

~~Hunt~~ ~~And~~ ~~Knowledge~~

Bearing directly on his knowledge of and participation in the crimes of The Watergate that are beyond complete cataloguing, nothing that has come to light is more faithful to the 40-year-old forecast of George Orwell in 1984 than what Nixon did on March 21, 1973. Orwell wrote of the regular rewriting of the news after it happened so that the record remaining would be what Big Brother wanted recorded and believed. He who controls ~~the~~ history controls the future, Orwell said.

After participating in and presiding over the truly sickening events of that momentous day with a callousness that is equalled by that of all those with whom, after a political lifetime in which to select them, Nixon had surrounded himself, after the end of his office day, our Big Brother in the White House took out his trusty dictating machine and, while the actual words were still careering ~~in~~ through his mind, set about re-arranging them.

But Nixon was a bit less than Orwell's Big Brother. As with everything, even his life-long specialty of the dirtiest dirty-works, he was not up to the task of doing it well. He was not able to expunge the clues to his own guilt.

As a sample of the rewriting, leaving a deliberately false record of his purity and of fact, he ~~said~~ ^{dictated} of Egil Krogh who was his man in immediate charge of the bungled burglary of Ellsberg's psychiatrist's office, "Krogh, uh, was involved in national security work at the time, had nothing to do with Watergate and the whole Ellsberg business..."

Just before this, from 5:20 to 6:01 in the evening, Nixon had met again with Waldeman, Ehrlichman and Dean in the Oval Office. They had spent the day in Orwellian endeavor, figuring out the alternatives to truth and how, in fact, they could all survive. In dictating their five alternatives for future generations, Nixon omitted in his passages on John Mitchell what he had said in this conference, "What the hell is he going to disclose that isn't going to blow something?" Nor did he use the kind of expressions he addressed to Mitchell in person toward the end of a session the next afternoon that went from 1:57 to 3:43. Dean, Ehrlichman and Waldeman were also present. What Nixon

escaped what Orwell called the memory hole only because of Secret Service carelessness in letting the House Judiciary Committee have the full tape rather than the Nixon-edited version the transcript of which he had published.

"I don't give a shit what happens," Nixon told Mitchell. "I want you all to stonewall it, let them plead the Fifth Amendment, cover-up or anything else, if it'll save ~~it~~ it- save the plan. That's the whole point..."

"The plan" was to deceive, "the point" to protect Nixon from retribution for his crimes and to shield those who execute them for his protection. There were substitutes for his name, like "the door to the White House," "the door to the Oval Office," and even "The presidency." But there was no doubt about meaning and intent.

The rewritten version is simply to get Mitchell to step forward with a partial disclosure.

In his meetings with his gauleiter and in his private dictation Nixon was pre-occupied with what he better than anyone else knew was his central problem, finding a means of keeping Hunt's mouth closed. Two of the five alternatives dealt with this: giving Hunt a pardon or executive clemency, both vigorously denied when they were ~~xxx~~ stated by others after March 21, 1973; and meeting Hunt's blackmail demands. (The released grand-jury testimony excerpts do disclose that Hunt admitted his words were a threat and that no other interpretation is possible.)

Sp, that night, not quite as big a Big Brother as Orwell's, in recording the fact of Hunt's threat the very day the last known installment of the blackmail money, \$~~6~~ \$75,000, was paid, Nixon recorded that "the great danger" ~~is~~ that "somebody like H. Hunt is going to blow."

Danger from what and for whom?

① The danger was the truth - and what it means for Nixon himself.

That Nixon regarded truth as a "great danger" is so clear in its meaning no explanation is required. That he stuttered in uttering Hunt's name and that of all The Watergate names he spoke that of Hunt only - require no interpretation. They say he knew what Hunt could say and what it would mean. (quoted from Post 7/12/74. Consider using facsimile HJUDpub.

Part
7/12/74

The Cover-Up of the Cover-Up

In these folders that you see over here on my left are more than 1,200 pages of transcripts of private conversations I participated in between September 15, 1972, and April 27, of 1973, with my principal aides and associates with regard to Watergate. They include all the relevant portions of all of the subpoenaed conversations that were recorded, that is, all portions that relate to the question of what I knew about Watergate or the cover-up and what I did about it.—President Nixon, in a televised address to the nation, April 29, 1974, announcing his answer to the subpoena from the House Judiciary Committee.

