

When Richard Nixon pre-empted all prime-time TV the evening of April 29, 1974, it was to tell the people that despite the highest principle which required the opposite of him and despite his great devotion to protecting the institution of the presidency against the encroachments of the Congress and the courts, he was, reluctantly, telling them all there was to tell about what had come to be called The Watergate.

This single act, he claimed, should once and for all quiet all rumors, end all suspicions and made it perfectly clear that he, personally, was innocent of all accusations that had been made during the preceding almost two years; and that he was doing even more than any president should to help the courts and the Congress with ending their investigations that had been triggered when a crew of five men, acting in concert with others but in his interest, had been caught inside Democratic National Committee headquarters at 2 o'clock the morning of Saturday, June 17, 1972.

Never had Nixon appeared more persuasive or self-confident. Never had he seemed to be more earnest in telling only the truth.

And never had he been farther from it.

He was self-assured. He was earnest. He was persuasive, as the hasty praises from his remaining partisans, who soon enough regretted them, attest.

In anyone else it would seem to be a contradiction that the bigger the lie the more truthful he acted and seemed.

With Nixon it is perhaps the single most significant characteristic that enabled him to be elected President in 1968 and re-elected in November 1972 despite this unprecedented political crime that had received considerable and never favorable attention from the moment of the arrests.

Unlike most politicians who rise to the nation's highest office, Nixon's earlier career is totally without accomplishment of any meaningful nature. It is a career of words and claims, but not a career of performance.

And with words he is like no otherman. He can say anything at any time without regard to its relevance or even honesty. There is no examination of any of his election campaigns that permits any conclusion. He began his climb by castigating his first two

opponents as soft on Communism when they were in fact actively and conspicuously anti-Communist. When he was caught taking money under the table as a Senator and at a time when he was running for vice-president with Eisenhower, he actually got away with a tawdry and tneirely irrelevant btahos bathos about his wife's alleged cloth coat and his children's dog named Checkers.

During all this time, gaing back to his college days when, according to columnist Jack Anderson he was invokved in a needless break-in of the Dean's office, Nixon was, in fact, a constant practitioner of the dishonest and unethical, never removed from shady deals with money, and involved with those who at best can be described as shady characters.

And during all this time he was presenting himself ~~xxx~~ as the prest of the pure.

His first vice-presidential campaign, the one in which he had actually been caught taking money illegally, hung around the cry "Drive the crooks out of Washington!"

He will never be forgotten for his anti-Truman charges, "Twenty years of treason!" It was because, he pretended, the history of his Democratic opponents was of a treasonable reationship with the Communists.

Yet the one accomplishment of his Presidency was to ge into bed with the Communist powers himself. He engaged in a detente with the USSR and with China, long a national and a world need. It had been impossible for others only because of his opposition to it and that of others he spearheaded.

While times do change, Nixon has always gone on the rule that what is wrong for others is right for him. In fact, to him and in his pre representation, whatever he does is always right.

His persoanl conduct as President is studded with an assortment of crime that in any earlier era would have been considered completely impossible. His personal profit from personal crookedness is without Presidential precedent. And though it all he claimed purity of soul and purpose and that only false charges was made because his enemies were so powerful and so loud and dishonest.

That night on TV no man could have appeared more sincere.

It was, in fact, the first ~~time~~ public appearance he had made since the first of The Watergate arrests in which he did not fumble, stumble, misspeak himself or lose his cool.

It was, particularly because of this long almost two years of agony for the country and for him, perhaps his greatest performance.

So also was it one of the most daring of all the dirty tricks that also are the Nixon benchmark. It was a deception, a misrepresentation, just short, perhaps, of his biggest lie, and, as the press did not describe it, the most daring of a ~~xxx~~ life-long series of gambles, one that could be utterly ruinous to him and was soon enough to those who lauded him for it.

It is not that Nixon is a political lemming with a built-in tendency toward self-destruction. He did not run this great risk as a meaningless adventure just for kicks. There was reason. There were urgent needs. He was really fighting for survival, fighting against being the first President driven from office and the first to go to jail as a national and a common crook.

That night he announced the release of transcripts of tapes he had been making secretly or virtually all his private conversations, an illegality known only to a few of his closest associates. He was under legal compulsion to disclose not transcripts he made but the tapes themselves, but he would and did not not that and a few days later, through his lawyer, he proclaimed that he never would.

