

Significance of LaRue's Testimony
Watergate Cover-up Trial
October, 1974

Fred LaRue, when questioned under oath and subject to cross-examination in the later Cover-up Trial, coming two months after Nixon's resignation, testified that – to the best of his recollection – he had spoken with Mitchell on Wednesday morning and not in the afternoon, as so confidently asserted by prosecutors. According to the trial transcript:

LaRue: I told Mr. Dean that I would not undertake to make any payments unless I had some authorization from someone. He said: Why don't you call Mr. Mitchell.

Ben-Veniste: Did you call Mr. Mitchell?

LaRue: Yes, I did

Ben-Veniste: Can you fix the time of day?

LaRue: Again, the best of my recollection, it would be the morning of the 21st.

Ben-Veniste: Do you know whether you actually spoke with Mr. Mitchell on the morning of the 21st?

LaRue: I know I placed the call, whether I talked to him at the time I placed the call or he called me back, I don't know.

Ben-Veniste: Can you say with any certainty whether it was morning or afternoon that you spoke with Mr. Mitchell?

LaRue: I cannot say with any certainty, no.

LaRue's best recollection of a morning call is again confirmed on cross-examination by Haldeman's attorney.

Wilson: Going to the March 21st meeting, you said your best recollection was that you called Mr. Mitchell in the morning?

LaRue: That is correct.

Wilson: And you testified that you told Mr. Mitchell that they needed \$75,000 is that correct?

LaRue: Yes

Wilson: And you fixed the figure at \$75,000?

LaRue: That is correct.

Wilson: And I take it, according to your testimony, that he then asked you what it was for. Is that right?

LaRue: That is correct.

Wilson: And what did you tell him?

LaRue: I told him it was for legal fees.

It was the prosecution which had the burden of proof on this issue – and they failed to meet it. It gets worse. Not only did LaRue place their call as having occurred on the morning of March 21, he was the one to call Mitchell to inform him of Hunt’s monetary demands – and not the other way around (which would have better fit prosecutors’ scenario of Nixon to Haldeman to Mitchell to LaRue). In addition, LaRue reduced the amount paid to just Hunt’s legal fees of \$70,000, which he would never have done, had Nixon directed Mitchell to see that Hunt’s \$120,000 demand was met.

By this time, however, Nixon had been gone for months. Since no one even knew of prosecutors’ secret allegations regarding Nixon’s own involvement, the demise of their prosecutorial theory – which was the foundation for the grand jury naming Nixon a co-conspirator and for the House Judiciary Committee recommending his impeachment – went totally un-noticed.