ONCE AGAIN, Mr. Nixon's word wasn't good. To the taped evidence which has been withheld, defaced or pronounced non-existent we now add the case of the rigged White House transcripts. The House Judiciary Committee has now given us its own transcribed version of some of the same material, and it is plain that Mr. Nixon doctored and distorted the evidence which he presented to the committee and simultaneously to the public on April 30th of this year. One prolonged and highly relevant conversation in which Mr. Nixon discussed the "cover-up plan" is simply missing from the White House transcripts without so much as a hint that it has been deleted. The President's spokesman, Mr. Ziegler, now explains that this material which bears directly on the Watergate cover-up and is demonstrably damaging to Mr. Nixon was omitted on the grounds that it was of "dubious relevance." The President's lawyer, Mr. St. Clair, concurs.

That argument is an insult to anybody's intelligence. As to the further White House response that no deception could have been intended because the material did, after all, become available to the committee, we would leave the matter of intentions in respect to this particular passage to your judgment. The objective fact is, however, that a comparison of the White House and committee versions of the same material shows a pattern of omissions and alterations whose total effect is to make the President less aware of and less complicitous in the original cover-up. This is another way of saying that as recently as this past April a cover-up—or more precisely, a cover-up of a cover-up—was going forward.

Difficult as it may be to focus on any single item in the avalanche of material that is now being published concerning various aspects of the Watergate case, we think the revelation of these discrepancies in the transcripts is an extraordinarily important event. To understand why, one must remember that Mr. Nixon has asked us to accept certain extremely severe limitations on the evidence made available in the inquiries concerning Watergate on the grounds that he was protect-

ing not himself but the prerogatives and stature of his office. For the sake of this high purpose, he has solemnly pledged that the material he has made available was assembled in good faith and with the sole objective of enabling the investigators to reach a sound judgment. "As far as what the President personally knew and did with regard to Watergate and the cover-up is concerned, these materials—together with those already made available—will tell it all," he said in his address on April 30th. Since then he has flatly refused to produce further material. He has asked the Judiciary Committee and the public, in other words, to trust him on the comprehensiveness and integrity of the material he has delivered. And now we find that in those few cases where it has been possible for the committee to check White House transcripts against actual tapes in its possession that those tapes have not been fully, fairly or accurately transcribed.

In short, what the President put forth last April as proof of his innocence of an earlier charge of obstruction of justice, seems to us to contain strong elements of yet another effort to obstruct it. Nor can this particular set of facts be considered apart from the President's larger response to the committee's requests for material in pursuit of its inquiries. It colors and gives an inescapable meaning to Mr. Nixon's refusal to produce all the original tapes requested by the committee or to honor its subsequent subpoenas for further material. The committee has been responsible in its requests. The President has been arbitrary, contemptuous and devious in his response. And so it seems to us that the real significance of the discrepancies discovered by the Judiciary Committee in the White House transcripts does not lie exclusively or even primarily in the added weight they lend to the charge of Presidential complicity in the original Watergate cover-up. Rather, it lies in their importance as part of a separate impeachment count—namely, that of seeking to obstruct the legitimate purposes of the impeachment proceedings themselves.

They Knew the Jig Was Up

2/12/74
By Haynes Johnson
Washington Post Staff Writer

Tucked away in the pages of impeachment evidence is a tale of power lost and reputations ruined.

John N. Mitchell and Jeb S. Magruder are the central characters in this Kafkaesque story. They had been the loyal servants of higher authority and now, in those anguishing days of mid-April a year ago, when the Watergate case was about to break publicly, they knew that events had closed in on them.

In the words of John D. Ehrlichman, they knew "the jig was up."

What they didn't know was they were being used as foils by the President and

his men in the hope that their culpability would, in the President's term, protect "the door of the White House."

Each was spoken to at length by key White House aides. Without their knowledge each conversation was recorded with the intent of possibly using their words against them.

The Judiciary Committee has now made public transcripts of those secretly taped conversations. They provide an intimate glimpse both of a personal tragedy and of the desperate Byzantine maneuvering engaged in by the President and his closest associates as Watergate began to unravel.

See RUIN, A15, Col. 1

RUIN, From A1

Magruder's taping occurred first. On April 13 he was called by Lawrence Higby, an aide to H. R. (Bob) Haldeman. It was the day Magruder had first gone to the prosecutors to begin telling what he really know about Watergate, and the press was starting to report that major development.

