

When Henry Peterson, Assistant Attorney General in charge of the Criminal Division and the man Nixon personally appointed to be in charge of the Department of Justice's investigations and prosecutions, testified before the Ervin committee on August 7, 1973, unintentionally he filled in gaps and made explanations not included in the reporting and not reflected in the committee's questioning.

Peterson told Nixon, if Peterson is believed with deep feeling, that Haldeman and Ehrlichman were subject to prosecution. He told Nixon that if he wanted to avoid "vast embarrassment" he should "get rid of them immediately." Peterson went further, he identified three of the witnesses whose testimony made indictment of Haldeman likely.

This was on afternoon, April 15, 1973. Nixon met Peterson in the Oval Office.

When ~~the~~ Nixon asked Peterson if Dean ~~was~~ should be fired, Peterson was stunned. He said he replied, "My goodness, no!" He explained to Nixon that if Dean were to be fired while he was talking to the prosecutors it would "give the impression that he is being subject to ~~retribution~~ reprisal because of his cooperation."

After this reasonable caution, the very next morning, the first day of work after Peterson warned Nixon against hurting himself and the prosecution, Nixon demanded Dean's resignation.

Aside from what relates to Dean, ~~the~~ Nixon and the two top assistants, one obvious interpretation of this summary and ill-advised act is that Nixon was determined to let it be known that there would be reprisal in return for anyone's doing a citizen's duty and helping the prosecutors. Even talking to them without helping them.

Dean testified that as he waited outside the oval office, he saw Haldeman and Ehrlichman ~~leaving~~ "emerge laughing." They stopped laughing when they saw him.

That is not all Nixon did. According to Haldeman's testimony of July 31, 1973, Nixon immediately gave Haldeman the clandestine tape Nixon made or virtually every breath in his presence that included Dean's meeting with Nixon March 21, 1973. Haldeman had been intermittently present at that meeting. This surreptitious tape is the one that includes Dean's impassioned warning to Nixon about "a cancer growing on

the presidency." (Odd how it wasn't Nixon, was, supposedly, the institution only.)
Haldeman confirmed Dean's words.

Haldeman was typical amnesiac on the date but not amnesiac enough. He claimed not to be able to remember the exact date on which for the first time he or anyone had ever heard any of those secret Nixon tapes made of all his meetings with everyone. However, he did place the date at April 15 or 16. Haldeman's own testimony amounts to ~~this~~ this:

1) Peterson, who is not the first to do so, warns Nixon that Haldeman may soon be indicted on criminal charges;

2) as soon as he can after learning this from the man who of all men in the world should be in the best position to know, instead of firing Haldeman, Nixon gives him the tape to listen to.

Nixon did not give Haldeman this tape to audition to learn what was on it. He said and Haldeman swore that Nixon had already listened to it. Nixon knew what was on the tape. Haldeman did not.

Were Haldeman to be questioned about what he said or heard said at that meeting, if he did not remember, it would not hurt him. There was no need for Haldeman to hear the tape to be reminded of what he had said and heard.

However, by all accounts, Haldeman was present for only a fraction of ~~the~~ ^{that} Nixon-Dean meeting. What Haldeman heard for the first time in his own words is what Dean said, how he warned the ~~President~~ Nixon and about what, and what Nixon's response and reaction had been.

The tapes themselves are the best evidence. It was not for evidentiary use in court that Nixon had Haldeman listen to them. If Nixon were not going to permit any official body to hear the tapes, and he was steadfast on this point, there would seem to be no need for Haldeman to have knowledge of what was on them in his own interest or in his own possible defense.

Aside from this, if Haldeman were about to be indicted, and to the best of Nixon's knowledge he was, Nixon's letting him and him alone have the tapes was a reprehensible act the more so because Nixon ~~was~~ is a lawyer.

If Haldeman had committed any crime to ~~the~~ Nixon's knowledge, Nixon thereby himself violated federal law and became a criminal by simply doing nothing. The law imposes an affirmative obligation on who who knows of criminal acts to report them and ~~xxx~~ provides penalties for those who do not. It is not possible that Nixon, a lawyer, did not know this. To the best of Nixon's knowledge, Haldeman was about to be charged with crimes by the very government Nixon headed, by Nixon's own appointees, and his most recent source on this was the man he had put in charge, a good source even for a Nixon.

Other explanations are, of course, possible. Of these the most persuasive is that Nixon had Haldeman listen to what ^{evidence} the tapes contained not in Haldeman's interest, not for Nixon's knowledge and understanding, but because of the proofs they held against Nixon.

After hearing the March 21 tape, Haldeman didn't have to be told what to forget and what to interpret in special ways. He did not have to be told how to chop away at Dean and his evidence. Nor did he have to be told what transpired in his absence that could or did incriminate Nixon.

Aside from whether or not merely letting Haldeman hear the tape was in itself criminal, it was the incriminating act of a guilty man who had something to hide and was thereby preparing to hide it.

If it cannot be proven, it can also be interpreted as having the intent of suborning perjury. If Haldeman knew anything he said he could not remember or he if heard on the tape anything he felt it best to say he did not remember and testified that he did not, a distinguishing characteristic of his testimony, whether or not it can be proven it is a crime. If Nixon induced this, he committed the crime of suborning perjury.

Presumably these crimes were the least of the worries of Nixon or Haldeman.

All these things were known to Peterson at the time he testified, when he protested so emotionally he singular dedication to the law and to justice, even he he had to, as he put it, "walk up" the Congress with evidence for impeachment.

However one interprets these uncontested events and their sequence, the one interpretation not possible is of innocence.