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Judge Found Nixon In Phony Mailing

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The 1962 Nixon-Haldeman phony mailing caper in California, which might be styled as a small prototype of the Watergate affair, has recently been publicized yet not really well spelled out.

It is important as a measure of the kind of campaign tactics the two men seem willing to engage in, especially in light of the President's expressed lofty distaste for the Watergate maneuvers and resigned top aide H. R. Haldeman's public assurances that he has been adhering to the "high standards I've always set for myself."

The elements of the newly published accounts of the California matter are needed here as foundation for further significant elaboration. Two years after Mr. Nixon lost the 1962 governorship race to then Gov. Edmund (Pat) Brown, San Francisco Superior Court Judge Byron Arnold issued a stipulated judgment laying heavy personal responsibility upon both Mr. Nixon and Haldeman for a mailing designed to deceive Democrats.

In postcard form, it went to 500,000 registered California Democrats. Purporting to come from Democrats, it solicited their money and urged them to vote against Brown. There was no mention of its real source—the Nixon camp.

The California Democratic State Committee encountered the trick belatedly, but persisted in judicial proceedings long after Mr. Nixon had lost to Brown. The process, not a trial but called a "discovery," led ultimately to Judge Arnold's finding.

Recent reports have noted that Haldeman, in a deposition, acknowledged responsibility for the mailing. But they did not show why Arnold said Mr. Nixon was involved.

In brand new conversations by telephone with Arnold and with Roger Kent, former California Democratic chairman, I sought firsthand explanation. This is it:

The damaging testimony came in a long deposition from Leone Baxter, wife of the late Clem Whitaker and partner with him in the pioneer political consulting firm bearing their names. Prodded by the Democrats' attorney, Gerald O'Gara, Ms. Baxter told of late summer-early fall meetings with Mr. Nixon and Haldeman at which the fraudulent mailing was discussed. Advised of one such session with the two men on Aug. 25, 1962, O'Gara asked her about the next. Her reply:

"I don't think I had another meeting with him (Nixon) until I went over the copy (the mailing) with him and Mr. Haldeman."

Ms. Baxter's other responses made clear this session took place in Mr. Nixon's hilltop home in Bel Air, a Los Angeles suburb. Arnold told me flatly it was her testimony which led him to rule the President personally involved in reviewing and approving the phony mailing.

Now, what Richard Nixon would endorse as a tactic in a governorship race is no proof of what he would order or condone as President. But the California case shakes the rather common view that today he would automatically veto or disapprove tricky doings as stupid and counterproductive.

Moreover, it puts Haldeman in curious light. This man whom Mr. Nixon praised as one of the "finest public servants" he has known is the confessed author of fraud in 1962.