The initial conversation went like this:

Higby—Say, I wanted to call you. I've just picked up a story here that really bugs the shit out of me. Ehrlichman just called down here and says that he's received word that you have talked to two reporters and given the story out with regard to Watergate.

Magruder—That bullshit.

Higby—That said that you had talked to them and in the story, you mention the fact that you'd talked to Haldeman regarding the bugging in general and the Watergate specifically.

Magruder—I don't know what he's talking about.

The conversation continued, Higby talking tough and threatening, Magruder denying he had spoken to the press. Magruder tried to make the point that none of that mattered any more, but Higby bulldozed ahead.

Finally, Magruder said:

"Well, Larry, look, you know, the game is over on this whole thing and I certainly not going to go and tell a reporter or two reporters, and if I do, I'm not going to tell them a story that's absolutely ridiculous."

But Higby kept boring in, while Magruder attempted to make him realize something far more serious was at stake than any press accounts.

"I don't see that I can stonewall it, Larry, probably," he said, and then added:

"I think I is going to be in Lewisburg quite soon Larry."

Still, Higby didn't get it.

"Who is?" he asked.

"I am," Magruder said.

He went on to say:

"... This fooling around. I'm not talking about published stories. I'm probably going to jail, Larry. God damn it."

And:

"I've committed perjury so many times now that I'm, uh, you know, I'm uh, I've got probably a hundred years on perjury alone."

Still, Higby persisted.

"Well, I just couldn't believe you'd go around telling—"

Others were in his position, Magruder said. "Our lives are ruined right now anyway. You know, most of ours. Mine is certainly and so will many others before this is over. I think we ought to realize that."

Still, Higby pursued his theme. Ehrlichman "was go God damned sure about it," meaning that Magruder had talked to the press.

Magruder then lost his patience.

"Well you tell Ehrlichman to go to hell. For me. I mean, you just tell him that. I'm tired of this bullshit. You know, we're not playing games any more. I is going to go to jail, Larry. You know, I mean there's no question about it. I'm going to jail. The question is for how long, is all the question is now."

The game had changed, he was facing perhaps as much as a 125-year term in jail, there was no way out.

Still, Higby said, "You can't screw this palce in the process of doing that, for long term or short term."

In the next tormented passage, Magruder utters his own epitaph: "I can't lie any more." He had been to the grand jury, he had protected John Mitchell, he had protected the President "when it was important," but "the story is going to come out," particularly since "half the White House staff has been down to the grand jury."

He goes on to say who he will implicated—John W. Dean III, Gordon Strachan, Mitchell—but not the President.

They had been talking a long time now when Higby's phone rings. "Oops," he says, "That's Haldeman calling from the President's office. Bye."

The next passage is intriguing. It raises the possibility that all this time Haldeman has been privately listening in on their conversation. The transcript records the scene this way:

Higby speaks immediately to Haldeman.

Higby—Yes, sir.

Haldeman—Do you believe Magruder?

A 21-second silence then occurs. No more conversation is recorded between Haldeman and his aide. But Higby and Magruder continue talking—whether and Magruder had been put on "hold" is uncertain—with more of the same—and still Higby is preoccupied with the press.

Magruder tells him: "I would hope you all were thinking more in terms of the big picture now, and I wouldn't worry about the press anymore. There's going to be lots of stuff floating and I'd worry about—"

Throughout the conversation Higby has asked leading questions about what Magruder might say about Haldeman, and has assured Magruder that the President wants him to tell the truth.

(A year later, as he was about to go to jail, Magruder recalled that conversation in his book, "An American Life." "I felt much better after my talk with Higby," he wrote. "He said the President wanted me to tell the truth, and I was telling the truth. Everyone was pleased. I didn't learn until later that our talk had been taped; then I realized that the assertion about the President's wanting me to tell the truth and the leading questions about

Haldeman were intended to be part of Haldeman's defense.)

Early the next morning, the President, Haldeman and Ehrlichman met for a long discussion of the Watergate problem. Magruder had picked up a story, the President was told, that someone had said Mr. Nixon, Mitchell, Haldeman, Charles Colson and Dean all knew about Watergate.

The President asked if Magruder believed that.

No, Ehrlichman said, and then told about the secret taping of the conversation between Magruder and Higby.

