

## The Smoking Guns

For almost two years a guilty Nixon, aided, abetted, egged-on, field-marchalled and pepped up by a staff that shared a variety of his guilts had fought a rear-guard action. He had escaped impeachment. He had escaped much more, depending on the time. At the beginning, based entirely on the lie that for two years, until this writing, was unexposed, he escaped any retribution of any kind. He was re-elected by a sensational margin in popular votes. He won in every state except Massachusetts and the District of Columbia. He did much better than his party, from which he had virtually divorced himself.

In this exceptional accomplishment made possible only by the abdication of all the institutions we believe protect society he added a new word to the language, "stonewalling." It does not have the connotation school children give the nickname of the Civil War general who stood and fought like a stone wall stands and resists. It comes from Nixon's tapes, the meaning given to a combination of dishonesties and the determination beginning with lies that were only too often criminal lies, perjury, and of which those responsible for these lies, where they were criminal, also were criminals, having suborned perjury.

The Nixon gang couldn't even tell the truth with their lingo for pretending to, "hangout." Would they go "the hangout route," they would sometimes ask each other, for all the world as though they dared tell any appreciable part of the truth. In this they meant make the pretense of telling the truth but better lies that sounded like truth blended with a little distorted fact "hang out" and be seen. ~~xxxxxxx~~ His own tapes show that it was not long before Nixon and company decided it was too late to "take the hangout route." As they used the phrase it is a rough equivalent of indecent exposure.

That his ultimate fall - he resigned August 8, 1974 - took so long is a condemnation of all the protections of society for their combined inadequacies and failures as it is an endorsement of the one quality in which Nixon could really boast accomplishment and achievement, the black arts and dishonesties.

As his entire life was built upon nothing by competence in crookedness and the assortment of dishonesties which injected him into and enabled him to rise in political life, so also was his survival in the Presidency entirely attributable to the most complete lack of conscience and scruple ever come to light about any American political figure.

The most comprehensible proof of this is in those very transcripts, cooked and crooked as they were, of his own tapes, the smallest fraction of which only came to light. No man has ever been as thoroughly self-condemned.

Excellent as Nixon did in all that is condemnable in a man and a public figure, his two years of unimpeachment would have been ~~with~~ impossible if he had not surrounded himself with a collection of the like-minded who shared his determination and because, in varying degrees, they became part of his catalogue of crimes and each had the compulsion to stand by him not only in loyalty but from need, the need to escape jail.

One of the pervading qualities, other than dishonesty, of this gang he collected is that without notable exception they all believed in an authoritarian society with him their substitute for and equivalent of der fuehrer. It was more than the equivalent of a monarchy. It was much closer to an American variant of fascism, as much as law, practise and the limited resistance they met permitted. Congress would enact laws and Nixon and his gang would violate them with impunity. For each illegality he had a high-blown description that converted it into what his following could consider principle. Money would be voted for the needs of the poor and he would not permit it to be spent in the interest of the economy while he personally raided the Treasury as it had never before been done. He spent more in needless trabel, as though to escape the ghosts he saw in the White House, than it would have cost to build many schools, schools that were not built. He demanded and got new airplanes and helicopters for which there was

no need. Not even to escape the ghosts of presidents past did he need this aviation. It was mere indulgence of authoritarian whim. He was a dictator and anything he wanted was his merely because he was a dictator.

The tapes reveal that he and his gang referred to him not as the President but in terms of the institution, the Presidency. This sick man, this crook, this ~~bankrupter~~ bankrupter of a wealthy land, this incompetent who presided over disasters that will linger for years, this man whose only accomplishments are the direct result of his stopping making what was possible impossible, became in his mind and in ~~that of the~~ the minds of the felons of greater or lesser felony with whom he surrounded himself the symbol of the national heritage and it is by this concept that he and they were able to avoid facing the evil they initiated, perpetuated and shared.

It was all so sick, so authoritarian, so anti-American. And costly far into the future, if not in perpetuity.

It was possible cause even the brave were cowards, because all the protective mechanisms failed.

When in the end he fell - still unimpeached - it was his own doing, the inevitable consequence of his own criminality, his own lies, his own lack of real competence.

His own insecurity, too. Were he not a man who could never bring himself to let himself recognize that he could err, were he not the creature of this sickness of the mind that demanded of him that he constantly assure himself that he really was something, he had an alternative and he might well have pulled it off.

But he was insecure, he did fear, and he did not dare take the risk all measures, all polls, told him was a safe risk. If he had told any acceptable but severely limited part of the truth to begin with he could have gotten away with it.

If he had taken the "hangout route" and made slight confessions with regret he could have gotten away with it. He "stonewalled" and in the end he was up against that wall.