The compulsion came from subpoenas from the Judiciary Committee of the House of Representatives, which was considering a resolution to impeach him, the equivalent of a grand jury indictment; and from the Office of Special Prosecutor that had been established outside the Department of Justice, which he controlled, only because he has staffed it with those already charged as crooks and because it had from the first engaged in white-washing his crimes and those done for him and in his name.

Subpenas were for 72 and 64 tapes but because there was so much overlapping, each body interested in and need many of the same tapes, the number of different tapes called for were fewer.

But he dared not give up any in full, although earlier and under compulsion of a court order he had given up some. That earlier delivery disclosed what experts appointed by the court and agreed to by him described as deliberate tampering with the tapes. Of these, most centered on a single day, June 20, 1972, and all were crimes known as and chargeable as obstruction of justice.

This time, also for reasons not reported, although the basis had been, he was also under what for him was an even more dangerous threat, from his partners in crime, crime rather than the courts or the Congress. If some of them said what they could, he was done for.

He had gathered around himself in the White House a gang whose selection was based not upon proven qualification for their jobs but for their personal dedication to him, with a predisposition to the authoritarianism he believe in, practised and began to fix upon the nation as a secondary consideration. By the night of that broadcast, a number of these had confessed an astounding assortment of crimes. Many others were charged and awaiting trial. Some had made deals with the prosecution and were already serving their time. In fact, one had already completed his sentence.

But of this record-breaking assortment of White House criminals already facing the processes of justice, only one had involved Nixon personally in criminal actions. He is John Wesley Dean III, who had been Nixon's counsel in the White House. Until that night, there had been a strong White House campaign against Dean. Beginning that night he became the focus of White House recriminations, actually called the only man to make any kind of accusation against Nixon.

Close as his counsel is to any president, Dean is among those who knew nothing of the bugging system Nixon had had installed, illegally and at public expense only thereafter to claim all the tapes as personal property.

And atc, of all those charged with crimes, only one, the man closest to Nixon, knew

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that every word he spoke was bugged and tape. This is H.R. (Bob) Haldeman, who had been Nixon's chief of staff. The way Nixon ran the White House, Haldeman was a kind of Assistant President and the man who often, too often, acted as president although he had never been elected to any office.

Next in the chain of command and in closeness to Nixon had been John D. Ehrlichman, who had been Nixon's assistant for domestic affairs. With ~~xx~~ Nixon this also meant director of dirty works. Dirty-works included running ~~xx~~ a variety of private spy systems, a virtual junior Gespapo.

Even though the Number Two man under Nixon, that every one of his often unwise words was permanently recorded had not been known to Ehrlichman.

Only recently there had been two new series of criminal indictments, issued March 1 and 7. The first were called obstruction of justice indictments because they centered on that and related charges. The second were styled "Plumbers'" indictments. One of Nixon's private-spy outfits called itself The Plumbers because, in the less than truthful account of their illegal duties they were suppose to be plugging "leaks" of news Nixon and his gang did not want to get out.

The Plumbers were under Ehrlichman. He was charged in both sets of indictments and he had other charges pending against him in Los Angeles because of the best-publicized of his Plumbers' crimes. They had broken into the offices of Dr. Lewis Fielding, a psch psychiatrist to whom Daniel Ellsberg had gone. Ellsberg is the man popularly credited with getting the secret "Pentagon Papers" into the hand of the press, which published them. Publication of these once-secret papers proved that the official account of the Vietnam war waged unofficially by the United States was false. This was a great embarrassment to Nixon, to the military, to ~~xxx~~ parts of the intelligence community, and to many others. It was also a precedent frightening to any politician engaged ~~xx~~ in any kind of activity he would not want exposed.

So, Ehrlichman was in greatest jeopardy of all those already charged or those who could yet be.

Like all those with whom Nixon had surrounded himself, Ehrlichman was a true believer in the authoritarian way. Those closest to Nixon were called by a number of unflattering descriptions, like The Berlin Wall, all suggestive of Nazism.

