

CHAPTER 15

Head on the Block

Pat Gray was acting FBI Director until Nixon's nomination of him for that high office was confirmed by the Senate. Confirmation hearings were held by the Senate Judiciary Committee. Habitually, when Gray and his FBI top hierarchy knew very well that committee would want and they wanted played down or ignored, they said they did not have it with them but fear not, they would provide it for the record in writing.

And they did- after the hearing was over. When no Senator any longer had the time for or any interest in even looking at the withheld information provided then or when it published.

Gray testified eight of the ten days of those 1973 hearings.

Later, in the so-called Watergate hearings, the then Republican leader in the Senate, Tennessee's Howard Baker, stated what came to be regarded as the key question when impeachment was being considered. It was "What did Richard Nixon know and when did he know it?"

Nixon had insisted that some time had passed before he knew anything about any White House involvement in that deepest of subversions in a country like ours.

His- and they were his burglars- were captured the early morning of Sunday, June 17, 1972. Nixon and his chief hatchetman, a.k.a. assistant to the President H.R. Haldeman, then were at Nixon's Key Biscayne, Florida home. They returned to Washington the morning of June 19. That was after the story broke and was well-known nationally.

It should also be recalled that Nixon and Haldeman conferred several times that day after returning to the White House and that 18 and half minutes of one of those tapes Nixon had been making in secret was in some mysterious manner erased from one tape made right after Nixon's return. His loyal, longtime secretary Rosemary Woods then confessed, after the scandal about that erased tape got really embarrassing that by some amazing feat of unimaginable gymnastics or legerdemain or contortion while she was both listening to that tape and simultaneously answering the phone she was able to stretch farther than her greatest dimension

in stretching and thus unfortunately and of course innocently erased that part that one tape. N, not President Nixon. Perish the thought! (He also had retrieved and listened to that particular tape.)

At the first Gray hearing on February 28, 1973 Senator Sam Erwin of North Carolina, a widely respected former judge and expert in the Constitution, soon to be Watergate investigating committee chairman, asked Gray whether "Some information of a summary of some information collected by the FBI in regard to some aspect of the Watergate matter, accompanied by a proposed letter, was to be sent to Mr. Haldeman?"

Gray agreed, "Yes, sir. That happened on June 19, and I will submit those documents for the record. I will show them exactly as they came up to me and I said 'No.'" (page 46)

What Gray later submitted, set in small type, several documents, extends in the printed transcript to the top of page 54.

The documents submitted for the record contain no indication of any notations or initials. I have never seen any document that reached the director for his decision that did not have the initials of subordinates who read it first and the director's decision and initials noted on it. This bears no such notations. Not one!

Moreover, with the document itself, presented to the committee after it had past that part of its questioning not after the hearings had ended, the Senators could not include any questioning to learn whether the information had been conveyed to anyone at the White House verbally or by some trusted messenger.

The report Gray said he ordered not be given to the White House connects in to the Watergate break-in with two of Nixon's men, Walter McCord and E. Howard Hunt. The other men arrested are connected to both. Or, the FBI's very first report ready for the President on his return connects the White House to the Watergate break-in. And we are to believe that the Pat Gray, who was such a Nixon loyalist and owed his various positions to Nixon, including as designated FBI director, said nothing at all about this, directly or indirectly to Nixon or Haldeman?

When cows jump over green cheese moons that can be that believed!

Especially because no order not to give the memo or its contents of the White House is noted on the memo or on any attached separate memo.

Moreover, anyone in the FBI who saw any copy of it and had a White House official to whom he reported had nothing in the world to tell him what was forbidden. If it was.

In practice documents intended for the director always were read and initialed by those around him who screened what he got to eliminate what did not require his attention and on which they noted their recommendation relating to what the director should do.

There is no such notation on this or the related memoranda. That leads inevitably to the belief that these were special copies that got special treatment so that they would reflect no distribution when all FBI records reflect their distribution and filing.

Gray and his people knew very well that the committee would be enormously interested in anything that connected him at all with Watergate. Not having them when Gray testified, with his assistant and associates with him, was not an oversight. It was designed for this regular trick of frustrating questioning that could be embarrassing, they'd be glad to supply it later. Later being when it made no difference, when there would be no questioning based on it.

Perhaps the committee, in publishing the records eliminated all filing designations that appear on all FBI records. Whether or not there were any such designations or whether or not the committee removed them for no reason at all we'll never know.

But it cannot be believed that Gray information tying Nixon into the Watergate break-in and did not let him know one way or another.

Nixon, having said he had no knowledge or any White House connection until much later certainly could not survive unimpeached proof that he did have that information and that he and Haldeman discussed it June 19, which required its erasure from that tape.

As I recall the records that were used during the Watergate investigations, only Nixon and Rosemary Woods had had access before the erasure was discovered.

With the Republican Baker's own quintessential question, the Nixon administration's leader in the Senate posing the question, what did Nixon know and when did he know it, there is little doubt that Nixon could not let any proof exist that he knew on June 19, as soon as he was back in Washington, that he, through those working for him were already connected to that scandal- and untruthfulness would not have been new for him.

Regardless of Gray's testimony, the document itself states that it went to the White House, to Haldeman! (page 46)

Because of that cute little trick of not having the records that clearly would be asked about with him and then providing them too late to be used by the committee in its hearing, everybody missed this. I know of no reporter who made any use of the volume of hearings after it was printed. The Watergate committee did not use it.

Because there is no reasonable question about it, the FBI did what it usually does, informed the White House about what it needed to know. Aside from all the other compelling reasons to believe that Gray did inform the White House at the earliest possible moment, there is little question but that if this memorandum and its covering letter to Haldeman had been made public when it should have been made public, all of our subsequent history could have been different because that key Baker question would have been answered: the White House knew, if not from any other source, at the first possible moment, on Nixon's return to Washington from Florida.

