

Obstruction of Justice Case

By Lawrence Meyer

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President Nixon's release Monday of conversations he had on June 23, 1972—six days after the Watergate break-in—has transformed a circumstantial obstruction of justice case against him into a hard case based on firm, unambiguous evidence of a conspiracy that now has a relatively clear starting point.

The transcripts provide links between already known pieces of circumstantial evidence and put President Nixon at the head of the Watergate cover-up. Previously, the President had sought to portray himself as the ignorant victim of aides who kept the truth from him.

In addition to helping provide a starting point for the cover-up, the transcripts cast a new and more damaging light on subsequent actions taken and conversations held by Mr. Nixon in the many months of cover-up that followed.

One remaining question is whether Mr. Nixon's first orders concerning the cover-up were given in his June 23 conversations with White House chief of staff H.R. (Bob) Haldeman or earlier than that. The transcripts indicate that Mr. Nixon's knowledge of the cover-up may extend further into the six days following the Watergate break-in arrests.

Former deputy Nixon campaign manager Jeb Stuart Magruder told the Senate select Watergate committee that he learned of the arrest of five men inside the Democratic National Committee headquarters only hours after the break-in occurred in the early morning of Saturday, June 17, 1972.

"I think there was no question that the cover-up began that Saturday when we realized there was a break-in," Magruder testified. "I do not think there was any discussion that there would not be a cover-

up."

Magruder, who was in California, spoke with Haldeman, who was in Key Biscayne, early on the morning of June 18. Exactly what Haldeman learned about the break-in during that conversation is not clear.

The first known conversation in which Haldeman and Mr. Nixon discussed the Watergate break-in occurred on June 20, 1972, in the White House Oval Office. The 18½-minute portion of the tape of that conversation, however, has been erased manually, according to a panel of experts asked to examine the tape by Chief U.S. District Judge John J. Sirica.

Prior to June 22, no evidence had been found linking the Nixon re-election committee to the break-in other than employment by one of the burglars, James W. McCord Jr., as the committee's security chief. On June 22, however, the FBI traced \$114,000 in checks from the Florida bank account of another burglar, Bernard L. Barker, back to the Nixon re-election committee.

Former acting FBI Director L. Patrick Gray III told the Senate Watergate committee that on that same day he informed White House counsel John W. Dean III about the money.

The following morning, Haldeman — to whom Dean had reported — broached the subject with Mr. Nixon by saying, "Now, on the investigation, you know the Democratic break-in thing, we're back in the problem

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Transcripts

area because the FBI is not under control, because Gray doesn't exactly know how to control it and they have — their investigation is now leading into some productive areas — because they've been able to trace the money—not through the money itself — but through the bank sources — the banker. And, and it goes in some directions we don't want it to go.

Haldeman's off-hand introduction to the subject indicated that he and Mr. Nixon had talked about it before.

Haldeman then went on to say that after conferring with Dean and former Attorney General John N. Mitchell, it had been concluded "that the only way to solve this, and we're set up beautifully to do it, ah . . . That the way to handle this now is for us to have (deputy Central Intelligence Agency Director Vernon) Walters call Pat Gray and just say, 'Stay to hell out of this—this is, ah, business here we don't want you to go any further on it.' . . ."

Mr. Nixon indicated in the same conversation that he was aware that G. Gordon Liddy was involved in the Watergate break-in. This was five days before the FBI and federal prosecutions learned of Liddy's con-

nection.

Mr. Nixon also expressed concern about E. Howard Hunt Jr., another Watergate conspirator and, along with Liddy, a member of the White House "plumbers" unit that had conducted the then still secret Ellsberg break-in.

