

Democrats Tricked By Nixon in '62 Race

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By Sanford J. Ungar
Washington Post Staff Writer

President Nixon's 1962 California gubernatorial campaign committee organized and financed an effort to sabotage his opponent's campaign among registered Democrats.

According to an official judgment of San Francisco County Superior Court, filed on October 30, 1964, the effort was directly authorized and approved by Mr. Nixon and his then campaign manager, H. R. Haldeman, now his White House chief of staff, in violation of the California State Election Code.

It included labeling Mr. Nixon's opponent as an extremist and soliciting contributions from Democrats on the pretext that the money would be used to shift the ideological base of the California Democratic Party, whereas "in truth and fact" the money went to support the Nixon candidacy, the judgment says.

Mr. Nixon and Haldeman were not defendants in the case, but the court enjoined several other persons who had worked in the 1962 Nixon campaign and a dummy organ-



H. R. HALDEMAN
... led California effort

ization they established under the name, "Committee for the Preservation of the Democratic Party in California," from ever engaging in such tactics again.

The judgment also ordered that what was left in 1964 of the funds that had been collected two years earlier—\$368.50 in a San Francisco bank account—be turned over

See JUDGEMENT, A6, Col. 1

JUDGEMENT, From A1

to the California Democratic State Central Committee.

According to the judgment signed by Judge Byron Arnold—now presiding judge of San Francisco County Superior Court—the Nixon-organized committee conducted a postcard poll aimed at undermining Democratic support for then California Gov. Edmund G. Brown, who won the election.

The poll "was reviewed, amended and finally approved by Mr. Nixon personally," Judge Arnold ruled in a 19-page opinion.

Furthermore, he said, "Mr. Nixon and Mr. Haldemann (sic) approved the plan and project . . . and agreed that

the Nixon campaign committee would finance the project."

The activities of the committee and the initial temporary court orders against it received some publicity during the 1962 California campaign.

But the final judgment, naming Mr. Nixon and Haldeman, which came two years later at the end of the 1964 presidential campaign, received no attention from major California newspapers as far as can be determined.

It was mentioned briefly this week in an article in The National Observer on political sabotage in American political life. The Washington Post subsequently obtained a copy of the judgment.

According to records of the California secretary of state attached to the judgment, the Nixon for Governor Finance Committee directly paid \$70,000 to Robinson & Company, Inc., a California polling and fund-raising outfit, to conduct the postcard poll and tabulate the results.

The Nixon organization listed that sum under "expenditures for payment of personnel" in its "general campaign statement" filed with the secretary of state.

The Robinson company's ledger sheets for its work—also attached to the court judgment—carried the name of "Nixon for Governor Campaign-(Committee for the Preservation of Democratic Party in California)." Its statements for payment were sent directly to Haldeman, the judgment says.

This was how the project worked, as outlined by Judge Arnold in the judgment:

"In October, 1962, a circular to Democrats was drafted which purported to express the concern of genuine Democrats for the welfare of the Democratic Party and their fear that the party would be destroyed if candidates supported by the California Democratic Council (CDC), including primarily Governor Brown, were elected in the November, 1962, election.

"It appealed for the support and money of Democrats in fighting the CDC and certain policies attributed to it and cast aspersions on the Democratic candidates endorsed by it."

The postcard poll listed as CDC "Viewpoints:" "Admitting Red China into the United Nations," "Moratorium on U.S. nuclear testing," "Allowing subversives the freedom of college campuses" and "Foreign aid to countries with Communist governments," among others.

A letter attached to the postcard began: "This is not a plea for any candidate."

Those who received it were encouraged to check off whether they agreed or disagreed with each of the alleged CDC policies, to "write us your views," and to send in contributions to help "preserve our democratic processes and cut off the CDC hand-cuffs."

Judge Arnold pointed out that nowhere on the postcard "was it stated that the defendant committee and its mailing . . . were supported and financed by the Nixon for Governor Finance Committee."

The dummy committee and its employees "directly and indirectly solicited funds upon representations, express and implied, that the funds were being solicited for the use of the Democratic Party," the judgment said.

"In truth and fact, such funds were solicited for the use, benefit and furtherance of the candidacy of Richard M. Nixon for governor of California," it continued.

During the course of the postcard poll and in its press releases announcing the results, Judge Arnold said, the committee "made various misleading statements."

Among these statements, he said, was the assertion that "the results of the poll would reflect the feelings of rank-and-file Democrats, including liberal, progressive and middle-of-the-road Democrats as well as conservative Democrats."

The initial results — overwhelmingly unfavorable to Brown and the CDC — were publicized during the gubernatorial race as representing the "voice of the rank and file Democrat."

In fact, the judge wrote, the Robinson company records indicated the mailing was only to go to—and therefore could only reflect the views of—"900,000 conservative Democrats." All those who received the postcards, he added, lived in "precincts consisting predominantly of conservative Democrats."

Despite public representations to the contrary, the judge pointed out, "the activities of defendant committee, including its postcard poll, its letters and its publicity releases, were instigated, financed, prepared, implemented, supervised and executed by the Nixon for Governor Campaign Committee and the Nixon for Governor Finance Committee."

"The paramount purpose for organizing the Committee for the Preservation of the Democratic Party in California and its related postcard poll and activities was to obtain from registered Democrats votes and money for the campaign of Richard M. Nixon," he added.

The judge observed that the committee's activities, as summarized in the judgment, "constitute misleading advertising."

Judge Arnold, now 68, is a registered Republican who was first appointed to San Francisco Municipal Court in 1955 by then Republican Gov. Goodwin Knight. In 1960, he was elevated to the Superior Court by Brown.

His judgment in the case was never appealed by the defendants, who included William Marlin, "executive secretary" of the dummy committee; Austin Healy and Harry J. Boyle, its cochairmen; and Ed Fitzharris, one of its public relations officers.

Among the plaintiffs in the case were the California Democratic State Central Commit-

tee and the Democratic national committeeman and committeewoman from California.

They were represented in court by Gerald J. O'Gara, who is now a municipal Court judge in San Francisco.