

Nixon was just plain scared. Scared to death. Scared as he had never before been on what for ordinary folk would have been a crime of the worst ~~criminal~~ political crime any politician ever converted into success.

Why he was so scared, why he felt he had no alternative to first this awful self-defamation, also without parallel or precedent, and then into sensationalizing it himself in order to influence how it would be taken - which really means to corrupts its obvious, inescapable meaning - needs to be taken apart. Because an entire book could be written on it alone, it also needs to be simplified.

He was so terribly scared because of what could happen to him. He could easily be not only the first president whose conviction after impeachment would be voted by the Senate (it had failed to convict Abraham Lincoln's successors, Andrew Johnson, by a single vote where the issues were personal dislike of Johnson's actions) - he could be the first president to go to jail.

Nixon has an astounding self-concept for a man who in his best moments is mediocre. Except in what is called dirtyiness he had no record of real accomplishment to justify considering him as President. This self-concept is part of what in the future will be examined as evidence of his sanity or insanity.

His long political record is devoid of legislative accomplishment, save for what the Supreme Court ruled UnConstitutional. Eisenhower personally said he was valueless and ~~without~~ of no help when he was Eisenhower's Vice President. The classic public expression of this was Ike's saying that if he were given a week to think about it he might come up with something good Nixon had done.

As President Nixon presided over disaster after disaster. He drove the country to economic hell, converting plenty to scarcities, having trade deficits when despite heavy outpouring of aid and military funds there had been surpluses, the cost of everything regularly creating created new records with only those who financed his campaigns making money from it and the mass of the people suffering from it.

The one area in which he could claim accomplishment is foreign affairs. Superficially this seems to be the case. Actually, no matter how long and often he boasted of this

single accomplishment - and when he wasn't in hiding he never failed to boast and boast and boast of bringing peace to Southeast Asia and detentes with China and the USSR- he knew better. He knew that John Fitzgerald Kennedy had stated both and the only reason JFK had not been able to make more progress is because of the opposition of the rights in political life, of which Nixon was chief spokesman and leader. It was Nixon who JFK defeated and it was Nixon who then was titular head of the Republican Party.

Nixon had been part - a leading part- of the warwing in Southeast Asia going all the way back to his first Vice Presidency, when he joined the late John Foster Dulles in leadership of that wing whose policies were too violent for the former general of the Armies Ike. All the records of JFK's first overt step toward detente, his Limited Test Ban agreement, include accounts of his fears of being ruined by the Nixon-minded in the Senate.

Moreover, Nixon had made disasters of these two successes. In the grain deal alone with the USSR, an improvisation rather than a carefully planned operation, he caused scarcities and higher prices than ever before for domestic grains, which he almost overnight shifted from a treasured surplus to an acute and ultra-expensive luxury. He did not bring peace to Southeast Asia. He escalated all our military activities and involvement, from men committed to the utter ruin rained upon even the innocent civilian population to the deliberate bombing of North Vietnam and the pinpoint bombing of the embassies of those countries not in agreement with his policies.

In the end he wound up with a deal any president could have had at any time, a deal that was in all respects the worst possible one because it left behind a war that was without end (except on the American front pages) and with it continuing and exceedingly expensive American involvement.

In Madison Avenue terms only is Nixon anything at his very best other than a nothing President. And he knew it.

It is not so much that he is arrogant, which he is, that determines his psychological makeup. It is that he has to continue telling himself how great he is, has the compulsive need to feel that he is really something. So, he goes around saying it all the time, when not hiding, ranging from the gaucheries of advising vertuned Vietnam veterans about

Washington social life ("Watch out for the dogs") to this vainglory of describing a record of disaster as one of outstanding achievement.

So, he could have been scared because he was irrational, because for almost two years he had gotten away with all he had done, with all that had been attributed to him directly and through that unheadof gang he had brought to power with him, those who did for him what he wanted done.

The one clear beyond question quality of the Nixon administration is his determination to authoritarianize the country. For this he required the unspeakables he enshrined for there were no others who would do this kind of work or upon whom he could depend first to do it and then to keep their mouths closed.

The authoritarianizing the land is another of those special studies that must and will be made of the Nixon days as President. What he did to turn the country into an American equivalent of fascism will linger long, longest in the rewriting of the laws and the repopulating of the courts who will and have so interpreted these laws.

