

# HALDEMAN TAPES REPLAYED BY JURY

Panel Hears White House  
Recordings on Second Day  
—Will Meet on Holiday

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WASHINGTON, Dec. 31—The jury at the Watergate cover-up trial deliberated for a second day today without reaching a verdict.

Judge John J. Sirica excused the jurors at 5:45 P.M., sending them back to their hotel, where, according to a spokesman for the Federal marshals who are guarding them, there will be no "special" New Year's Eve celebration.

The jurors are to meet tomorrow from 9 A.M. to 6 P.M.

The jurors spent much of their time today listening, at their request, to White House tape recordings of four conversations participated in by one of the five defendants, H. R. Haldeman, who was White House chief of staff for Richard M. Nixon.

Three of the conversations took place between Mr. Haldeman and Mr. Nixon on June 23, 1972. They involve Mr. Nixon's order, at Mr. Haldeman's suggestion, that the Central Intelligence Agency be asked to intervene in the Federal Bureau of Investigation's inquiry into the Watergate break-in six days earlier.

Mr. Nixon's release of transcripts of these conversations

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precipitated his resignation from the Presidency last Aug. 9.

The fourth conversation took place on March 21, 1973, the first portion between just Mr. Nixon and John W. Dean 3d, then his counsel, and the latter portion with Mr. Haldeman joining in.

It was in this conversation that Mr. Dean recounted to Mr. Nixon many of the details of the Watergate cover-up, telling him that there was "a cancer" growing in the Presidency.

Mr. Haldeman and his four co-defendants sat in Judge Sirica's courtroom at the United States Courthouse this afternoon as the jurors listened to the tapes.

The other defendants are former Attorney General John N. Mitchell, who was also director for a time of the 1972 Nixon re-election campaign; John D. Ehrlichman, Mr. Nixon's chief domestic adviser; former Assistant Attorney General Robert C. Mardian, a campaign official, and Kenneth Wells Parkinson, a lawyer hired by the committee to handle the litigation growing out of the Watergate break-in.

All five are charged with conspiracy to obstruct justice, and all but Mr. Mardian are charged with obstruction of justice as well. Mr. Mitchell and Mr. Haldeman are also charged with three counts of perjury, and Mr. Ehrlichman with two.

### The Mood Changes

Yesterday, there was an air of excitement in the courthouse as the case went to the jury after 13 weeks of trial. But today, the mood was partly grim and partly one of boredom.

A cold rain fell outside. Inside, upstairs in the second-floor hallway outside Judge Sirica's courtroom, only 15 or 20 would-be spectators waited in line. Some of them were regulars. They planned a standees party for Sunday night at the Watergate Hotel.

Wives of some of the defendants waited in the suite of temporary defense offices down the hall. Some did needlepoint. In the morning, and in the recesses during the playing of the tapes this afternoon, the defendants waited with them.

Defense lawyers paced the hall, alternately looking concerned and making macabre jokes.

The jurors began to deliberate at 9:20 A.M. Then, just before 11 A.M., they sent a note to Judge Sirica—signed by the foreman, John A. Hoffar, a 57-year-old retired park policeman—asking for the exhibit [tapes] in evidence which pertains to March 21,



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Scene outside Washington courthouse as jurors in the Watergate cover-up trial arrived.

1973; March 22, 1973; April 14, 1973."

The three dates are among the most crucial in the period when the Watergate cover-up was beginning to come apart, and the jurors had heard portions of about 10 tape-recorded conversations from these dates.

Judge Sirica summoned the lawyers to his chambers and notified them of the request. Then—because, he told reporters later, the first request was ambiguous—he sent the jurors a note asking if they wanted to hear all the tapes in evidence for those three days.

Some 45 minutes later, the jurors sent Judge Sirica two more notes, each labeled "tape request." One asked for "Haldeman-Nixon discussion about using C.I.A. to stop F.B.I. investigation"; the other for "Dean's 'there is a cancer on the Presidency—to Nixon.'"

It could not be determined why they had modified their request to include the June, 1972, tapes.

Several days ago, Judge Sirica

said in court that if the jurors wanted to hear tapes during their deliberations, there should be at least one representative from the defense and one from the prosecution in the jury room. He did not say that everyone need be there.

Today, after the lawyers learned of the jurors' requests, some of the defense counsel decided not to attend the playing, on the theory that their absence from the courtroom might be interpreted as some indication that the evidence on the tapes did affect their clients. However, Judge Sirica ordered all defendants to be present in the room, with counsel.

### Privileges Are Ended

The jurors have been sequestered since Oct. 11, the day they were impaneled. Through most of the trial, they were allowed some privileges. They could each have two alcoholic drinks at night, for instance, and under the watch of Federal marshals they could speak on the phone to relatives, go shopping and have their hair done.



Yesterday, however, when the deliberations began, the privileges ended.

There are new restrictions, according to Horace Webb, a spokesman for the marshals, and new prohibitions. There is to be no drinking, no watching of television, no reading of newspapers, no sending or receiving of letters, and, except in family emergencies, no telephoning.

The jurors are being housed, each in a separate room, at the Sheraton-Park Hotel in the northwest section of Washington.

The defendants are legally entitled to a verdict by 12 jurors. And they are entitled to a verdict by the same 12 persons who were in the jury when deliberations began, with no replacements by any of the alternate jurors who were available in this earlier stage of the trial.

#### Defense Refuses

Judge Sirica asked the defense lawyers at the close of final arguments whether they would agree to accept a verdict by fewer than 12, if one or more jurors fell ill during deliberations. They refused. Thus, any mishap with a juror could lead to a mistrial. The makeup of the jury—eight of the 12 are black, and a number are present or former government employes—is considered typical of Washington juries.

Mr. Hoffar was elected foreman by his fellow jurors at the start of the deliberations yesterday. He was, to a number of the lawyers in the case, and to some observers, a surprise choice.

He is one of only three men on the jury, and one of only four whites. He is a Republican. Most of the jurors are registered Democrats.

And, as several lawyers pointed out yesterday, while most of the jurors watched attentively through the long weeks of the trial, Mr. Hoffar, like a few others, closed his eyes from time to time and appeared to sleep.

Last week, though, there were signs that he had some say in the jurors' decisions.

Judge Sirica, trying to hurry along, the closing arguments suggested last Thursday afternoon that the trial continue late into the day so Mr. Parkinson's attorney, Jacob A. Stein, could conclude his summation.

The judge asked the jurors to let him know, through one of the marshals, what they thought of his idea.

Within minutes, the marshal returned. At a conference at the judge's bench, he told of Mr. Hoffar's response: "What's the rush?"

Court was recessed for the day.