It took a long time. Many factors and people contributed to it. The trigger, the single act of person of most consequence in it may never be identified. It may be

that is McCord had not come to believe his own lawyer was screwing him and part of a plot to blame his beloved CIA for Nixon's crimes McCord would not have written the letter to Judge Sirica that was a hole in Nixon's stone wall. It is even more probable that if Nixon were not the cannibal he and his closer advisers were and had decided to sacrifice John Dean there might have been a different end. John Dean told a story that was truthful if incomplete and did hold up and did limit the ability of political cowards to be as cowardly as they had been.

The irony here is that the earlier Nixon had condemned the earlier Republicans as cannibals for consuming themselves when they got caught in more minor crookedness, the petty scandals of the Eisenhower administrations, those fancy coats and paid-for hotel rooms. Yet he did it himself, for all the world as though he expected the man he had been framing from the very first to go quietly and contentedly to the slaughter. It is only when Dean had no alternative, facing slaughter or confession, that he started that marathon confession/exposure that, little as it accomplished and little new that it brought to light, gave the Senate Watergate committee no alternative, either. It had to explore those of Dean's charges that had been leaked already, those he made to it. As we have seen, this was far from all he could have said. Other Senate and House committees suppressed other of his not unwilling confessions.

This strange sickness, the need to feel that he was somebody and that the whole world was wrong while he was right - that he was beset only by enemies - and a consuming greed are what in the end did Nixon in.

There is this Ameriform monarchical view of the president, whoever he may be, that keeps the press from calling him a crook if he is a crook and never remembers its own exposure of his crookedness when the people vote. Nixon has a clear public record of dishonesty with money, had it all his life, and it figured not at all in all the exposures of The Watergate. He robbed the Treasury regularly. He violated the law to keep the gifts that belonged to the nation that were given to him and his family only because he was President. Maxine Cheshire in The Washington Post of September 22 and 23, 1974, had two lengthy and detailed exposures emphasizing the treasure in jewels alone that even after he was forced out Nixon was trying to steal, with the support of his own

appointees still in office who wtoasted interpretations of the law so much that the General Services Administrator, Hugh Scott's gift to the public service, ruled that even the list of what Nixon was trying to heist was Nixon's personal property!

His greed ruined Nixon where the forces of honesty and decency lacked the courage.

There never was any real investigation. Much of what could not be avoided was suppressed. With my own experience, this extended even to court records, public evidence, what the law calls "public information." Those who might have had the courage and gave ample indication of it, were foiled off to begin with. The House Banking and Currency Committee was frustrated by Nixon operations, as confessions and evidence before the Senate Watergate Committee proved. Until there could be a ~~stakaxkaxkaxkaxk~~ Senate decision on a special investigation, Senator Edward M. (Teddy) Kennedy and his administrative practises subcommittee, ~~skrike~~ limited by a small staff and no special appropriation, did keep a small investigation going, a sword over Nixon's head. Either or both, had the ultimate investigation been theirs, might have done a more thorough job.

Probably the best job and by far the best exposure was by the House Judiciary Committee when it finally, for all the unwieldiness of its 38 members, got around to considering Nixon's impeachment. Yet it never conducted any investigation! It had a large appropriation, a large staff, it worked hard and well, but all it did was assemble and make a case of what had been done by other plus seeing more evidence from Nixon.

And this is where his greed did him in.

When the first special prosecutor had sought evidence from Nixon's stack of it, Nixon fired him. It was called "The Saturday Night Massacre" of October 1973. The strong reaction against it hurt Nixon mightily, but he survived. After this, however, nobody dared not press for this same evidence because he who did not sacrificed himself. Leon Haworski, the second special prosecutor, and the House Judiciary Committee, both subpoenaed hi those of Nixon's tapes they could prove in court they required ~~in~~ and ~~xxxx~~ were entitled to as a matter of law.

Why were these tapes around to be subject to subpoena?

Greed, Nixon's greed. They were to be his testimonial to himself, the record he would corrupt and rewrite into a record of his greatness and sell for millions.

literally millions in dollars plus the comfort to the sick mind, the need to feel unearned greatness.

After this unprecedented disgrace, Nixon wound up with Irving Lazar as his literary agent. Lazar expected the bidding for Nixon's story- for all the world as though one could expect honesty or confession from him - at \$2,000,000. The newspapers are full of this beginning \_\_\_\_\_

Only ~~was~~ a man consumed by his own greed would not have destroyed all those tapes rather than leave them around to become the noose from which he would hang. But not Nixon! He kept on making more tapes! The machine ran, the microphones were activated by sound so they ~~would~~ would miss no single word, and all his conspiracies after the fact, after his second-story men were caught, also would be captured on tape.

When he recognized that these tapes held proof of guilt, some of these were erased. Others just disappeared.

It was all so crazy! But so was Nixon, otherwise all would have been different.

Imagine a mind so sick it would preserve the sample we have quoted of only that minuscule portion of these tapes that Nixon, by <sup>then</sup> ~~then~~ being pressed to the wall, had to release the end of April, 1974!