He could have been this scared because he felt the hot breath of retribution, but the record, reasonable as this fear would be, does not support it. He had toyed with all the investigations for almost two years. He had succeeded in aborting the first, that of the House Banking and Currency Committee, and frustrating all the others in varying but in all instances considerable degree. At least two were held in secret, those by the Military Affairs subcommittees, both suppressing what could hurt him. That of the joint tax committee, his personal selection to examine his half-million dollar gypping on his taxes, he knew he had to be able to survive and he had survived it. That committee had no authority to find and rule on fraud, so the worst it did was say he had underpaid his taxes by this fortune. His alternative, the one at which he grabbed in advance, was merely to pay those taxes. And partly from its own lack of courage and partly from the political divisions within it, the Senate's Special Committee on The Watergate, popularly known as the Ervin Committee, had ground to an inglorious, factionalized halt having brought to light nothing really new while giving extensive publicity to what had been done, particularly in documentation and details. At the same time it had suppressed those documents it did

get that were most damaging to Nixon. (Examples will follow.) At worst it had given wider public attention to what was already known. At worst it would issue a report that might slap his wrist slightly.

There remained, save for public regard of him, but two threats, that of the Office of Special Prosecutor, where his second appointee as chief, Dean Jaworski, had already ruled that it could not indict the President; and the Congressional impeachment proceedings. In extremity, surviving that required of Nixon that he control 34 votes in the Senate and all indications were that he did.

In fact, there was considerable encouragement for him in the manner of the so-called impeachment investigation by the House. It was no investigation at all. It was no more than the collecting and assessing of the work of its predecessors.

The president more than any other person always has the best reading on what is going on. He had his own people inside each investigation. They informed him and they manipulated and exercised influence on direction for him. In fact, they kept all torn with dissention, each ending in a compromise that in varying degree was helpful to Nixon by weakening weakening intent and what would ~~xxxxxxx~~ be done. He was always in a position to threaten whatever each could do by charging partisanship, by making them appear to be out to get him, not the truth, and they all feared this, quite openly.

In short, for a man who was the real target of all investigations, he had exercised a remarkable amount of control over them, had weakened and frustrated all of them, had delayed at each step, had all of them engaged in internal fighting, and had every prospect of surviving his term in office.

But he did have problems. Serious problems, too. The craziest have to do with these fabled tapes. First that he had done all this bugging, secretly and illegally; and next that once his crew was caught in Democratic Headquarters, when nobody knew he was about to this sneaky recording of all that everyone said, that he had not destroyed them.

Possible he expected them to remain completely secret. But that he regarded the kind of filth, triviality, duplicity, small-mindedness and outright obscenity he had captured and preserved on all the mylar as the substance of history is in itself an insane

reflection of the man's insane concept of himself and his reign.

His survival was aided by what was part plan and part luck. Each time he got caught in something new that was also reprehensible, everybody went charging off in all the new directions, none of the official hounds every stayed with its nose to the true trail.

There are countless examples of this. Perhaps the best and immediately most pertinent is that of these tapes. They had provided more than enough preoccupation and diversion for almost a year in which they and destructions of them and some disappearances remained on the front pages on the TV tubes while nothing else seemed to attract investigative interest.

But they had not been destroyed in toto. Nobody knew how much remained and there were but indications of what they held. Plus, of course, suspicions without end. They had been and they remained Nixon's personal responsibility and he reacted to publicity on this existence by claiming they had and would be under his control alone. Yet when they disappeared and were reported damaged or ruined, this was never attributed to him despite his acceptance of total responsibility and the quest for miscreants never included him, the chief beneficiary of what his spokesman actually attributed to mysterious "sinister forces." Voodoo?

So, what remained on the remaining tapes could reasonably account for the Nixonian fears that drove him to attempt to divert again, this time by refusing to provide the tapes themselves and instead supplying what he described as faithful transcripts. However, his actual description falls far short of what he said it meant.

And he and all his spokesmen and many partisans in the media and in political life were loud in saying he had done all that could be expected of him, so let's get on with everything, including what he called and kept calling "the real business of the nation," for all the world as though he had left anything else or as if anything was as much the business of the nation as the integrity of the presidency and the President himself.

His actual words about these tapes direct attention to other possible causes of his fears. Here is what he said the night of April 30, 1974 in describing this newest benefaction from the great depths of his heart overflowing with zeal for the public good:

13 pick up exact quotes that show he was limiting to the actual breain and to others only

If as it does this gets us closer to the nitty-gritty, the worst development, bad as it could be, need not have been crippling to Nixon.