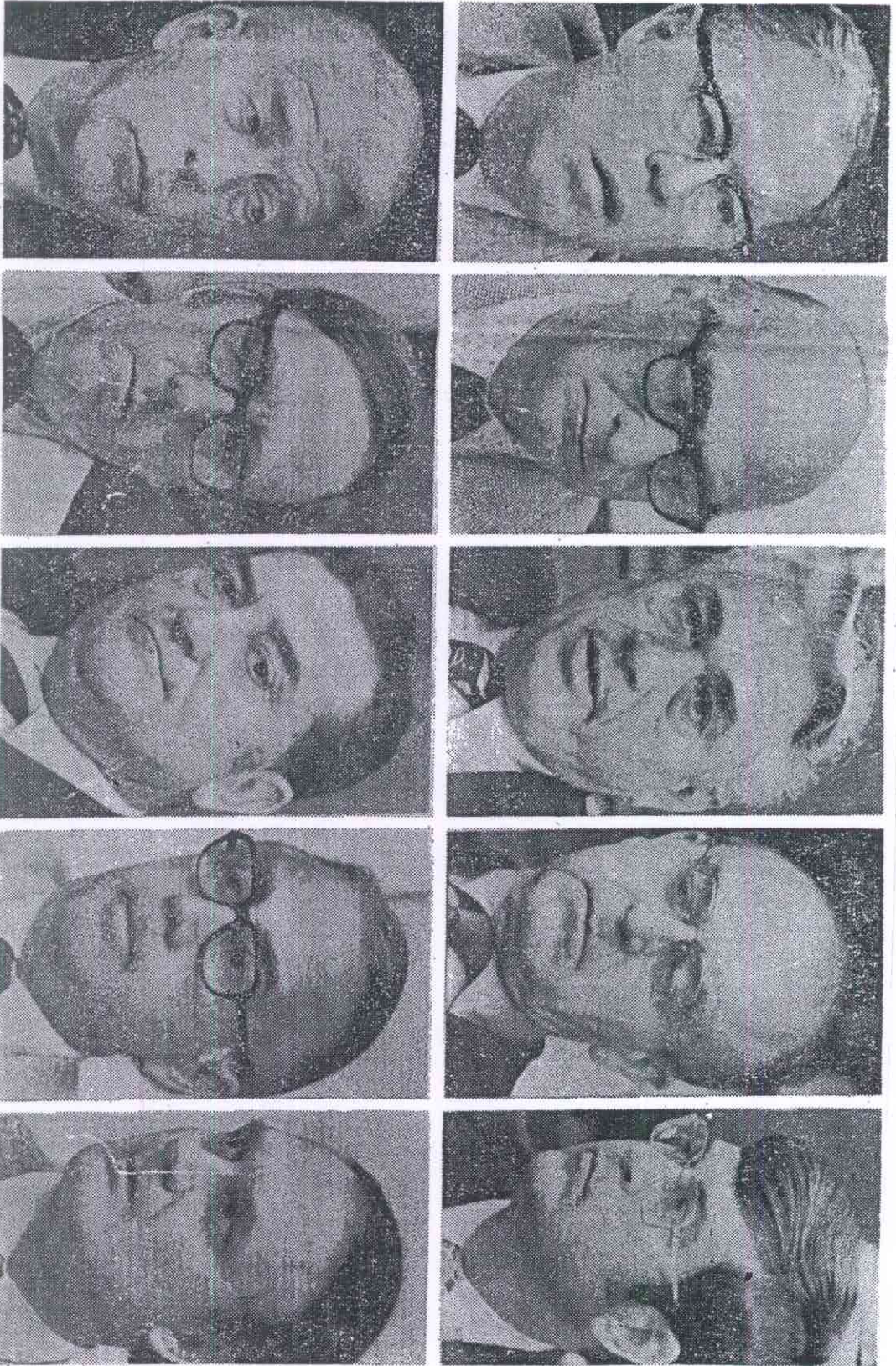
Most important, however, was Haldeman's informing Mr. Nixon that Mitchell probably knew about the Watergate break-in. Had they allowed Mitchell to be linked publicly to the break-in at that time, Mr. Nixon and his re-election campaign could have been hurt badly.

When Haldeman asked Mr. Nixon if he agreed that the CIA should be used to stop the FBI from investigating the \$114,000, Mr. Nixon replied, "Right, fine."

Later that same day, Haldeman summoned CIA Director Richard M. Helms and Deputy Director Walters to the White House and instructed Walters to call Gray to discuss the possibil-

ity that the FBI could jeopardize CIA operations in Mexico by investigating the money in Barker's bank account.