Nixon wasn't even a good crook. He tried to steal everything. He didn't have the sense ~~in~~ of a common street criminal whose survival instinct tells him to drop the bundle when it slows him down, can mean his capture.

So, incriminating as the crooked versions of the tapes Nixon released were, there was still more and because he had not destroyed them all to begin with more than enough remained after the mysterious disappearances and ~~the~~ unexplained erasures to be what in the House Impeachment inquiry came to be called "the smoking gun." Those who stood by Nixon, their political futures demanding it, also demanded a "smoking gun"/<sup>in his hand</sup> as proof of his crime.

His greed and popular revulsion and the minimum survival needs of all others, including the Supreme Court he dominated by having appointed four of its nine members, eliminated any alternative to exposure. Not full exposure, but enough. Again he was forced, as he had been the end of April, to make the initial release himself to diminish the

impact of what was yet to come. Staggering as was the little he let out, it was more than enough to forecast greater sensations to come, to eliminate what support he still had left in the House and Senate, and to give him no choice but resignation. If he had not quit he'd have been tried and convicted and the prospects of his then <sup>another</sup> adding a first to the ~~fixate~~ long list of evils in which he was first among presidents -the first president jailed - would have been more probable.

The developments that led to the end probably started February 25, 1974, when the House Judiciary Committee made formal demand for tapes of 42 conversations. The prosecutor who asks for evidence for a grand jury is bound by secrecy. The House was conducting an investigation in public. This meant that if the House obtained the tapes their content would become public. That in time meant Nixon's late-April release of his own perfumed versions.

But then the grand jury wanted more. Nixon resisted. The issue went to the Supreme Court. By this time fewer than one in four Americans would record themselves in the polls as in any support of the President so overwhelmingly re-elected. If Nixon had not obeyed the Supreme Court he would, without question, have been impeached, narrowing his options and whether or not ending in his going to jail, ending all the emoluments lavished on past presidents, an annual fortune.

There would have been an uproar without precedent if the Supreme Court had not ruled the evidence had to be delivered. It in fact voted unanimously against Nixon.

*The deal was handed down July 24*

With no alternative to delivering what was ordered to the grand jury, where it would remain secret only until the first trials, then less than two months away, Nixon had to run another risk, making some of this evidence public in the hope that he could get away with another of his endless lies.

It failed.

Ordinarily what he was forced to release, which is far from what was sure to emerge in the end, would have required the rewriting of a book like this.

No president had ever so thoroughly condemned himself, No President had ever so completely proven himself a liar and a man without character and a criminal. Even

then the internal evidence proved crookedness. The release, presented as complete, was incomplete. The number of pages of transcript could not possibly account for the elapsed time.

All of The Watergate and all the suffering and all the future suffering are an Ameriform fable of The Emperor's Clothes. The trouble is that in all of societies mechanisms for its own protection there was no little boy to cry "Naked!"

The last Nixon release was indeed a "smoking gun."

The fiction is that there was no smoking gun until that release.

It is fiction. False as it can be. The evidence was there all the time. Only nobody had the guts to face it.

There was terror in the land, all those with real influence terrified. The fear was of the people, a false and defamatory allegation that revelation of the truth somehow would be beyond the tolerance of the people.

It was, of course, nonsense. Rather was it the excuse for the fear of those who had and failed to use the power they require to preserve a decent and honest society.

The people were not afraid. There was no need to conceive them as or treat them as children. This was the excuse of those whose two years of abdication made two years more of Nixon and the countless added years of the national harvesting of thorns thorns it inevitably means.

In 200 years there is no emergency to which the people have not risen, none they did not meet. This is the American tradition. Soldiers who fought the Revolution simultaneously made their ways home and planted crops so their families might survive. Americans then risked hanging for principle. Even wrong wars the people fought.

There is, in fact, no people of whom this could not be true. But there never was any reason to fear the American people could not face the reality of Nixon and The Watergate.

This was the copout of the abdicated leadership, not of the people.

And because one of the points this book is intended to make is that in time of crises it is the national leadership not the people who fail, there is not only no



need to rewrite around the smoking gun, there is the need to let it be seen that the smoking gun was there all the time.

All that was new was the inability of national leadership in all its form to admit it was there. This meant, really, that it was no longer possible to pretend it was not there. It took the form of admitting this smoking gun had suddenly appeared for the first time and lo! what had to be done could be done.

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But I had had to lay it aside for other work. I am and have been the volunteer, unpaid investigator for James Earl Ray, the untried accused assassin of Dr. Martin Luther King, Jr. Years of effort succeeded on June 3, when the Supreme Court ~~was~~ upheld the ordering of the Sixth Circuit Court of Appeals, in effect ordering a hearing in federal district court to determine whether Ray would at long last receive a trial.