"Higby handled it so well that Magruder has closed all his doors now with this tape," Ehrlichman said.

When Mr. Nixon asked what good that will do, Ehrlichman replied:

"Sir, it beats the socks off him if he ever gets off the reservation."

The President asked if such a tape could be used legally. Haldeman said no law required disclosure of a secret recording in the District of Columbia.

They then began to talk about a greater concern—John Mitchell. Through "innuendo" from Colson, they had heard that "Mitchell has put Magruder up to this."

The President said: "... by reason of Magruder nailing Haldeman and Colson, that that's the door of the Oval Office." At that point they began talking about contacting Mitchell to tell him "the jig is up."

That April 14 was a critical time. They know that E. Howard Hunt Jr. was about to testify, probably about blackmail payments and perhaps the Ellsberg affair and the break-in Las Vegas newspaper publisher Hank Greenspun's office in regard to a Howard Hughes connection. They knew that Colson had been urging the President "to be able to say afterward that you (the President) cracked the case." They knew they had only a matter of hours—two days at the most—"For the White House to get out in front of this."

Mitchell is a key. If they can get the former Attorney General to confess they might be able to contain the situation—and certainly for the President to take credit for acting on knowledge he has just received. If they can persuade Mitchell to go to the U.S. attorney "it redounds to the administrations' advantage," Ehrlichman tells the President. For then the President would be able to call in Mitchell as the "provable wrong-doer."

Then, Ehrlichman tells the President, you can call in Mitchell and say, "Now, John for (expletive deleted) sake go on in there and do what you should. And Let's get this thing cleared up and get it off the country's back..."

Haldeman agrees. "Plus the other side of this is that that's the only way to beat it now," he says.

Perhaps, they say, if Mitchell goes the U.S. attorney will drop the cover-

up investigation. Then Ehrlichman can release a report saying "there are no other higher-up." That would "Put a cap on it," the President says.

The President asks Ehrlichman to meet with Mitchell that day, but then wonders: "Suppose you get stonewalled with Mitchell."

"I tell you, it is not what Mitchell says that matters today," Ehrlichman answers. "It is the fact that you have acted on information you have today."

Ehrlichman says he wants a tape recorded record of his Mitchell meeting and is going to "get my office geared up so that I can do that."

"Well go gear it up," Mr. Nixon advises. Then he hesitates. Wait a minute. "I don't want to hear the record... don't have me hear the record."

At 1:10 o'clock that afternoon Mitchell arrives in Ehrlichman's White House office. The secret tape recorders have been geared up, and are working.

Ehrlichman is deferential. "Sorry to drag you down here this way, but things seem to be moving and I thought you'd better know what we know."

The President was troubled, he told Mitchell, because it seemed that "some people thought that their silence served his purpose at this point." He didn't want anybody to labor under a misapprehension that there was "any overriding consideration in his interest of anybody remaining mute." The President felt that his interest is better served by "having this thing aired, disposed of, and put, put behind us, so to speak."