Numerous other tapes were being sought by both the House impeachment committee and the Special Prosecutor.

Suppose Nixon followed the claim he had made from the first, that based on the separation of powers inherent in the Constitution, he did not have to give them up? He called this "executive privilege" and claimed, with authentication that was without exception false, that all presidents before him had maintained exactly the same position, had made this same claim of immunity from legislative or judicial process for what he called his secret papers, those essential to his conduct of his office.

He could be hailed into court, as he had been. He could then drag this out as he had dragged everything else out. It was not likely he could stretch this to the end of his term, but suppose the Supreme Court that he controlled by the appointments he had made to it actually ruled against him? And suppose he then could not dream up some new legal issue to misuse the same way?

Suppose he just told everybody to go to hell, that he was President and he alone knew the requirements of the proper discharge of that awesome office and that the ultimate responsibility for preserving it and its prerogatives for the future of the country and the rights and powers of future presidents was his alone?

What then?

There was no power to stop him. He controlled all the armed forces.

The one thing that could be done was to impeach him and that he was already facing.

This would, of course, strengthen opposition to him and increased the chance of his not holding firm to those 34 Senate votes. But by then it would be close to the end of his term and by then the vote itself could be essentially meaningless.

And if one assumes the possibility that I believe to be without real question, that he was guilty of more than impeachable offenses but of criminal acts, what did he have to lose by following this course?

It also kept his options open. He could always change his plans and his attacks.

Attack, by the way, is the undeviating Nixon way. He never admits being or doing wrong and he never defends. He always attacks those who make charges against him. The truer the charges the more violent, often vicious, his attack in which he, the guilty, makes those who accuse him the guilty ones. This was his method during The Watergate, too. Everyone was his enemy, which meant the enemy of the institutions of the presidency as he put it. Their faults ranging, again in his representation, from hostility toward him which cause caused them to misrepresent fact to never clearly articulated subversive intent against the institution hence the country itself.

Releasing his own version of his own selection of only part of what had been subpoenaed by the House, especially coming as it did just before another subpoena, this one from the Special Prosecutor, was returnable, fit the plan to fight it out as long and as far as he could on some variant of what he styled "executive privilege."

Nixon has varied what he means by "executive privilege" as it suited his purposes. These disclosed tape transcripts make it unequivocal that it was cooked up out of nothing as a defense in the form of one of his typical attacks. Because of this learned scholars and lawyers have already addressed themselves to it and in time it will become a matter that is to some degree addressed by the courts - Nixon's courts.

As it relates to his particular misuse with regard to this propaganda attack on all his "enemies" - his term - and so the reader will not assume that the most unwelcome need of continually referring to any president as a man to whom the truth is stranger and fidelity to fact is foreign, excepts from an excellent editorial of *Washington Post* that directly compares Nixon's words with the historical fact here serves the combination of purposes:





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~~Nixon and all his legal advisers knew better. Plainly put, this was deliverable lying, deliberate misrepresenting. It is typical of the Nixonian approach from the moment his burglars were caught and the story started growing, lie poured out upon lie, mixing with blow upon blow upon those who told the truth, who to all Nixonians became the liars.~~

In the new grace and beauty of language Nixon took to the White house, all this process was called "stonewalling." The word and the plan eacho and re-echo through all the tapes.

Were one a political analyst doing his daily job, or as I had been during and after World War II, an intelligence analyst examining this whole shameless procedure, one of t he first question to be asked and answered is why Nixon picked the date he did for the pretended release of this Niagra of words, which he then proclaimed, personally and through all his spokesmen, to be all that any and all official bodies needed to get to the bottom of what in his concept was meant by The Watergate?

What that day? Why not earlier or later?

It is not hard to find reasonable explanations.

First, of course, he was under subpena. A subpena is a legal process of compulsion, where, ~~with a duces tecum~~ A simple subpena requires the appearance and the testimony of the person upon whom it is served. A duces tecum subpena requires the delivery of described evidence.

Because the name of Nixon's game, another of those graces of the language he carried to the highest form of official expression, was stall and delay and divert, a not uncommon legal ploy but one not indicative of innocence, he had initially promised voluntary delivery of what was wanted. And because he was the President and everyone wanted to avoid acts of compulsion, which reflect unfavorably, his voluntary delivery was awaited until it was apparent there would be none. One experience did not end the desire to spare him. He was extended courtesy after courtesy, each one giving him more time, each one carrying the ultimate decision closer to the end of his term. And each time he failed to deliver.