And then on June 14 the Archivist of the United States finally capitulated after I had been fighting for a suppressed "TOP SECRET" transcript of an executive session of the Warren Commission. This transcript and its nasty secrets about the non-investigation of the JFK assassination had to be published, as fast as possible. So, I began writing WHITEWASH IV: TOP SECRET JFK ASSASSINATION TRANSCRIPT the day after I received this transcript, June 15. Not until the morning of September 24 was it possible to begin part-time completion of the draft of this book.

By then it appeared to me that one of the essentials of telling the sordid story of The Watergate and how for so long Nixon was able to escape impeachment is to make it clear that this smoking gun explanation of the end of Nixon's Presidency is a phoney. The evidence was all available. Most of it had been published. What was not was easily obtained. And what I had with ease obtained that had not been published remained unexposed after Nixon's ~~his~~ fall in unprecedented disgrace.

If there is to be any kind of free and representative society its institutions must not only work - they must work in time.

With The Watergate they did not begin to work until there was no alternative. They never worked in time or with efficiency. All the protections of society, from the press to the system of justice and including the politicians, despite a few exemplary performances, failed and failed utterly and disastrously.

Had this not been the fact Nixon would not have been unimpeached.

Had he not clung to power and corrupted and misused that power, had he not held all of national life in bail to his survival, there would not have been the long travail. The disaster to the economy ~~is but one of the unavoidable costs.~~ is but one of the unavoidable costs. The less visible, insidious influence on political life is a terrible cost.

Do the people have cause to have faith in the political system?

Does the political record in The Watergate justify faith in the political system?

When an Attorney General can commit serious crimes and escape any punishment - when he is in fact praised for his subversive felonies by a federal judge - can there be any reason for popular trust in the workings of what is called justice?

When the administration of justice is contorted to protect the worst criminality in the nation's history - and this Watergate subversion of all of national life is the worst of possible crimes because it cut the roots of national life - is there not ample reason not to trust either the administration of justice or the government of which it is part?

Is there reason to trust the press when it refuses to print what is not leaked by one with his own skin protected by his leaking?

When the press honors itself for investigating while refusing to investigate?

These are only some of the grim realities that are going to have to be confronted if we are to have a society bearing any resemblance to the one we thought we had.

If these realities are not faced and if there is no reform, there will be more of the creeping authoritarianism of which The Watergate is but part.

And so, ~~we~~ <sup>to</sup> show that the smoking gun was there all the time, <sup>instead of rewriting</sup>

around the national fiction of the smoking gun, I show that it was there all the time, that one man under considerable handicaps was able to prove it was there all the time, and that all that was new is a little more smoke.

Nixon's release of August 5, 1974 was no more than a light shining on the smoke that was there all the time.

It added detail, not fact.

Extra space

Before considering the exact language of the released June 23 tapes and the <sup>more</sup> significances they hold that still again were never reported by the major media, back - ~~ground~~ *ground and context.*

Earlier tapes had been destroyed or later were claimed not to exist.

Nixon was not out of contact with the world outside Key Biscayne beginning when those arrests were made and prior to his return to Washington late on the second day thereafter, June 19.

Nor was Nixon unaware of what his release of these tapes, with others to follow at the court's order, would do to those with whom he had been associated. Or what it would require of each: defending himself or disclosing the incriminating truths about Nixon himself.

When Nixon had reluctantly let Haldeman and Ehrlichman resign the end of April, 1973, he knew them both to be felons who had committed their felonies in his interest. Yet he praised them as the two best public servants ever. Why should a President so commit himself, out himself for sin and against motherhood, the cardinal political blunder, when he knew there were felons and had to know that in time their guilt would come out?

Common-sense analysis, not fact, provides the answer: he was part of their felonies. They were all in it together and they sank or swam together. They had him by the throat.

This is the situation and the problem Nixon never escaped.

Only two months after Haldeman and Ehrlichman left, the conservative columnists Evans and Novak (Post 7/6/73) reported the resultant problem:

"Trying to chart President Nixon's strategy for surviving Watergate, his advisers

are confronting this tormenting dilemma: how can he disengage from former lieutenants H.R. Haldeman and John Ehrlichman without dangerously antagonizing them?

This was prior to John Mitchell's testimony before the Senate Watergate committee. There was less worry about what Mitchell would say, and he perjured himself to defend his old friend and former partner, Nixon.

"One close Nixon adviser gives this appraisal of the situation: there is no way Haldeman and Ehrlichman... can avoid indictment. The President, therefore, dare not tie his defense to theirs. But neither dare he blame them for the scandal for fear of a murderous backlash from them. He must continue to target John E. Dean III as the cover-up conspirator.

The memorandum given the Senate a week ago by White House counsel Fred Buzhardt clearly violated that strategy by predicating the President's innocence on the Haldeman-Ehrlichman defense...

But a "knowledgeable Nixon aide" told the columnists that Dean "never did anything without orders from Haldeman and Ehrlichman."

Buzhardt's memo was an attack on Dean's testimony.

