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The Continuing Cover-up

It is hard to believe, but a close reading of the President's Monday statement and the released, edited transcripts of the June 23, 1972, White House tapes indicates that a desperate, last-ditch attempt to cover up is still going on.

In his statement, Mr. Nixon said that when he listened to the June 23 tapes this past May, "I did not realize the extent of the implications which these conversations might now appear to have," although he "recognized that these [tapes] presented potential problems." That is not a true statement: He knew they were serious and so acted.

On May 5, 1974, Special Prosecutor Leon Jaworski and two deputies, Philip Locovaro and Richard Ben-Veniste, went to the White House to talk with the President's lawyers. They had earlier subpoenaed 64 additional White House tapes, and the President's lawyers had moved in court to quash that subpoena. That day, Jaworski declared to Mr. Nixon's lawyers that if the matter were litigated further, he would have to disclose in court that the

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Watergate grand jury had named Mr. Nixon as a co-conspirator, since his best argument, to get the tapes, was that they involved discussions among conspirators. In such a situation, Jaworski said, he would maintain that executive privilege could not successfully be asserted.

Jaworski added that he did not want to take that course — that he wanted to avoid having to reveal that the President had been named a co-conspirator. Rather, he suggested the matter could be settled out of court if the White House provided 19 specified tapes, almost all of which were among the 64 already subpoenaed.

The next day, May 6, the President's lawyers went to court and asked for a delay. Later it was learned that after Jaworski left the White House, on May 5, the President requested that his aide, Steve Bull, begin supplying him with tapes on the Jaworski priority list.

The President listened to tapes on May 5 and 6. Among the tapes he heard, by his own admission, were those of June 23, 1972. On May 7, the President's lawyers went into court to announce that a compromise could not be reached — that the requested tapes would not be turned over voluntarily. Why did the President turn Jaworski

down? Clearly because he realized the damaging nature of the discussions and not because he failed to "realize the extent of the implications."

The President's latest pronouncement has other misleading aspects. He restates the proposition, contained in his May 22, 1973, statement that "shortly after the Watergate break-in I became concerned about the possibility that the FBI investigation might lead to the exposure either of unrelated covert activities of the CIA or of sensitive national security matters."

A reading of the transcript, shows that statement to be questionable. The transcript shows the idea of using the CIA to stop the FBI was apparently suggested by John Mitchell with no concern at all for either real CIA operations or national security. From the start, the purpose was to prevent the FBI from discovering that money which went to a Watergate burglar originated with the Nixon campaign committee. In fact, before national security was even mentioned the President showed concern that continued FBI investigation of Watergate would lead to former White House aide E. Howard Hunt and thereafter "open that scab — there's a hell of a lot of things and we just feel it would be detrimental to have this thing go any further." What things would open up? "This involves these Cubans, Hunt and a lot of hanky-panky that we have nothing to do with ourselves," says the President. The only "hanky-panky" known to date that Hunt and the Cubans had been involved in prior to Watergate was the break-in at the of-

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fice of Daniel Ellsberg's psychiatrist — an event which Mr. Nixon has maintained up to now he only learned of in March 1973.

On Monday, the President said his May 22, 1973, statement was "based on my recollection at the time—some 11 months later—plus documentary materials and relevant public testimony of those involved." In fact, just one week before the President's May 22, 1973, statement, testimony by CIA Deputy Director Vernon Walters before the Senate Armed Services Committee had been released, outlining the events of June 23, 1972. Walters declared he had been told it was "the President's wish" that the FBI investigation be halted with the five men already in jail and that for the FBI to pursue an inquiry into the Mexican money would "lead to higher ups." Walters' testimony and his memorandum of the June 23 White House meeting were available to refresh the President's memory. Rather

than using that material, the President, on May 22, 1973, used the inaccurate story that served as the basis for misleading testimony by his chief aide, H. R. Haldeman.

The President even presented the public with an illusory gesture when he stated he would "voluntarily furnish to the Senate everything from these tapes that Judge Sirica rules should go to the Special Prosecutor." The judge is limited to turning over only Watergate-related material while the House Judiciary Committee and, most probably, the Senate will want tapes that go beyond—to the abuse-of-power allegations contained in the House committee's Article II of impeachment.

The President made two final points in his Monday statement. He noted that the CIA made an "extensive check" and determined that its covert operations would not be uncovered. Although the President failed to note it, this fact had been revealed by the CIA

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7. Helms' testimony
Director, Richard Helms, to the acting FBI Director, Patrick Gray, on June 22, 1972, the day before the President's intervention. The President also said that on July 6, 1972, he had told Gray to "press ahead vigorously" with his FBI investigation. Again the President did not note that, by July 6, the Nixon re-election committee had destroyed the records of cash payments to Watergate conspirator G. Gordon Liddy and that two committee employees, Jeb Stuart Magruder and Herbert Porter, had worked out a false story to explain the cash that Liddy had been given. In short, the two week delay gained by the CIA ploy had permitted the cover-up to get well under way.

The June 23 transcripts also show that Mr. Nixon's final point—that "the evidence (must) be looked at in its entirety"—is also misleading. The President contended on Monday that "when all the facts were brought to my attention I insisted on a full investigation and prosecution of those guilty." In fact, the new transcripts show that all the facts known at that time were presented to him; he was told, for example, that his campaign chairman, John Mitchell, knew about Watergate; that Hunt and Liddy were involved; that it was financed by his re-election committee. At that moment he blocked rather than "insisted on a full investigation."

His policy was cover-up. "We won't second guess Mitchell and the rest," he told Haldeman on June 23, 1972. And as for cleaning house and finding out for himself what occurred, the President said, "I'm not going to get that involved..." To which Haldeman responded, "No, sir, we don't want you to."