This partocular time he had asked and been granted by the House Judiciary Committee

a mere extra five days for indicated compliance. At the same time, the return on a subpoena by the Special Prosecutor would also soon be due. He knew he would be hailed into court again if he failed to comply. He had, in fact, known this all along, and the device to which he resorted the night of April 30, 1974, is one that had been in preparation for a long, long time. The mere mechanical problem of transcribing 1308 pages of tapes indicates the length of planning and the amount of work that went into this trick to try to get around the subpoena and to shift the entire basis of the continuing struggle between Nixon and all the forces whose obligation it was to get to the bottom of all the crimes.

It should be understood that ~~the~~ neither set of subpoenas called for transcripts. Both called for the tapes themselves- what in lawyer's language is called "best evidence," or the originals - and specified documents. Not only was this the legal proper, indeed the legally required form, but by then there was nobody who would take Nixon's word for anything, nobody who would trust Nixon's transcriptions of his tapes.

(As it turned out, a Republican member of the House Judiciary Committee announced one week to the day after this Nixon spectacular that his committee had four inconsistent transcripts of a single part of a single tape, and that night CBS TV news put facsimiles of still other White House variations, serious contradictions in versions, of several other tapes.)

This business of transcribing the tapes, immediately Hippodromed to the country as Nixon's great dedication to "letting it all hang out" despite this other dedication, to "executive privilege," was clearly what a rain on the seventh day he made official: he would give no more and would fight his decision all the way to the Supreme Court.

then  
The announcement was made for him by the front-facing of a long series of lawyers who defended him at his direction, all taxpayer paid.

What James D. St. Clair said on May 7 is

This was the climax to a week in which his won strongest partisans were hard put to "hang tough" with Nixon.

High Scott, Nixon's leader in the Senate and from the first one of those strongest, longest and loudest in Nixon's defense, by that day could not resist describing the content of the tapes and the situation Nixon created as "shabby, <sup>inimmaculate</sup> degrading" (CBS-TV interview 5/7/74) Others made similar derogatory comments.

This did not surprise Nixon. He knew he would be fracturing his hard-core support, but he had no choice. His alternative was to stop delaying all the official proceedings, and this he dared not do. He had to impede the impeachment process if he wanted to avoid being impeached and then tried by the Senate and then becoming possibly the first President found to be a criminal while in office.

But because he picked the course to treat this way, several days before the return of the current batch of Special Prosecutor's subpoenas were returnable, he made the fight appear to be between the beleaguered President intent upon protecting the institution against a predatory Congress. This he did have in mind. But he had in mind also down-playing the next fight, that with the Special Prosecutor, who was looking for evidence not against Nixon but against those ~~xxxx~~ of all his former close associates it had already charged with crimes and those it was preparing to indict.

Nixon faced many problems besides impeachment. Among these was the reduction of the number of charges that might be considered in the impeachment.

But his biggest problem was keeping closed the mouths of those who could give evidence against him. In all the hurlyburly he alone made over the transcripts that he made the issue instead of the tapes and other subpoenaed evidence, in all the complaints about his foul language that took so much public and official attention, much else was lost sight of.

There was an awareness that he was in deep trouble over other criminal acts that could be linked to him. Best known of these and known to be under investigation was two of the grossest examples of official political and financial corruption ever. One was the payment to his campaign of some two million dollars in dairy interests in return for an

order from the Agriculture Department that means many millions of dollars in extra profits to these dairy interests from the price increase federally authorized. His requested increase had been turned down only to be granted the day after the deal was made.

(Quoye from Nixon can be added-you guys are different-you know the way it is.)

Another was seamier still and much more complicated. It involved the monstrously large and wealthy ITT Corporation, a multinational corporation known as a "conglomerate" because of the diversity of its interests throughout the world. It was being sued by the Department of Justice in a billion-dollar deal in which, allegedly monopolistically, it had bought the Hartford Insurance Company. While defending itself and trying to hold tightly to Hartford, through another of its holdings, the Sheraton Hotel Corporation, ITT offered to give up to \$400,000 to the Nixon re-election effort if it got the ruling it wanted. (Some of the more repugnant once-secret documents in this stink appear in the appendix.)