The column poses a close to impossible situation to be contended with. There was no way of separating Nixon ~~xxxxxxx~~ from Haldeman and Ehrlichman and no way of separating Dean from that pair, either.

Once Nixon opted "the cover-up road" and the stonewalling it required rather than the limited "hang out" anyone but a fear-ridden paranoid of any political experience would have taken, this was his problem that could in the end have no solution short of disaster.

But "to target on Dean" guaranteed Dean would go to jail a villain or would have transcripts to fight back. The tapes show the cunning of the Nixon-Haldeman-Ehrlichman trio in plotting the case against Dean. What they do not show is how a savvy man like Dean did not realize from his first wrongful act, which was his first act on returning to Washington duties June 19, 1972, made him the inevitable patsy for the pair he should have understood to be without scruple. One of the mysteries is why Dean, loyalist or not, did not tumble to the inevitability of his having to pay for the crimes he knew he was committing.

Compared to others, Dean is heroic in The Watergate for his detailed and accurate confessions. But compared to what he could have exposed, his marathon performance

before the Watergate committee was less of an exposure than it could have been. We have seen some illustrations. In Dean's defense there is the fact that witnesses do not testify to what they know it unwanted. The record of ~~the~~ <sup>this committee's</sup> spectacular, popular and important/~~despite~~ its defects that meant it, too, was covering up, is clear: there is much to choose not to go into. If it elected not to air what Dean had testified to about the CIA, Dean can't be faulted for that.

With all he ~~now~~ remembered in elaborate detail that was rarely in error, Dean did not testify to what Hunt's later testimony should have reminded him of if, indeed, as seems improbable, he forgot it.

It is possible to interpret Dean's testimony as an effort to save himself while at the same time incriminating Nixon as little as possible, focusing instead on those around Nixon, those ~~men~~ from whom it turned out Nixon could not be separated from.

Hunt claimed in court when he appealed and before The Watergate committee that evidence consisting of two notebooks that he needed for his defense were not returned to him from his White House files. From Hunt's own description of the contents of those notebook, the names and addresses of those with whom he worked, the only use to which they could be put was incriminating others and laying out in greater detail what he had done for Nixon. Or, incriminating Nixon.

What happened to these notebooks was a mystery until November 5, 1973, when Watergate assistant prosecutor Richard Ben Veniste told this story to Judge Sirica.

Dean has said he out those notebooks through the paper shredded the day he supervised the emptying on Hunt's safe, claiming to believe they contained information about the Ellsberg break-in, then still unexposed. (Post 11/6/73)

But Dean has also testified in public to turning everything over, those secrets to Gray and the rest to FBI agents.

The Friday before this "onday admission to Sirica Dean finally told the prosecution ~~the~~ a story he had denied only two months earlier, that these Hunt notebooks had existed. (Post 11/6/73) Instead he said he "found" them in January 1973 in a folder holding information about Nixon's tax and estate matters.

A White House spokesman told the Post "The President did not know that the notebooks were in the estate file." Ben Veniste told Sirica that while Dean had not admitted "misfiling" this Hunt evidence, "it is fair to assume he put them there." (Post 11/6/73)

This is intended to show that desperate as Nixon's lying appears to have been in looking backward and that while he had to have known the total dishonesty of his course once he took the cover-up trial and stonewalled, Nixon also knew that he was being covered by others to the degree their own situations permitted. He was not utterly and completely irrational. He knew the whole truth had not been told, he knew the Hunt bribing had worked, he knew significant secrets were being kept by those who appeared to be confessing all.

There is case after case of this. Without/it Nixon might well not have dared lie from the first. The authoritarian Nixon depended upon his subordinate authoritarians.

Another instance since forgotten and so little regarded by The New York Times that it buried the story on page 13 (8/3/73) is another exposure Dean could have made.

It was adduced from one of his little known assistants, Roy Kinsey, in the civil suit *Filed by the Center for* *Corporate Responsibility, which had been denied tax exempt status* Common Cause had filed. Kinsey's deposition was filed in court August 2, 1973. It here has importance not only because it is evidence that all was still not hanging out but because of what it adds to what is known of ~~Watergate~~ the kind of Colson operation ~~he~~ really ran for Nixon, one of the reasons there was the mistrust of Colson when he was not with Nixon and the others and explanation of what will be seen in that those June 23 transcripts.

The domestic spying and dirty-works Colson operations extended even to having other members of the White House staff ask IRS #for the names of contributors to the National Council of Senior Citizens." Even the old folks joined together to help themselves in their years of need were not safe from Nixon if he or Colson saw any way of leaning on them of those who helped them. Colson's explanation was "this outfit is giving us trouble." What he meant by "trouble" is asking "for higher Social Security benefits, national health insurance and other legislation for the elderly." (NYTimes 8/3/73)

This was subversion to Nixon? This made old folks and those who helped them his "enemies?"