The June 23 transcript, in direct contradiction to statements Mr. Nixon has made in the past, makes two points clear — that he was aware of the cover-up long



Ten Republican members of the House Judiciary Committee who were headline defenders of President Nixon during impeachment hearings have changed their minds after hearing the new

evidence released by the President Monday. From left, top row: Edward Hutchinson (Mich.), Joseph J. Maraziti (N.J.), Charles E. Wiggins (Calif.), David W. Dennis (Ind.) and Trent Lott

(Miss.). Bottom row: Henry P. Smith (N.Y.), Carlos J. Moorhead (Calif.), Charles W. Sandman Jr. (N.J.), Wiley Mayne (Iowa) and Delbert L. Latta (Ohio).

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before March 21, 1973, and that national security had nothing to do with bringing the CIA into the Watergate affair to stop or stall the FBI investigation:

Federal prosecutors yesterday cited the federal statute describing the obstruction, delay or prevention of information being communicated to a criminal investigator as one criminal law relevant to Mr. Nixon's conduct on June 23 and after.

In the days following June 23, the FBI delayed interviews relating to the \$114,000 at the request of the CIA. Simultaneously, Dean was making a futile attempt to get the CIA to provide bail for the Watergate defendants.

Gray told the Senate Watergate committee that on several occasions he had ordered interviews about the money to proceed only to rescind the order at the request of Dean or top presidential domestic adviser John D. Ehrlichman.

Finally, Gray informed Walters on July 6 that unless he was given something in writing to the contrary, the investigation into the money would proceed (Walters offered no objection).

That same morning, Gray testified, he spoke to Mr. Nixon on the phone and warned him that some of his aides were trying to "mortally wound" the President. Gray said that Mr. Nixon asked no questions about this statement — neither to ask what Gray meant or whom he had in mind. Rather, Mr. Nixon replied, according to Gray, "Pat, you just continue to conduct your aggressive and thorough investigation."

In his May 22, 1973, statement on the Watergate affair, Mr. Nixon referred to the attempts to limit the FBI investigation and said, "I was not aware of any such efforts at the time." The June 23 transcripts make clear, however, that Mr. Nixon was well aware of the efforts and also explain why he failed to question Gray about the warning that aides were trying to mortally wound Mr. Nixon.

The President's next

known brush with the cover-up occurred on Sept. 15, 1972 — the day seven men were indicted by federal grand jury here in connection with the Watergate break-in and bugging.

White House counsel Dean, who had been managing the cover-up on a day-to-day basis, testified that he met with Mr. Nixon and Haldeman in the Oval Office on that day.

During that meeting, transcripts have shown, President Nixon commended Dean for the way he had plugged leaks. In addition, Mr. Nixon told Dean of plans to punish administration enemies after the election.

Dean testified before the Senate Watergate committee that he "left the meeting with the impression that the President was well aware of what had been going on regarding the success of keeping the White House out of the Watergate scandal . . ."

Dean and Mr. Nixon did not meet again until late February, 1973, when they held a series of meetings to

discuss the upcoming Senate Watergate committee hearings. Dean said he tried to encourage Mr. Nixon to take the lead in telling the truth about the Watergate affair, but without success.

The climax of this effort, according to Dean, came in a morning meeting on March 21, 1973, when Dean outlined the cover-up in a broad way for Mr. Nixon. During and after Dean's presentation, Mr. Nixon showed neither shock nor outrage at what Dean told him concerning perjured testimony and money payments to the Watergate defendants from re-election committee funds.

Mr. Nixon subsequently referred to March 21, 1973, as the date that he learned for the first time about the cover-up. The June 23, 1972, transcript makes clear, however, that Mr. Nixon knew of the cover-up nine months earlier, and already knew the answers to many questions he asked Dean.

The June 23, 1972, tape also provides substantiation for Dean's argument that he was being made a "scapegoat." Rather than being the principal architect of the cover-up, as the White House claimed in June, 1973, Dean was a pawn whose movements had been programmed, if not directed in details by Mr. Nixon.