One seemed more a Nazi storm-trooper type than Ehrlichman. In fact, in his testimony before the Senate's Watergate Investigating Committee, popularly known as the Ervin Committee after its chairman, Senator Sam Ervin, Ehrlichman had gone so far as to suggest that it could be legal for a President to order a murder.

While in considering the factors that led to his partial disclosure of partial transcripts of partial tapes Nixon had many urgent problems to consider, the one never mentioned could have been the controlling single one, a clear threat from Ehrlichman. It was as subtle as it was clear. In reporting the facts the press had not interpreted their meaning.

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And he had learned Nixonian dirty-wroks as he first practised and then supervised them.

The desparate gamble of releasing selected parts of selected ~~tax~~ transcripts of selected tapes, considerably fewer than had already been subpoenaed and it was known still more would be, came on the first anniversary of the day Nixon had fired Dean and accepted with regret the resignations of Haldeman and Ehrlichman. This was then the ^{his own} direct opposite of what the Department of Justice asked of Nixon.

Although the probability of a conflict of interest was apparent, ^{essentially} Haldeman and Ehrlichman were both represented by a crusty septagenarian lawyer of lifelong reactionary belief, John A. Wilson. Before the Senate Watergate committee Wilson denied there was any conflict in interest and steadfastly maintained the apparently false, that the interests of both his clients coincided.

By the end of the year, there were rumors that Ehrlichman was beginning to look out for himself. He had already established a new business in his native Seattle, one in which he could still engage if he were disbarred and could not practise law. Then there was this note in ~~the~~ Newsweek dated January 21, 1974: "...reports that ^{John} Ehrlichman was plea bargaining it the Special Prosecutor. Even when all sides denied it, the report only underlined the kind of pressure being applied to the remaining loyalists."

The next news along this line came the next month, when the Washington Post reported that Ehrlichman had "retained Miami lawyer William S. Frates as his defense counsel in the forthcoming Watergate Wate coverup trials," (ExPost 2/11/74)

Frates ~~was~~ had represented Charles G. (Bebe) Rebozo, Nixon's closest friend.

Again everyone denied conflict of interest, but the story went around and was published that Ehrlichman, who had more charges laid against him than Haldeman had had attractive offers made, lighter treatment in return for turning state's evidence, and that Wilson, in the interest of his other client, Haldeman, and his suspected client, Nixon, had opposed the deal.

This was followed with an exclusive Los Angeles Times story from Seattle, dated

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16 and syndicated widely. Attributed to a number of "Close friends of former White House aide John D. Ehrlichman," Kenneth Reich wrote # that Ehrlichman has privately expressed disenchantment with President Nixon and has told them he is considering reaching a settlement on the Watergate-related charges pending against him."

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~~In between these two stories, on March 1 and 7, Ehrlichman had had two new series of indictments charged to him and a variety of other Nixonians. Earlier charges had been placed against him in Los Angeles. The first of the new indictments were called the "cover-up indictments" because they centered on the obstructing of justice. The second related to that about which Ehrlichman and others had been charged in Los Angeles, the break-in of the office of Daniel Ellsberg's psychiatrist. So, Ehrlichman had had a heavier load of criminal charges laid on him than anyone else.~~

The thrust of the Reich story, which gave details attributed to these friends, was that "Ehrlichman will settle with the office of Watergate Special Prosecutor Leon Jaworski on a reduced charge" and would testify as part of the deal.

Reich also reported "something of a falling out with his lifelong friend and colleague, ~~former White House Chief of Staff H.B. (Bob) Haldeman.~~"

One key paragraph quotes Ehrlichman as having told these unnamed friends that "he was shocked and surprised by the revelation of the existence of the tape recordings of White House conversations" Nixon had made with Haldeman's knowledge but without Ehrlichman's.

Immediately there was what seemed like a denial and was headlined as one. The Washington Post's printing of the Associated Press' story datelined Seattle, April 17 is, "Ehrlichman Denies Plea Bargaining."

The papers all played it straight. No reporter did what any intelligence analyst would have done automatically, compared the two contradictory stories closely. When this is done it becomes apparent that while Ehrlichman appears to have denied the original report, which had come from the most probative source; in actuality he denied other than what the original report attributed to him. But it takes a careful comparison, of the kind Ehrlichman could be sure the White House would make, to show this.