Another was Colson's pressuring of Common Cause, the well-known citizens' groups seeking means of effecting honest elections.

Kinsey swore to four such Colson orders. <sup>Kinsey</sup> ~~He~~ also swore that Colson had asked it ~~tax-exempt~~ inquiry into the reasons for "an apparent delay in granting of tax-exempt exempt status to a California Republican group."

Getting tax-exempt status for Republican political groups while seeing to it that the legitimate tax-exempt status essential to the survival of public groups was denied was another of Colson's political functions for Nixon.

Toying with IRS and bludgeoning it into forbidden acts is another set of crimes.

IRS did respond. While there were no contributions in excess of \$5,000 to the old-folks' council, the only ones required to be reported, the IRS' "answering memo to Mr. Colson...gave figures on the over~~all~~ -all income and expenditures for the council, the only figures available." (NYTimes 8/3/73)

All we have been considering because it is the essential content of the transcripts Nixon released the end of April and of those of June 23 that follow relates to the break-in itself, to ~~unt~~ and bribing him and the bribery he then undertook for Nixon, to the Cubans and related matters. However, it is important not to be led to believe that these are the only crimes, the only impeachable offenses, the only acts and misdeed for which Nixon could have been impeached or that he had to suppress to remain unimpeached.

The complexity of the political and criminal operations is enormous. If all cannot be held in mind, that they are not as limited as the "smoking gun" fatal shot tends to persuade need be kept in mind. There is virtually no aspect of government not tainted, corrupted or subverted in Nixon's political interest as he and his henchmen saw this interest and virtually nothing he and they would not do, whether or not paranoid and without need, if they perceived any need in their common effort to keep him in office and to reorder society as they wanted it reordered.

The stark and irrefutable content of ~~the~~ <sup>these</sup> fatal-shot June 23 transcripts tend to obscure all else. They appear to be incredible, to record the impossible, but they are only too real and too tragic. They do require analysis because when they were reported much of their meaning was not reported. So before getting to them other

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explanations can be helpful.

Nixon released them only because once again this potentially suicidal act was the least dangerous of his alternatives. After he released them it became known that he expected the special prosecutor to have them and the rest of the incriminating evidence he did not release ~~in~~ within three weeks. (Evans-Novak column, Post 9/7/74) Making the ~~file~~ <sup>release</sup> himself permitted him to make some explanation, to play for a break; to make his confession and his criminality seems to be as little of a confession and other than criminal. If the attempt failed, the choice was between making the unsc~~cessful~~ unsuccessful effort and running a greater risk. This had been deliberated the previous weekend when Nixon and a few advisers hid themselves at Camp David.

The House Judiciary Committee had voted to impeach Nixon. Its deliberations had been telecast. They were impressive. The efforts made by the minority of pro-Nixon Republicans had been futile, were disputatious rather than factual, and except for their appeal to the Nixon hardcore, had actually helped convince the people even more of the impossibility of Nixon innocence.

The popular reaction to these public debates nothing like which had ever been telecast before was itself close to fatal to Nixon. There was little doubt that the full House would ~~not~~ agree with its committee and vote to impeach. But there would first be debates in the House chamber. After these added deliberations there would be <sup>world</sup> the vote that ~~surely would~~ have been a bill of indictment the House sent to the Senate, where the trial would be held. ~~But the House would not vote to impeach, that Nixon would be the second President it ever voted to impeach and the first convicted by the Senate, would have ended forever if the content of these "une 23 tapes alone - not the other certain incriminating evidence but these so completely comprehensible and beyond explaining away - would be over if any word of their content leaked out prior to or coinciding in time with the House vote.~~

What little doubt there was that the House would not vote to impeach, that Nixon would be the second President it ever voted to impeach and the first convicted by the Senate, would have ended forever if the content of these "une 23 tapes alone - not the other certain incriminating evidence but these so completely comprehensible and beyond explaining away - would be over if any word of their content leaked out prior to or coinciding in time with the House vote.

This alone required Nixon to take his last great chance, to try to put the best possible face on the ugliness of his Presidency and ~~his~~ his Watergating, which is to say his criminal and subversive acts.



This is what he had done with his late-April transcripts release. It had not been fatal. He had then been able to misrepresent their content and to get away with <sup>controlling</sup> it for two days of news coverage by first <sup>it edited and corrected</sup> talking to TV, then issuing a statement and then delaying the actual release of the actual transcripts.

This time, however, the Supreme Court had ruled. No Justice sided with Nixon.

Had he ~~stated~~ dared defy the Supreme Court after the Judiciary committee voted to impeach, the vote of the full House and of the Senate to convict would have been inevitable and overwhelming.

