

# Jury Told Nixon Offered \$200,000 Cash to 2 Aides

## Prosecution Says Ex-President Made Bid to Ehrlichman and Haldeman in '73 in Context of Protecting One Another

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WASHINGTON, Dec. 4—The prosecution at the Watergate cover-up trial contended today that former President Richard M. Nixon offered John D. Ehrlichman and H. R. Haldeman \$200,000 to \$300,000 in cash in April, 1973, in the "context" that the three men "all understood they were protecting each other."

April, 1973, according to testimony at the trial, was the time when the Watergate

Excerpts from transcripts of Nixon tapes, Page 39.

cover-up was beginning to come apart, with some Nixon aides beginning to cooperate with the Federal prosecution.

Richard Ben-Veniste, an assistant special prosecutor, made the allegation this afternoon in the course of reading to the jury transcripts of two conversations in which Mr. Nixon offered to get the money for the two men.

The prosecutor read the transcripts—neither of which had previously been disclosed—as part of his cross-examination of Mr. Haldeman, who, with Mr. Ehrlichman, is among the five defendants in the trial.

Mr. Haldeman was President Nixon's chief of staff and Mr. Ehrlichman his domestic affairs adviser.

The first transcript, of a conversation on April 17, shows Mr. Nixon telling his two aides that there was a fund used by "Bebe"—his friend Charles G. Rebozo—for "getting things out."

Mr. Nixon, the transcripts indicated, told his aides that there was "no strain" and that the money "doesn't come outta me;" and that he had told Mr. Rebozo to "be sure that people like, uh—who, have contributed money over the contributing years, are, uh, favored and

Continued on Page 38, Column 3

Continued From Page 1, Col. 2

so forth in general."

The second transcript, of a conversation on April 25, quotes Mr. Nixon as asking his aides if they could use "cash" and then telling them, "There're a few, not much (unintelligible) as much I think as 200, there's available in '74 campaign already."

This transcript quotes both Mr. Haldeman and Mr. Ehrlichman as replying, "I don't think so," to the offer of cash.

It goes on to quote Mr. Haldeman, in referring to the 1974 campaign money, as remarking—and Mr. Nixon as agreeing—"That compounds the problem."

Mr. Ben-Veniste, questioning Mr. Haldeman after he read the transcript, contended that the "problem" was that hundreds of thousands of dollars had been paid to the seven men who had participated in the Watergate break-in.

Mr. Haldeman told the jury after the first transcript was read that the President had offered the money because of the legal fees that his two aides were facing. When Mr. Ben-Veniste made his charge that the "problem" was the problem of the payments to the Watergate burglars, the defendant reacted angrily.

"No," he said. "Absolutely untrue."

The disclosure of Mr. Nixon's offer and the prosecution's charge that the offer had been made while the three men were "protecting" one another were the high points of the day's proceedings. But there were these other developments as well:

### Other Developments

The prosecution filed with the court three other previously undisclosed portions of White House tape recordings in which Mr. Nixon and his aides discussed ways in which the aides could "pre-empt" the anticipated testimony by John W. Dean 3d, then Mr. Nixon's counsel, about the March 21, 1973, discussion in which Mr. Nixon said that money could be raised to pay off the Watergate burglars.

The transcripts, portions of which were read to the jury, show among other things, Mr. Nixon, telling Mr. Haldeman and Mr. Ehrlichman that their

"line" about the March 21 conversation would be that Mr. Nixon was "conducting an investigation and finding out what, where this thing went."

Mr. Ben-Veniste, in the course of cross-examining Mr. Haldeman, contended that he was "not being truthful" in his testimony to the jury and said that the White House tapes showed the inconsistencies.

Mr. Haldeman contended that Mr. Nixon's remark in the March 21 meeting that "it's wrong, that's for sure" referred both to paying off the burglars and giving them clemency, and not just to clemency, as the prosecution contends and the transcript appears to show.

Former Attorney General John N. Mitchell, another defendant in the trial, contended in a written motion to the court that the evidence at the trial showed that "Mr. Nixon may have participated in a conspiracy which carefully excluded Mr. Mitchell's membership, and which was designed to have an extremely adverse effect on Mr. Mitchell's well-being."

