

# Presidential 'Deniability'

"What did the President know about Watergate and when did he know it?" The answer to that compound question has been taken as a signpost pointing toward or away from impeachment. Mr. Nixon's defense is that he was kept in the dark by his aides and did not learn the details of the Watergate break-in and bugging along with those of the cover-up until John Dean III spelled them out in their March 21, 1973, morning conversation.

My review of the edited White House transcripts suggests that the initial question should not be what did Mr. Nixon know, but rather what did the President want to know between June 17, 1972, when the burglars were arrested, and the following March 21? And what did he want to know after that date? "Deniability" was a key word in the Nixon White House when it came to unsavory activities. It meant that an individual by design should be able to disown or claim ignorance of facts surrounding an event in case things went wrong, and for that reason he was insulated from planning and implementation. In Watergate matters, the President, above all, had to have "deniability."

On Sept. 15, 1972, Dean emphasized that the Watergate affair "has had no effect on [the President]." To which H. R. Haldeman added, "No, it has been kept away from the White House and

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of course completely from the President." In his March 13, 1973, conversation with Dean, it was the President who suggested, "But the President should not become involved in any part of this case. Do you agree with that?" Of course Dean agreed, as he did later in that same discussion when Mr. Nixon said that Watergate "will be somewhat serious but the main thing of course is also the isolation of the President."

By March 27, the President, Haldeman and John Ehrlichman were discussing the possibility that John Mitchell should be persuaded to step forward and take responsibility for the Watergate break-in. On that day the President conceded he had never even asked Mitchell directly about Watergate. In a later conversation, the President said he had thought of question-

ing Mitchell, talked to then Secretary of State William Rogers about it and then decided not to.

On April 14, the President, Haldeman and Ehrlichman met again to discuss Mitchell. The plan was to call the former attorney general to Washington and ask him to go to the U.S. Attorney. "I don't think there's anybody that can talk to Mitchell except somebody that knows this case," the President said. "I can verse myself in it enough to know," Mr. Nixon went on, "but I am not sure I want to know." In the end, Ehrlichman was given the task of talking to Mitchell.

Later in that same conversation, the President told his two aides he didn't know about the cover-up details prior to Dean's telling him. "I must have assumed it though but you know, fortunately . . . I thank you both for arranging it that way and it does show the isolation of the President, and here it's not so bad . . ." The President's ignorance of the subject — prior to March 21 — could only have been maintained with some effort. On Jan. 14, 1973, the New York Times, in a front page article, had disclosed that four of five defendants in the Watergate trial were being paid money and all were maintaining silence about the break-in. The next day, the Washington Post and other newspapers said the money payments were being promised if the three Cubans plead guilty and went to jail. The next day they plead guilty. Only a President who did not want to know could have failed to ask his aides

whether the newspaper stories were true.

On April 15, the President met with Attorney General Richard Kleindienst to discuss information given the prosecutors by Dean and Jeb Stuart Magruder, deputy director of the Nixon reelection committee. When the conversation got around to E. Howard Hunt, it turned out the President knew more than Kleindienst. "He knows about the obstruction of justice," Mr. Nixon began. "Somebody gave him the money." The President started to continue, then suddenly stopped and Kleindienst said, "You know as much about it as I do." Mr. Nixon responded, "(unintelligible) say something (unintelligible) and I don't want to get so deeply involved."

That brought from Kleindienst the admission: "Neither do I and you know

from the outset, Mr. President, on this one, because of all of us who are involved—our relationship—determined that I was going to have the broadest kind of overview. It's just for this very reason I don't want to right now." The former Attorney General's remarks take on special meaning. He was a close friend of Mitchell. On June 17, 1972, the day the burglars were caught, Watergate conspirator G. Gordon Liddy had approached Kleindienst and, according to Dean, told the Attorney General "he (Liddy) had to get his men out of jail and all that." Kleindienst, according to Dean, said "I wish that damn Liddy would quit talking to me about this stuff." At that moment on June 17, Dean said, "Liddy told Kleindienst that Mitchell had ordered [the Watergate bugging]." In taking "the broadest kind of overview" of the Watergate case, Kleindienst then had apparently failed to tell his own investigators about his June 17 meeting with Liddy.

On April 16, 1973, the President met with Dean to try to get him to resign. Dean balked, but the two men talked about what had gone on before between them. Asked by the President why he had not told of asking Ehrlichman about making a final payment to Hunt at their March 21 meeting, Dean took up Mr. Nixon's suggestion that he only talked in general examples. "I have tried all along," Dean said, "to make sure that anything I passed to you myself didn't cause you any personal problems."

The next day, April 17, the President, Haldeman and Ehrlichman met again. The problem was whether Dean could implicate the President. "One of the reasons this staff is so damned

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good," the President exclaimed, "(is) of course he (Dean) didn't report to me. I was a little busy and all of you said, 'let's let Dean handle that and keep him out of the President's office.'"

The President and Kleindienst were not the only practitioners of "deniability." According to Magruder, he told then Vice President Spiro Agnew on June 19, 1972—two days after the break-in—that "it was our operation. It got screwed up. We're trying to take care of it." Agnew's response according to Magruder, was, "I don't think we ought to discuss it again, in that case."

If the President didn't know about the details of Watergate, it may be because early in the game he and his aides decided upon a calculated strategy of contrived ignorance for the sake of subsequently seeming to be innocent. If, or when, such a strategy was devised should be considered among the priority questions to be answered by the impeachment inquiry.