However, this desperate attempt to stop his ~~inwashment~~ "enemies" at the impeachment pass was potentially suicidal because of more than the disclosures about Nixon's guilt. It seriously jeopardized others, especially those already indicted. Of these many, let us take a few illustrations from the public and obstructing justice only. Haldeman record and the charges of perjury. Not all. Just a few, and these not from the committees' a single news story. transcripts but from/

18

~~\_\_\_\_\_~~

Holloman was present at a meeting held on June 23 <sup>meeting</sup> by the Senate's  
 appointments subcommittee on the Nixon case. He had only very sketchy  
 knowledge of that case at the time of the meeting. He had no reason  
 to believe that anyone in the White House was involved in the case, therefore,  
 to seek ~~cover~~ <sup>any</sup> cover for Nixon or the investigation from the White House. (Post 8/3/74)

Holloman on the case was "convinced that Nixon had no intent or desire to  
 invade or cover up any aspects of the ongoing investigation itself." (Post 8/3/74)

Before the Watergate <sup>to</sup> scandal, he says he could not recall either ~~with~~  
 Nixon or himself discussing any problem of any connection between "the Mexican money"  
 and the CIA. (Post 8/3/74)

For they ~~had~~ <sup>had</sup> seen the evidence that would have shocked the Special Prosecutor  
 in a few days of time had not Nixon's interest required its release <sup>as he released it out when</sup> ~~before~~  
 they ~~had~~ <sup>had</sup> discussed it in any detail and the subsequent history of Watergate,  
 covering up the case and Nixon's "innocent" denial.

These few illustrations as they relate to Alderman alone, are virtual assurance  
 that Nixon guaranteed Alderman's conviction. Of course it is also true that had Nixon  
 not released the information, the prosecutor would have had them anyway.  
 But in releasing the information, he intentionally jeopardized motions Alderman was  
 making in the courts and trying to "bring in" friends to raise a defense fund for him.  
 Therefore, he did not care about

whether ~~it~~ <sup>it</sup> was necessary for Nixon to begin  
 stages of litigation. This is what he was

doing. He was not trying to make Nixon, regardless  
 of how much ~~information~~ <sup>information</sup> he had, to tackle his toughest fight.  
 He had to do this because he knew for Nixon he would not concern himself  
 with what he was doing.

Before ~~the~~ <sup>the</sup> scandal broke, there was no demand for fact and detail as there  
 was with the Watergate case, and there was no demand for the Watergate evidence.

*meeting*

...the Senate's  
 Appropriations Committee... very extensive  
 knowledge of the...  
 to believe that... no reason, therefore,  
 to seek... (Post 8/8/74)

...no intent or desire to  
 invade or cover up any... (Post 8/8/74)

...could not recall either...  
 Nixon or... "the Mexican money"  
 and the... (Post 8/8/74)

...Special Prosecutor  
*as he released it out when*  
 ...required its release  
 They... the subsequent history of Watergate  
 covering up... Nixon engaged in.

These few illustrations, as they relate to... are virtual assurance  
 that Nixon guaranteed... Of course it is also true that had Nixon  
 not released... the prosecutor would have had them anyway.  
 ...notices Waldman was  
 ...to raise a defense fund for him.

...any need for Nixon to begin  
 stage... (Post 8/8/74)

...Nixon, "unless  
 ...toughest first.  
 ...concern himself  
 with what... (Post 8/8/74)

...in bail as there  
 was with the... (Post 8/8/74)

There were taped conversations and other taped records prior to June 23. They were destroyed, they just "disappeared" or they were alleged not to have existed at all. The destruction of those 18 and a half minutes of the tape of Nixon's first meeting with Haldeman the morning of June 20, 1972, which was the first time Haldeman could have made a full report on what the FBI had by then learned, from the Gray memo of the day before, was certified by the court's experts to have been deliberate, as we have seen. Why destroy the June 20 tape and leave incriminating evidence of it and not destroy ~~that~~ it of those of June 23? The obvious answer is that the earlier tape was even more incriminating.

Only those unwilling to recognize what is the essential in any government could pretend any doubt that Nixon was informed of all there was to know as soon as any of his subordinates obtained knowledge. This is the way we began, with the obvious, that Nixon had to have known all there was to know from the very first because of his own knowledge and because all governments function that way. The head of state has to know what he must know. He has to make or authorize the crucial decisions and no adviser no matter how close can make any independent decision when the head of state himself is endangered by it. It is not unreasonable to assume that in those earlier conversations, reactions and comments and expletives deleted were less restrained, more open, more guilty and less subject to twisting in special interpretations. A listing of these that are known when we examine the June 23 tapes that followed them will make such clear.

The June 23 tapes release presented jeopardy to others <sup>over earlier hanky-panky</sup> and tended to make Nixon's guilt or guilty involvement in them more certain. A brief review of the history of the destruction of that part of the tape of the first Nixon-Haldeman meeting after Haldeman had a copy of the Gray recounting of what the FBI had already learned shows this. It also underscores the magnitude of the content of the June 23 tapes and of the lying and perjuries about them.

20 fols.

