

Comments on and interpretations of Nixon's yesterday's speech to his captive audience in Chicago, which delivered him one on TV, are scant and inadequate. I take the absence of interpretation of his picking a fight with all European allies in the WxPost not to be an accident. This particular note, separate from those already made while watching, is prompted by the incredible White House, "clarification" headed in WxPost "Case Prejudgement Avoided by Nixon." Having "prejudged" it in his 3/6/74 press conference, that was not what he was doing and not doing. However, this White House statement destroys any possibility of the St. Clair defense against misprison charges. It could hardly say more explicitly that on getting the "allegations. He was only dealing with allegations" he did absolutely nothing. Except, of course, to continue to cover up. If he had done anything at all these "allegations" would have been proven or disproven rapidly and would not have remained "allegations only. Nixon's own "day in court" comment is further proof that he had no investigation made and no charges filed....This is another of those childish simple diversions that works with childish ease because the childish press permits it. If his stupid gratuitous about Europe were other than carelessness then the most serious interpretations should be considered because natural consequences include strong negative reactions in those countries and a USSR reappraisal of its priorities and its relations with the US and its close neighbors. Or, is Nixon starting a real big incident to distract even more from his criminalities. HW 316/74

Case Prejudgment Avoided by Nixon

Post 3/10/74

A White House official said that President Nixon's comment on the Watergate cover-up yesterday in Chicago was intended to make sure that it did not appear that Mr. Nixon was prejudging an aspect of the case.

The only change yesterday from the President's earlier statements about what he learned March 21 was that he said yesterday he only learned of allegations of the payment of hush money and not the fact of such payments.

The President said yesterday that he learned on March 21 that "it was alleged that the payments that had been made to the (Watergate) defendants were made for the purpose of keeping them still."

"The President doesn't want to prejudge the case," a White House official said yesterday. "He was told allegations. He was only dealing with allegations".

The President also noted yesterday that his former top aides now under indictment in the Watergate cover-up have all denied that the payments were to buy silence.

Instead, the former aides—H.R. Haldeman, John D. Ehrlichman and John N. Mitchell—all have testified that they

understood the payments were for support of the defendants' families and to pay legal fees.

From a legal point of view, the purpose of the payments is crucial. If they were to buy silence, the payoff scheme could involve an illegal obstruction of justice. If the payments were as part of a defense fund, then they could be legal.

The Watergate grand jury charged in its indictments March 1 that the payments were part of an illegal obstruction of justice.

The President added yesterday: "However, Mr. Ehrlichman, Mr. Haldeman, Mr. Mitchell have all denied that that was the case and they certainly should be allowed the right in court to establish their innocence or guilt, without our concluding that that was the case."

The President's statement yesterday does not remove the contradiction between his statement at his March 6 press conference and a written statement issued last Aug. 15.

In August, the President said he was told on March 21 that "the money had been used for attorneys' fees and family support, not that it had been paid to procure silence from the recipients."

However, at the March 6 press conference, the President said: "For the first time, on March 21, he (Dean) told me that payments had been made to defendants for the purpose of keeping them quiet, not simply for their defense."