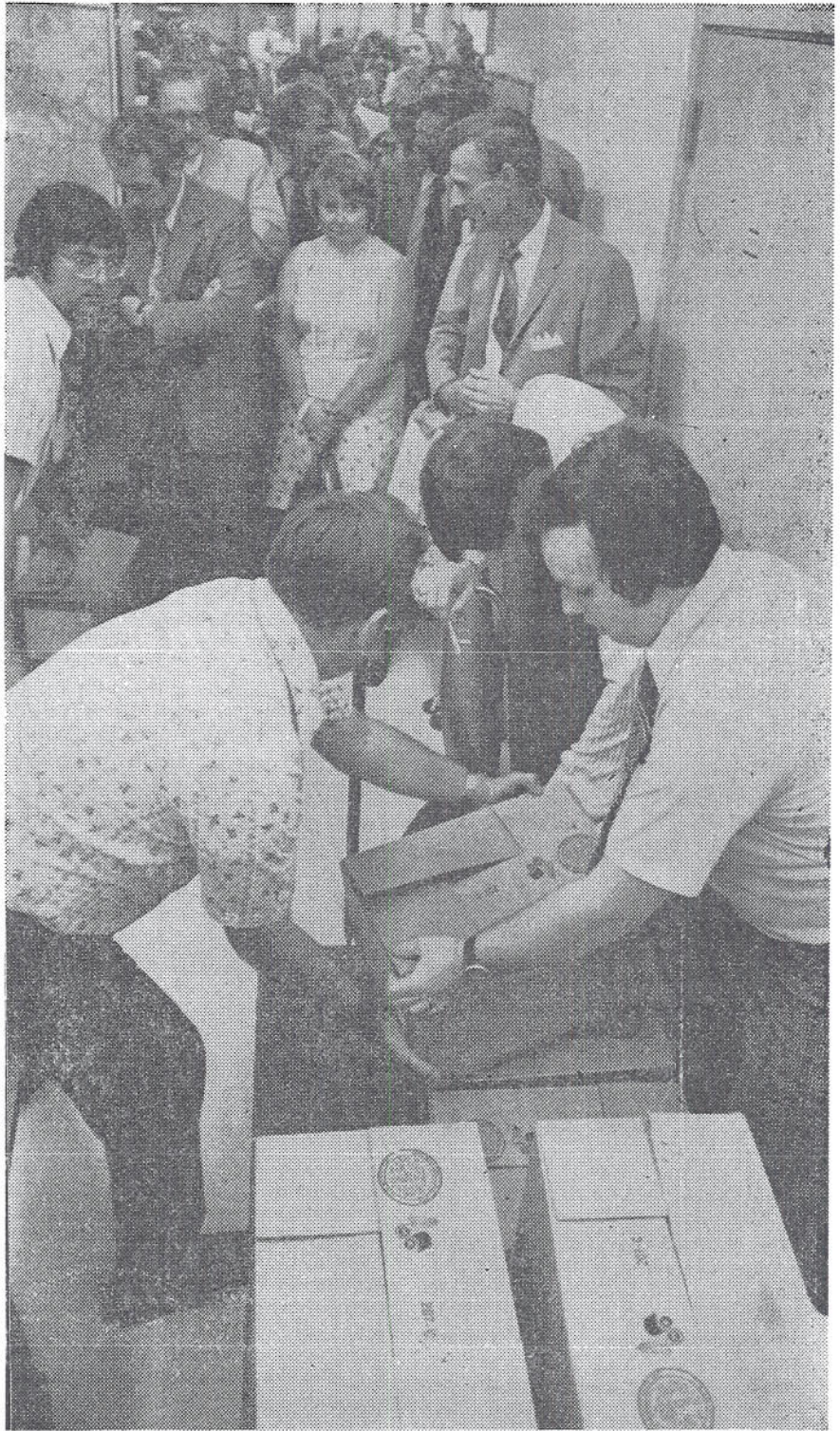
Ehrlichman tells Mitchell that Magruder was decided to make "a clean breast of things and to take a guilty plea," that the U.S. attorney is focusing on the obstruction-of-justice aspect of the case in the Watergate aftermath; that Hunt has been induced to testify; and that John Dean is involved.

"Poor John is the guy that just caught in the middle..." Mitchell says, "like, uh, like so many others that were first of all trying to keep the lid on it until after the election, and uh, in addition to that, to keep the lid on all the other things that, uh, were going on over here, uh, that would have been worse, I think, than the Watergate business."

Mitchell is different from Magruder. He is tougher, more laconic. He throws the ball back at the White House. He does not talk about going to jail, nor give any kind of Magruder-like statement that "I can't lie any more."

His message to Ehrlichman and the President is clear and fatalistic.

"Well, let me," he begins, clearing his throat, "tell you where I stand. Uh, there is no way that I'm going to do anything except staying where I am



Associated Press

Judiciary Committee staff distributes documents to reporters.

because I'm too far, uh, far out. Uh, the fact of the matter is that, uh, I got euchered into this thing, when I say, by not paying attention to what these bastards were doing."

Ehrlichman says, no, he doesn't know that. Mitchell, obviously, is not going to play their game.

After 30 minutes, carefully fencing back and forth, Ehrlichman says he has another visitor and must break up their meeting.

Can he make him comfortable, give him another office, get him an automobile? "I don't know whether

you can make me comfortable," John Mitchell says.

Ehrlichman has offered — and Mitchell has accepted — for the White House to book a commercial flight that afternoon back to New York.

Ehrlichman picks up the phone and asks a secretary to get a seat for the former Attorney General.

"First class," Mitchell says.

"First class. Yeah," Ehrlichman instructs.

John Mitchell flew back first class to await his fate while Jeb Magruder prepared to go to jail.