And he lied to the nation to pretend he had neither knowledge nor connection with that unprecedented scandal.

Once Haldeman knew, he had to inform Nixon.

Who alone could have erased that 18 and a half minutes on his secret tape?

The time of which coincides with when Haldeman would have told him what the FBI knew and reported to him of White House involvement.

With Nixon caught in that one, the impeachment proceeding might not have been aborted by his

resignation.

Nixon's proud boast, a remarkable boast for a President of the United States, was "I am not a crook."

He did not claim to be a liar.

This does illustrate what the simple delay in providing a record can cause or do.

Can it be imagined how great the scandal would have been if such FBI dirty linen as its preparation of dossiers on such important Americans as the chief justice of the United States, the former head of the CIA, the most respected southern Democrat in the Senate and his counterpart in the House, the former jack of all government trades and expert in international finance John J. McCloy and the then Republican leader in the House, Gerald Ford, to become out first unelected President, had been known at the time of the Commission's work?

That and the double set of dossiers on the staff, all intended for use in blackmail and serving no other purpose, would have caused a simply enormous scandal. Years later nobody gave a damn.

Or if it then had been known that the FBI had refused free copies of picture of the President being killed because they could not be used to identify Oswald? That would not have caused an uproar?

Of course it would as so much more so long delayed in becoming available, it would have been another major scandal.

Suppose that during the Commission's hearings the FBI had not lied and had let it be known, or with honesty told the Commission, that Oswald threatened to blow up the Dallas FBI office, the main police station or both, had not in any way investigated it, and had destroyed his note after the assassination and as soon as Oswald was dead and would not be tried- would not testify?

That would not have been one of the greatest scandals in our history?

That did happen and there was no public knowledge of it for another dozen years.

Then it was a soon-forgotten and not followed-up nonsensation.

Delay can serve many FBI purposes not all of which are clearly visible even to those who have studied the FBI. Those who have not studied it closely are likely set-up for FBI double-dealing if information

that can embarrass the FBI is sought.

In a country of major developments daily, after the passing of many years those of the past get little or no attention.

Thus delay alone serves the interests of those with something to hide.

Some risk in effectuating delay may sometimes be expectable but the risk was diminished almost to nonexistence before almost all the judges who sat on many FOIA lawsuits.

The judges were not babes in the judicial woods. They knew what was happening and, knowing it, helped create the delays for which they were not themselves without responsibility. They tolerated what should be intolerable and would have been if they had cared at all to protect the independence of the judiciary from the executive agencies. Instead too often they were in effect agents of those executive agencies with much to hide and the determination to hide it.

How effectively they did this became public in late 1993 in the wake of the law enacted the year before that required the prompt disclosure of all records relating to the JFK assassination.

From what I was told by some of those active in seeing to it that those many long-withheld records were made available as promptly as possible, as usual, the FBI regarded itself as exempt.

The published statements of the volume of record that under this law were shifted to the National Archives for processing ranged from a million pages to almost that many! And that, I was told, is without any records from the FBI.

Thirty years after the assassination, after all the many efforts to get those records out in so many FOIA lawsuits; after all the so-called investigations; after the attorney general held those records to be of greater national importance 15 years earlier, this many records are acknowledged officially to have been withheld all that time!

It is a volume, made accessible all at one time, that by volume alone virtually defies meaningful access.

The law required the prompt appointment of a commission of experts to oversee these disclosures.

There was additional delay because George Bush refused to appoint any at all for the rest of his term and President Clinton delayed for almost a year in his making of those appointments.

Transferring all those agency records to the Archives for processing built in more than an additional delay; the Archives' charge for xeroxing is two and a half times more than the agencies charged. And no sooner had the Archives granted some access than it decided to transfer all its JFK assassination records to a new building outside of Washington and thus even less accessible. They were sent to College Park, Maryland. From the time they were packed until they were resettled and ready for use I found it impossible to get even copies of pictures published by the Warren Commission.

It appears that there is no means of causing delays the bureaucracy does not employ.

The foregoing is a very small sample of that very long history of interminable delays and other stonewalling illustrates what led me to in effect put my head on the block and dare that it be chopped- to make a record for our history, of those who failed us in that time of great stress and since then.

I had hoped there would be a judge who cared. None in those lawsuits in which I took that course cared at all. Not one!

So, I continued to put my head on the block and all these years later it is still attached, unbloodied and unbowed.

Perhaps this encapsulation of a long history of fighting and exposing a wide variety of official misconduct and bringing to light so much suppressed information that was so embarrassing and so hurtful to it is what justifies the newest, a of this writing, condemnations of me as of all things an alleged government disinformation agent.

Is there anything more reasonable that I would run the risks I sis, entice being charged and jailed as a felon, say of the FBI what is never said of it, that it violated the law and did that by felonies- all this and more as a government disinformation agent?

Later in this book we address those who make such charges, particularly in a book with an announced first printing in hardback of not less than 50,000 copies, a very large first printing that requires considerable advertising and promotion merely to recover the initial costs.

This kind of ignorance is their self-characterization by those who exploit and commercialize the great tragedies of our political assassinations of the 1960s.

Those who got utterly lost in following their own fantasies and inventions.

Those who consider themselves possessed of rare insight and understanding denied mere mortals.

Those who, when faced with the utter bankruptcy of what they did, could not face themselves or blame themselves for their failures when they had to face their failures.

Those who had to blame something else or somebody else for it.

Not their own incompetence, ignorance and not infrequently stupidity.

The lost found someone else to blame.