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When Nixon, by then having no real alternative, delivered the June 23, 1972 tape in conformity with the order of the Supreme Court and it was found to hold all this incriminating evidence, there were renewed conjecture over the destruction of 16 and a half minutes of his June 20, 1972 tape. Jack Anderson (Post 8/12/74) quoted "sources close to the prosecution" as wondering why ~~Nixon~~ the erasure of the June 20 tape and the disappearance of all else relevant and not that of June 23 when it was so incriminating?

Answering this question requires ~~two parts. First, who could have had the desire and the opportunity to get rid of these June 20 words and then why.~~

Nixon took the June 20 tape to Camp David with him on September 29, 1973. (Post 8/12/74) Steve Bull obtained the Uher 5000 tape recorder for Nixon's personal secretary, Rose Mary Woods, on the second day thereafter, October 1. The erasure was on this machine, according to the court's experts. (Post 8/12/74) Three people only had access to this tape, Nixon, Bull and Woods. Assuming that there was not earlier erasure masked by the repeated detected erasures by this Uher 5000, who could have had access to the office and the machine of the President's long-time confidential secretary plus knowledge of the content of <sup>this part of this</sup> ~~the~~ tape plus access to it plus ~~awareness~~ awareness of the need for this incriminating content to disappear plus the willingness to risk jail for it plus so strong a desire for it to disappear?

Originally Miss Woods told the court she might have eradicated five minutes at most of this tape by accident, in an impossible exercise that became known as "Rose Mary's stretch." It required that she reach far to answer the phone and for all five minutes of that conversation content her body to keep her feet on the pedal control and keep the machine running for no good reason and in the "record" made at that. Loyalty but not reasonableness. She denied under oath erasing all of it in those proceedings before Judge Sirica. This leaves Bull and Nixon only.

They alone could answer and neither did.

The distinction is without meaning. If Bull did it it could not be for selfish reasons and it cannot be conceived that he would engage in anything like this on his own.

21  
There is but one man who has limitless access to all the White House day or night, the president.

And the one man who above all had reason to want what he had said, acknowledged, heard or just blurted out on hearing what the FBI had learned <sup>by June 10</sup> about The Watergate and those involved is Richard Nixon - if for no other reason because of his prior relationship with Hunt and twice through Cushman with Hunt, at the time of the Bay of Pigs and when Cushman was Deputy Director of the CIA and Hunt was chief of Nixon's personal gestapo.

The morning of June 20, the time of this erased tape, coincides with the first possible reporting to Nixon of what the FBI had already ~~must~~ learned, as the entirely ignored Gray report to Haldeman contained it. This did include Hunt and his Cubans, a link to the crime and to the common past.

By late 1973 destroying these tapes wholesale was guarantee of impeachment if not jail. The most that could be dared is destruction of the most incriminating <sup>only</sup> ~~ones~~. Because this initial tape was without reasonable doubt the most incriminating, because Nixon and Haldeman could not have been without reaction to the danger posed by what the FBI had already learned and its forecast of what inevitably would follow, nothing could be more incriminating.

At that moment Nixon had every reason to believe his tapes would never become known. Otherwise he'd have ended the taping and destroyed all the tapes that could incriminate.

Once their existence was known, any destruction was criminal. Destruction had to be limited to the most essential evidence. This means that damaging as was the tape of June 25 - enough to force him out after more than two years of unimpediment - in Nixon's own evaluation the June 20 tape was even more damaging to him.

Were one to read of these facts in a novel in which they were not pretended to be realities, prior to the Presidency of Richard Nixon it would be regarded as so impossible and the novel as some commercializing of junk.

This is not fiction, not a novel, and it is the naked truth about Nixon and his Presidency - a Presidency in the nuclear age in which he alone had his finger on our button.

It also seems unreal that none of this could be known without his tapes.

Can this have been possible?

Can the FBI and all those Senate and House committees have been doing any bona fide investigation without learning of a substantial amount of this if not all?

The available evidence says that none did learn any other way.

However, it just is not possible that the avowed FBI did not learn enough, without the tapes.

Yet no word of this kind of knowledge was ever leaked, despite the large number of agents involved in the investigation and the larger number of sources available to them.

No word of anything like this was said in any of the many court proceedings.

No single indictment of the very many handed down prior to the release of the June 23 tapes includes any charge based on any evidence like what it holds.

No single Congressman or Senator made a charge reflecting any knowledge.

Dozens of people if not hundreds had some knowledge. John Dean told Nixon that his own offices were full of people with knowledge of the blackmail payments alone. Can they have not know of other "smoking guns" - other official criminality - or of the speed with which Nixon was told all he did not know on his own that he had to be told immediately?

From telephone operators to Secret Service agents to staff people there has to have been some with some knowledge.

Their loyalty was to Nixon the man not the country. Their silence kept him unimpeached.

But it wrecked the country.

*Could two plus years of Watergate do less?*