ITT, in fact, offered to pay the CIA to overthrow the elected government of Chile, which would be expected to nationalize certain of ITT's monopolistic holdings there. This was confessed in full, but as an act of patriotism. So long thereafter, in its military operations in which the United States hand was not unhidden, there was a bloody counter-revolution in Chile and the elected government was thrown out and a dictatorship favorable to foreign monopolies returned to power.

Then there was the clear perjury of Nixon's Attorney General Richard Kleindienst in his Senate testimony relating to the ITT ~~xxxx~~ anti-trust deal. Nixon himself was to volunteer the proof, while defending himself, that Kleindienst was a perjurer.

However, this was not the only case of uncharged official perjury nor was it the only one in which more than a year had passed without any charges being laid on the Nixon perjurers.

Of all the many problems Nixon faced and to which, if to an, special need for this timing can be attributed, one in particular seems most relevant.

That is the case of John D. Ehrlicman.

By then his was a common household name. H.R. Haldeman and he had been Nixon's two closest and most powerful assistants. Haldeman was virtually assistant president.

Ehrlichman, as chief of domestic affairs in the White House, was also chief of Nixon's dirty-works department, as he had been a dirty-worker in person during earlier elections. Of course, there were others also important and powerful, but none except Charles Colson, also a specialist in dirty-works, who was of the rank, influence and power of these two.

Hadleman and Ehrlichman were under multiple indictments. Colson had been fighting indictment from the first. But his name headed the list of those indicted March 1, 1974.

Now all these men were possessed of secrets that could do Nixon in. All were, from their loud and repeated proclamations, the most dedicated of Nixon loyalists. All considered, from their public expressions that Nixon was God's greatest gift to mankind.

All knew, having been officially informed before the indictments were handed down by the grand jury, that they were the target of indictments. Ehrlichman had long been under indictment for a Nazi-like operation under him in which there had been the breaking and entering of the offices of the psychiatrist who had counselled with Daniel Ellsberg, the man popularly credited with making The Pentagon Papers public.

One Nixon problem never talked about was how was he going to keep all these mouths closed else they incriminate him? And their problem, these and other not as important, was would they go to jail in silence, would they ruin their careers if not their lives, just to protect their Glorious Leader?

The tipoff came from Ehrlichman and it came early, some four months before this Nixon X-rating by tape.

For it to be understood, it is necessary to understand a few details of the first automatic bugging of the White House by any Pre president. the Nixon bugging system. (Infrequently other presidents had tape recorded conversations, but none that ever arranged a system like Nixon's.)

Aside from his other haunts, Nixon had ten stations he most often used permanently wired to tape recorders. These included his offices, the phones he used most often and even the room in which he met with his cabinet.

(A side issue here is that he furnished a table for this room, took income-tax exemptions for it that in the end would have exceeded the cost of the table, and yet could have taken it with him had he elected to.)

When Nixon decided to bug all his conversations with whomver he might talk, in person or by phone, he turned the job over to his right-hand man, Haldeman. In turn, Haldeman enlisted his assistant, Alexander Butterfield, the man who told the Senate's Ervin Committee about it, then staff secretary, had to be in on the bugging, as did his successor, Steve Bull. Aside from these men and those of the silent Secret Service, which did the work illegally, in violation of federal law and with federal money, no single other man had the slightest knowledge of the existence of either the bugging or the tapes.

Quite separate from this, however, there was a typical White House sneakiness in which, separately and privately, the Ehrlichmans and the Colsons tapped their own phones when it served their convenience or to make a record of self-serving declarations. Some of those tapes that survived disclose some of the nastier or White House doings.

But of the top men around Nixon, Haldeman only knew that every word was being recorded. Ehrlichman and Colson, trusted as they were by Nixon, dedicated as they were to him, dirty wars were the works they performed for him - close all they all were - did not know that every word they said was taken down and preserved on tape.

and they said many, many words they did not ever want known.

So of all the many characters deeply involved in what it is neither exaggeration nor unkindness to describe as White House conspiracies, the only ones who could be on guard against self-incrimination were Nixon and Haldeman. Ehrlichman and Colson, to whom must be added another, were trusting and were not on guard.

The other is John Dean, the man who finally began to get the story out. Dean was then White House Counsel. By the time Nixon released these transcripts of these tapes, despite having turned States' evidence, Dean had not yet fully realized what had happened to him.

But Ehrlichman, who was part of what amounts to the framing of Dean, did. And Ehrlichman by then knew that Nixon had it all on tape. Ehrlichman had often been described as hard-headed and thick-skinned, but a lack of sensitivity of the neck.