundley had Mr. LaRue go over in great detail his testimony about Mr. Mitchell's declining to approve the proposals, at least for the moment.

Mr. Hundley also sought through his questioning to try to shift the blame elsewhere for the illegal intelligence-gathering plan that led to the break-in—specifically, to Jeb Magruder, Mr. Mitchell's deputy director of the political campaign, and Charles W. Colson, a former special counsel to Mr. Nixon.

Pressure on Magruder

Turning to a conversation Mr. Larue had had with Mr. Magruder after the break-in, Mr. Hundley asked if Mr. Magruder ever told him about pressure he had been under. Mr. Larue replied that Mr. Magruder had told him of one instance.

"Tell His Honor and the ladies and gentleman of the jury," Mr. Hundley directed.

"He told me sometime in the spring he had received a call from Colson was, in effect, raising hell with Magruder because Liddy's budget had not yet been approved."

Mr. Hundley's efforts were not completely successful. He elicited from Mr. Larue, for instance, the concession that Mr. Magruder might have been able to authorize on his own the $250,000 appropriation for the Liddy plan. On direct examination by Mr. Ben-Veniste, Mr. Larue backed down on this statement.

Also, Mr. Hundley failed to sway Mr. Larue from his testimony that Mr. Mitchell told Mr. Magruder immediately after the break-in to burn the files containing information about the Liddy plan. He did, however, turn in something of a conflict between the witnesses.

Conversation Is Cited

Mr. Magruder testified earlier at the trial that he was reminder hearing Mr. Larue's testimony before the Senate Watergate committee. Mr. Larue said today that he did not recall the directive until having a conversation with Mr. Magruder about the meeting at which Mr. Mitchell allegedly gave the order.

The two other witnesses who testified about the payments to the burglars were Manyon Milligan and Fred T. Asbell, former campaign workers who said that they had made some of the cash deliveries at Mr. LaRue's behest but that they had not known what was in the envelopes they were delivering.

Gen. Vernon A. Walters, deputy director of the Central Intelligence Agency, was brought back to court late this afternoon for cross-examination by defense counsel on his testimony earlier this week.

However, Federal District Judge John J. Sirica suggested that defense lawyers forgo a certain line of questioning of General Walters and that Richard Helms, who was Director of Central Intelligence at the time of the break-in and is now Ambassador to Iran, be called to court to settle the matter.

Memorandum by Helms

The source of the problem was a memorandum that Mr. Helms wrote to General Walters on June 28, 1972, regarding the possibility that the Federal Bureau of Investigation's inquiry into Watergate might intrude upon C.I.A. affairs.

Frank Strickler, one of the attorneys for Mr. Haldeman, wanted to cross-examine General Walters on the subject of the memorandum. The prosecution objected.

"Why can't we bring Mr. Helms?" Judge Sirica asked. "Let's get him back here and we'll settle the problem instead of trying to cross-examine a memorandum."

The matter was left undecided. Some lawyers in the case said, though, that they expected Mr. Helms to be called.

In another development today, Judge Sirica, in a seven-page ruling on an evidentiary question, suggested that the prosecution's chief witness, John W. Dean 3d, had lost some of his credibility in cross-examination.

Testimony Opposed

At the request of the prosecution, the judge ruled that the prosecution may present testimony by a former Dean aide, Fred Fielding, to back up Mr. Dean's testimony that Mr. Ehrlichman had told him to "deep six," or destroy certain documents.

The prosecution had asked to be permitted to present Mr. Fielding's testimony in order to

"rehabilitate" Mr. Dean. William S. Frates, Mr. Ehrlichman's chief counsel, had objected that the prosuection wanted the Fielding testimony simply to "corroborate" Mr. Dean's testimony, not to "rehabilitate him."

Judge Sirica sided with the prosecution. He said that Mr. Frates, in his cross-examination of Mr. Dean, had "impugned his honesty," had "emphasized" that Mr. Dean had committed perjury before and had, "most importantly, directly raised the issue of 'bargaining for immunity' to imply that the witness had a motive for implicating some of the defendants who were more notable public figures than himself, in order to get favored treatment."

"In other words," Judge Sirica said, "defendant Ehrlichman, through his attorney, made a substantial, sustained attack on the credibility of a witness."

At another point in his ruling, Judge Sirica cited the rule of law that "rehabilitation evidence is allowed only when there is a need to rehabilitate." He added, "It is thus essential that before one can rehabilitate, there must first have been an impeachment, a taking away of dignity, a disqualification."

Issue of Admissibility

By ruling that the prosecution could use the Fielding testimony to rehabilitate Mr. Dean, he was, in effect, saying that this "impeachment" and "taking away of dignity" had occurred.

The judge's ruling was one of several legal documents filed today, including a prosecution memorandum on the admissibility of another item of evidence.

Almost every day at the trial such memorandums are filed, so that by now the stack of papers in the case is several feet thich. James F. Neal, the chief prosecutor, filed the day's memorandums almost apoligetically this morning.

"We're being inundated," he said. What had happened, he went on, was that he had instructed his counsel, Peter Rient, to prepare a memorandum on every point of law that came up. Now, he said, "we can't turn him off."