

to PH 2/11/74

The impeachment process is by now means clear, aside from the gross and deliberate misconstructions of the Constitution.

The Nixon "game plan," for all the obviousness and crudity of some of the easily understood plays, is not without its subtleties.

And the charges are far from set, if the House votes impeachment. Moreover, if the committee does and the bill is considered by the House, I know of no reason for Nixon to assume that only what the committee (which will compromise to get more Republican agreement) reports will be considered or passed by the House. When it gets to the Senate, if there is any need for the Senate to restrict itself to what goes to it from the House I am not aware of it.

Or, at any time it goes wide open.

One of the cloudy areas is what is a crime, on the assumption there will be those who believe or will take the position that only what can be charged in a criminal case is an impeachable offense, and then only of the magnitude of treason or bribery.

Nobody talks about the Huston plan, which was not his but Nixon's, any more. In the long Watergate book I laid aside I had a chapter on it as long as inquest. It is criminal. It is an impeachable offense. How how is Nixon going to defend himself against ordering wholesale mail interception, bugging, illegal tapping, robberies, monitoring of international communications, framing the innocent and among a remaining large assortment of other crimes, those against the other countries of the world through their embassies and other offices, which the plan does include. And he not only approved it and admits he did, there is no evidence he ever cancelled his approval.

There are the Haldemans and Ehrlichmans who do not want to go to jail and there are others who hold lesser rank, any one of whom can get Nixon impeached and I believe were he not President indicted, convicted and jailed. How can they be protected in the trials?

One way is inadequate prosecution. The began with the original prosecutors (a full chapter in the old book on that) and is the practise, despite the good press, with the Cox staff and the Jaworski control. Creampuff stuff. They are getting away with it.

The one major theme that has been used to now is the need to do all these illegal things in the national interest because the agencies charged with the duty had failed. Now how can you get the people, press and a jury to believe that the late Saint Edgar didn't know his business and didn't do his job? Or that the CIA can overthrow governments almost at will but not protect national-security secrets. Like the Pentagon Papers. Why was Helms fired a matter of hardly more than days before automatic retirement? Why is Saxbe going all around defame the late saint? And Kelley inspiring stories that he is doing it and making the overdue reforms? These kinds of things under our Glorious Leader?

There is nobody who could testify to this who could be believed. Nobody alive, that is.

There is much stuff that has not come out that I'd rather not go into. Some of it was stolen here but I have enough notes and recall and I'm trying to replace. Not irrelevant is the Baker report. Don't take it at face value but remember, it is being taken straight and he has gotten away with it. It is an effort to set up a kind of defense, for Nixon and those closest to him. It is not a gratuitous attack on the CIA. From what I've read in the papers, the Baker report is the oranges in a basket of apples. I know of other apples, not oranges. Baker avoided them.

If there are convictions, there will be appeals. New evidence can later be claimed and can be introduced on appeal, in arguments. (Except for the Williams affidavit, nothing Danaher used in the spectro case was in the record.)

I make no forecast of immediate use. I do forecast use in time of need. I can see Ehrlichman being acquitted in the case from the little I know of the evidence and more from the way the press handled it. Reasonable doubt standard. The prosecution was weaker

than I'd expected.

There are all sorts of possible ramifications in the coverup trial, which includes charges of perjury. What is the practise in "national defense" matters? Is perjury the norm? What do the others in these enterprises practise?

All defendants and potential defendants are desperate because their guilt of more than has even been charged is more than merely apparent. Each defendant convicted represents a ejoyard to Nixon. Each fearing conviction and wanting to make a deal - and in the long run this means not only the present prosecution - has to make a decision. His decision can be influenced by what each side ~~can~~ can offer. Protection is what each wants most. So, ask yourself how the more important can get protection.

This is a partial explanation. Meanwhile, nothing was possible without my getting the first copy because of the suit. And the same judge sits.

Three lawyers have agreed on the possibility of use and the importance of the first use being a contextual one which can frustrate deviousness with it. It was so clear to me I could not concentrate on the first reading.

To bring you up to date, I have read and made suggestions with Jim's legal analysis. He has again read what I wrote and Howard corrected and he went most of the way through it a third time yesterday. I have picked up what he found and he is to try and finish about a third in a careful reading Saturday. As soon as she can "il will start typing. Jim, as Howard was, is satisfied with what I have written and with what I've limited it to. We all know that were there time more thorough editing would mean improvement. I think his legal memo omits what should be, goes into what requires it, and by and large is very good. It runs a bit longer than we had planned but I think that with a major effort only a very small part might be cut and that at the expense of not saying what should be said. The combination of WC and FOI at this time is fortuitous and is one of the needs for speed.

I can use the index until the book is put together in final form. "il has already started an overall name and subject index by marking up copies and having them ready for real ~~pages~~ page numbers. We plan a complete index.

I'll give Jim the carbon Saturday. The HUAC tip seems to be worthwhile.

I've been going at a pace that makes trying to remember what is not of immediate need impossible. Began 3 a.m. yesterday. Jim worked until 5 a.m. yesterday then took a nap. Howard sent you a list of what I had in each case at least duplicated and is now gone. "Sinister forces" with them not likely official. If you have not supplied these I'd appreciate it because as soon as I can I'll be mounting the remaining exhibits. It takes an hour for the gadget to get ready, burning electricity all the while, and the use and reuse of the wax adhesive destroys it and makes a problem that takes time in disassembling and cleaning the gadget of the discolored wax, which is ruinous to use. I don't want to go to the Archives with any request now. (In three weeks Rhoads has not responded to my questions. I had in kind that they might be a kind of deterrent but I don't know if they have been. They are a signal and may prompt caution that may not have been originally planned.) Because of the intensity of the work, which is also on three different topical books at one time plus other things, I won't know if I am missing anything until I get to the need for it.

I don't know how comprehensible or acceptable this is. Please take my word for it that there are large and significant unexposed Watergate crimes and involvements and that there has been a media combining not to expose them. The Congress seems to be going along, so far. Ditto for CIA, some of which I have, some ripped off, some may be replaced. Thus I push on that writing as much as I can. To now, past 1 p.m., I have not been able to return to it but do hope to finish a chapter later today. New stuff.

Anyway, except for the phone it has been a quiet day once I got away with fishing a drowning skunk out of the pool a little after 5 a.m. I went to the kitchen for another cup of coffee and saw him. He was exhausted or grateful. He kept his tail down!

Many thanks and best,