The motion asked that Mr. Mitchell's attorneys be allowed to take a deposition from Mr. Nixon.

The possibility that Mr. Nixon had offered money to Mr. Haldeman and Mr. Ehrlichman had been raised before, but the information that came out before today was sketchy and somewhat different from the information on the transcripts.

Last June, there were reports in various newspapers—attributed to "sources" close to the Senate Watergate Committee—that a former Haldeman aide, Lawrence Higby, had told the committee that Mr. Rebozo controlled a \$400,000 cash fund that could be used to underwrite the legal expenses of Mr. Haldeman and Mr. Ehrlichman.

According to the news reports, Mr. Higby told the committee that Mr. Haldeman had told him the following: That Mr. Nixon had told him, Mr. Haldeman, of the fund on

April 30, 1973, and that Mr. Nixon had also told him that the money would be available to Mr. Ehrlichman as well.

On June 7, immediately after the press reports, the White House issued a partial confirmation—a confirmation that appears to be contradicted in some details by the transcripts released today.

Gerald R. Warren, the deputy press secretary to Mr. Nixon, said that while Mr. Nixon had expressed a "willingness" to help his two aides to meet their legal expenses, he had never provided any such help. Mr. Warren added, "There is not now nor was there ever any defense fund set up by the President."

Mr. Warren put the date of the President's expression of willingness at or after April 30, 1973, the day that Mr. Haldeman and Mr. Ehrlichman resigned from the White House.

According to his account, after Mr. Haldeman and Mr. Ehrlichman left the White House, Mr. Nixon "did express" his concern that their "sole significant source of income" was being closed off at a time when they were facing legal fees and "expressed a willingness to assist them in whatever way possible."

Mr. Ben-Veniste also referred today to another previously undisclosed section of a White House tape, that of Mr. Nixon's meeting with his two aides on April 25.

This meeting occurred just before Mr. Haldeman listened to the tape of the March 21 meeting, and, it was basically a discussion of what exactly had occurred in the March 21 meeting and of what Mr. Dean might tell the prosecutors about it.

Matter involving Mr. Nixon dominated much of the proceedings at the trial today, as it had before.

At one point, Mr. Wilson objected to one of Mr. Ben-Veniste's questions that involved Mr. Nixon, saying, "If the court please, are we trying Mr. Nixon here or Mr. Haldeman?"

"I really don't know," Judge Sirica replied.

#### Statement to Jury

A few minutes later, Mr. Ben-Veniste again asked Mr. Haldeman a question involving something that the former President had allegedly said. Mr. Wilson objected a second time, saying, "Mr. Nixon is not on trial."

This time, the judge agreed.

He turned to the jury and said, "The only people on trial are the five defendants. Mr. Nixon is not on trial in this case."

Mr. Ben-Veniste said, "Yes, Sir," and started to go on with his questioning.

This afternoon, the subject came up a third time. This time, it was William S. Frates, the chief counsel for Mr. Ehrlichman, who made the objection.

"We are not trying former President Nixon," Mr. Frates insisted.

"That's been settled," Judge Sirica replied.

Mr. Frates is basing much of his client's defense on the contention that Mr. Nixon "deceived and misled" Mr. Ehrlichman. So, apparently, lest anyone in the jury misunderstand the objection he had just made, he quickly added, "I have no objection to trying Mr. Nixon."

"I object to trying him," Judge Sirica said.

Then the judge added his own quick afterthought. Mr. Nixon, he said, was not named a defendant in the case.

Judge Sirica said today that he planned to prepare a written opinion for release tomorrow

on the question of whether the trial should be continued through Christmas to allow a deposition to be taken from Mr. Nixon.

A panel of doctors who examined Mr. Nixon last week at Judge Sirica's request reported last Friday that Mr. Nixon would not be physically able to give a deposition at his home in California until Jan. 6.

On Monday, Mr. Frates asked the court to release the jury for Christmas, if the evidence was completed by then, and continue the case to allow him to take a deposition Jan. 6.

Today, attorneys for both Mr. Haldeman and John N. Mitchell, another defendant, made similar motions.

Attorneys for another defendant, Robert C. Mardian, however, filed a motion objecting to any continuance in the trial and any release of the jury from sequestration.