An illuminating example is the case of an earlier scandal. One of the tapes that

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Nixon had been forced to surrender to Federal Judge John J. Sirica in Washington had an 18 and a half minute gap on it that had been the subject of great, heated and contradictory controversy. ^{This is the one those} Court-appointed experts, agreed to by the White House, had held this to be ^d deliberate erasure. That tape included Nixon's first meetings with his men after the original arrests for the June 17 break-in. ~~It was a tape of June 20, 1972.~~

What Ehrlichman was really doing in this series of subtleties and non-denials was saying he wanted protection. "He did not want to go to jail."

Powerful as any president is, none can order a man not jailed. Nor can he order an end to any prosecution after any grand jury has issued an indictment.

Yet there was a way in which Ehrlichman and not he alone might, indeed, be protected from retribution, no matter how subversive and without precedent their crimes were. And all the law is one way on this means. However, using it presented certain considerable hazards for Nixon. If he did it wrong it could not only hasten actions against him, it could also defeat his defenses. And it would force him to depart from his undeviating "game plan," which was to stall and delay, to divert everyone and all attention to what was irrelevant to the charges that could be placed against him, to impede all actions in all ways he dared.

It is an odd twist that the most recent of the relevant law traced back to Nixon's earlier days as a Congressional witch-hunter.

From the day of and established in the trail of Aaron Burr, the accused has always had a right to the ~~evidence against~~ government's evidence that might tend to be exculpatory. While it is not without dispute, among the other cases having the same import is one called Brady v. Maryland. And most relevant of all and newest was a special law known as the Jencks Act. It had been passed by Congress after the decision of the Supreme Court in Clinton E. Jencks, Petitioner, v United States of America, decided June 3, 1956. It held that the government could withhold what might be exculpatory evidence, in that case including reports by a stool pigeon for the FBI as he had been for Congressional committees, "only at the price of letting the defendant go free." (p.14)

It is also a well-established legal principle that evidence must be original, not

copies of originals. With Nixon's secret tapes this meant not transcripts he made but the tpe tapes themselves.

As it turned out, what Nixon made public was not even complete verbatim transcripts of those relatively few tapes partial transcripts of which he did publish, some 20.

So, there could be a complete defense and a complete exculpation of Ehrlichman and all the other accused Nixon might want exculpated, by his refusal to surrender the tapes is the defense demanded them.

And it is to cover, to obscure this action which he did take immediately, that Nixon first had less than full and less than honest transcripts made of some tapes, those he selected, and then proclaimed to the world that he was disclosing all.

He then claimed further than it was his obligation under what he had invoked regularly, what he called "the doctrine of executive privelege," which is a doctrine and is not language anywhere in the Constitution, to withhold the tapes in the interest of the institution of the presidency. He had, as he would have it believe, this sacred duty not to weakn the powers of the office, not to set any precedent that might be used to weaken or in any way undermine the authority of any future president.

But what Nixon really did in this whole operation is really to X-rate himself and the office, not uphold and defend it.

He and his closest are men or vulgarity and profanity and prejudice, haters and vicious, as any reading of that which he was forced to let out discloses. One of the more common substitutions for direct quotation is "expletive deleted." Another is "inaudible." ^{or} What he claimed to be inaudible was immediately proven not to be where tested by the House committee. (In one instance, Republican Congressman _____ Cohen reported that there were four different versions of a single tape and that on it what Nixon claimed was inaudible was made out by his committee's staff.)

Most common of these "expletives deleted" is fuck, shit and screw.

This, not the pretense of piety and the commercializing of religion and preachers like Billy Grahama and those publicized White House prayer breakfasts, is the real face, the real character and the true expression of Richard Nixon.

Perhaps in the past we had Presidents and their men whose more common speech was pervaded by fucks, shit, screw and other obscenities, but if we did they never buged the White House in the pretended interest of history and never preserved their obscenities and profanities and expressions of racial prejudice for posterity on tape.

This, like the extent and the subversive nature of his official criminality, was another Nixon innovation, another "first."

(And conversely, with or without collusion between the many defendants and their counsel and with Nixon's counsel, the claim could also be made that disclosure of the actual tapes called for in the numerous subpoenas could result in prejudicing the rights of some of the defendants, making for more complication and still another hassle, the greater the number of which, the greater the benefit to the beleaguered Nixon.)