



E. Howard Hunt

Walter Pincus

Post 4/21/74

Did

Watergate

Payments

Buy

Silence?

Watch what we do, not what we say, John Mitchell advised newsmen in 1969 while suggesting how the Nixon administration should be reported. That advice is worth following in looking at the matter of hush money allegedly paid Watergate defendants in return for their silence. President Nixon has said he disapproved such payments, but a close look at what was done—particularly by his aides and the defendants—indicates that money was paid and the “Watergate Seven” did hush up, at least until the cover-up collapsed around them after others talked.

E. Howard Hunt, one of the convicted conspirators, went beyond keep-

*The writer is executive editor of
The New Republic from which
this article is reprinted.*

ing silent when, after being sentenced, he was initially put before the Watergate grand jury last year—he lied to protect higher ups. Hunt's receipt of \$75,000 on the evening of March 21, 1973, and his subsequent lying to the grand jury must be considered by the House Judiciary Committee impeachment investigation as it explores what happened after the President says he became aware of hush money payments.

Mr. Nixon has recalled that when the matter of money for defendants was brought up to him on March 21, 1973, by his former counsel, John Wesley Dean III, he was told of “an attempt . . . to blackmail the White House by one of the defendants.” The alleged blackmailer was Hunt. According to former White House chief of staff H. R. Haldeman, who testified that he listened to the March 21 White House tape recording at least twice and took extensive notes, Dean indicated “concern about two problems, money and clemency. [Dean] said that [White House aide Charles W.] Colson had said something to Hunt about clemency . . . [Dean] said Hunt was demanding \$120,000 or else he would tell about the seamy things he [Hunt] had done for [White House aide John] Ehrlichman.”

Both the President and Haldeman appear to agree that there was an ex-

tended discussion on March 21 of what should be done about Hunt's demand for money. “I said,” the President told newsmen last August 22, “isn't it quite obvious first that if it [hush money] is going to have any chance to succeed, that these individuals aren't going to sit there in jail for four years; they're going to have to have clemency . . . I said we can't give clemency. He [Dean] agreed . . . The second point is . . . that while we could raise the money, and he indicated in answer to my question that it would probably take a million dollars over four years . . . the problem was how do you get the money to them? And also, how do you get around the problem of clemency . . . I said John, it's wrong, it won't work, we can't give clemency and we've got to get this story out.”

Instead of getting the story out the opposite seemed to happen. On the night of March 21, Hunt received \$75,000 in cash—a payment authorized earlier in the day by Mitchell who had previously been phoned by Haldeman. Getting the money to Hunt was no

*“Why would a man
with immunity lie when
he knew his prison
sentence might be reduced
if he cooperated?”*

problem. Two days later, on March 23, Hunt was given a provisional sentence—the maximum prison term he could get, 35 years. Judge John Sirica told him and the other defendants, who also were given maximum sentences, that their full cooperation with the grand jury would be weighed “in appraising what sentence will be finally imposed in each case.” Three days later, the Watergate grand jury began to request the five convicted defendants. By that time, stories had been published linking both Dean and Nixon re-election committee deputy director Jeb Stuart Magruder to the intelligence planning that preceded the Watergate break-in. On March 27, Hunt made his return appearance before the grand jury. He reportedly took the fifth amendment, but to news-

men outside the court he declared he had no knowledge of any higher-ups.

On March 28, Hunt was granted “use-immunity” by Judge Sirica and again went back before the grand jury. With that immunity, Hunt could not be prosecuted for any crimes about which he truthfully testified. His only legal liability could come from refusing to answer questions—which would put him in contempt of court—or if he perjured himself.

Hunt was questioned for four hours that day. He was the first defendant to get immunity. Did he tell all? According to a report filed with the Senate Judiciary Committee by the then-prosecutor Earl J. Silbert, “Hunt initially lied repeatedly in response to questions concerning the involvement of others and receipt of money during the (original Watergate) investigation . . .” Why would a man with immunity lie when he also knew his prison sentence might be reduced if he cooperated?

The White House was deeply interested in Hunt's testimony. On the morning of his appearance, March 28, Ehrlichman called then-Attorney General Richard Kleindienst and recited a list of matters “the President wanted me to cover with you.” Among them: “What progress are they (the prosecutors and grand jury) making right now; have you had a reaction to it?” Kleindienst replied: “Well, the last time I talked to Henry (E. Petersen, Assistant Attorney General in charge of the Criminal division) Monday (March 26) because of Sirica's sentencing procedures, I got a little boxed up. Sirica is really lousing this thing up. I don't know. I'm going to talk to Petersen this morning and I'll call you back.” “O.K.,” responded Ehrlichman, “great, that's all I had on my list.” What Kleindienst later told Ehrlichman about the grand jury has never been disclosed.

Hunt, however, apparently continued to maintain his silence about any White House involvement. Silbert reports that Hunt and the three Cuban-Americans “continued to lie until we accumulated sufficient evidence to establish that they were lying and confronted them with it.” Why did they lie? One possible explanation is that the money they had been given was hush money.