U Too Little - too Late, in Times Mich

Normally, when men are caught red-handed in the commission of a crime they are indicted immediately and brought to trial as soon as possible. Indictment is by a "grand" jury of 23 members of whom 16 must be present for the jury to function and of whom a minimum of 12, a simple majority, vote an indictment based upon evidence that in practise is presented by the prosecutor. He also drafts the bill of indictment. In practise, he usually dominates the grand jury. "Hearsay" or non-first-person evidence is admissable before a grand jury. its processes are supposed to be entirely secret. Those who appear before a grand jury have no right to the presence of counsel. unlike a trial, there is nobody present besides the jurors, the prosecutors and the witness.

In this case, normal practise was not followed. Neither indictment nor trial was prompt. Both were delayed, not by accident. The determining factor was the date of the November election. It was urgent for Nixon that there be no trial until after the election.

"Breaking and entering" is one of the more common crimes, more often than not handled by the overworked police with the abbreviation of their designatiin "B&E". It is a local, not a federal crime. In Washington the distinction diminishes because Washibgton is withont independent government. Its government is an appendage of the national government.

This, however, was not a simple B & E. It was a political case.

Most political cases are those in which the accused are non-Establishmentarians. In these cases, there is a set national practise: the federal government siezes control if there is split jurisdiction because it wants to control the case, how it will be handled, what will emebge for the trial, even what will be leaked, prejudicially, to the press.

Of the many readily available instances, two well-known in which the question of juriddiction received no attention can illuminate this truism.

During the 1968 Democratic convention there were major disturbances attributed to large numbers of young people who went to Chicago with the avowed attention of demonstrating so they could be heard by the party machine. Leaving aside the question of provocations, and without doubt both the police and the national guard deliberately provoked and were bloodthirsty when their provocations worked, the resulting disturbances were, if driminal, local drimes.

However, repression being what it has been, a long-range objective of government, there was a new law idoally suited to repress demonstrations for which this case could be used. It was a newly-enacted crime to cross state lines, which gives national jurisdiction, to create a disturbance. So, the federal government took jurisdiction in Chicago and satged a multimillion daollar spectacular in court before a judge sympathetic to the government's position. If in Chicago this could have meant almost any judge, the one who presided, Julius Hoffman was the ideal selection for the purposes of the Department of Justice. Hoffman's excesses became scandalous. In the end he was reversed, but the government

Among the federal trick that are commplace when they get jurisdiction in politicsl cases is tkaing the witnesses and the accused, as well as the cases, into jurisdictions it selects in the expectation of finding judges symapthetic to federal intentions and objectives and a local situation unsymapthetic to the accused. Coinciding with The Watergate was the prosecution of five accused Irish revolutionaries from the New York area. They were charged in Fort Worth, Texas. ~~XXXXXXXX~~ In the famous Berrigan case, that of the ~~X~~ Catholic peace-activist priests, who were falsely accused of plotting to kidnap Nixon's ~~assistantxforxforeignxaffairsx~~ adviser on"national security" Henry Kissinger, the charges were brought not in Washington but in conservative-minded Harrisburg, Pennsylvania. And in an investigation of a bombing of the United States Capitol building in the City of Washington, a young woman, Leslie Bacon was taken by force from the City of Washington the length of the continent away, to the State of Washington, and there subjected to grand-jury investigation. All these tricks severaly handicpa a defense, escalating costs to where only the rich or the subsidized can meet them, and often eliminate the possibilities of any real defense. In doing this the government also wastes vast sums in tax money because it also has these extra costs to pay.

In a case that has subtle reference to The Watergate but has not been connected with got what it wanted in the enormous public attention to the trial and its allegations in the trial A

it, the attempted assassination of Alabama's racist Governor George Corley Wallace, the man who really endangered Nixon's chances for re-election, against whatever the charge, primary jurisdiction was local. Local there was a Maryland county, Prince Georges, a Washington suburb.

True, after the assassination of JFK, which then was not a federal crime, a law was enacted that made any attempt, successful or not, on a candidate or President a federal crime. But such crimes are always crimes under local jurisdictions.

It is worth noting that when the assassination of the President was not a federal crime, the federal government did sieze jurisdiction in Dallas. It even kidnapped the corpse when it was without the legal right to do this and when it frustrated the working of the only applicable law. Had it not, there would not today be the lingering doubts about what the autopsy disclosed. It thereafter siezed control of the rest of the investigation, including virtually all the tangible evidence, even that which was in the possession of the police.

In the Wllace attempt, which eliminated Nixon's electoral jeopardy, the FBI sought to grab the case with such vigor that it behaved like stormtroppers. It even assaulted the local prosecutor in his own office, shaking him like a terrier shakes a rat, as it turned out without need. In taking possession of the evidence, the FBI conducted what it does in such cases, a conspicuously poor investigation. So miserable was this investigation that after examining the car of the would-be assassin, Arthur Bremer, it failed to find a loaded automatic pistol. The local police retrieved this pistol with little difficulty as soon as they got Bremer's car back for the FBI.

What makes this a more conspicuous failure for the well-publicized best criminal investigators in the world is that Bremer's diary, also captured, tells where the pistol was and how it got there. I have a xerox of Bremer's diary, except for the first few pages, which suffered a not atypical mistyrious disappearance in the hands of the law.

His description of where that autmoatoc pistol was could not be more precise. But the FBI did manage to miss it and the locals did manage not to.

Here the duplication of the deliberately botched investigation of the FBI's investigation of the Ke n JFK assassination is faithful, In Dallas, while keeping careO fuly track of the evidence it wanted to avoid and avoiding it, the FBI moved inxx to take it once it was about to be made public. I wrote an entire book on how it did the with the photographic evidence alone. (PHOTOGRAPHIC WHITEWASH: SUPPRESSED KENNEDY ASSASSINATION PICTURES.) It knew the witnesses it didn,t want to interview and did not interview them. I found and interviewed some of these witnesses, all of whom were, quite obviously, witnesses who had to be interviewed. It also managed not to ask of the witnesses it could not help interviewing those questions to which it did not want answers. An example of this, from the same book, is Mrs. Philip Willis, who was about as close to JFK as anyone when he was shot and would have told the FBI that she saw him shot from the front. This meant there could not have been any single assassin, so she was not asked when the FBI could not long avoid her seven months after the crime.

The FBI boasted of its great accomplishments in this investigation, as did everyone else in government, including the investigating commission it iss Report. The manner in which the great work of the FBI was established is statistical. It spent so many man-hours interviewing so many people, xx producing so many report. Xxxx The statistics were accepted as proof of a definitive, exhaustive investigation, which was not made.

When there is split jurisdictions, in cases where it wants to the government asserts what it claims to be its rights. It fought the Prince Georges prosecutor all the way to court and then asserted its right and intent to try Bremer. When the federal government wants a case, it is a rarity when it doesn't get it. If this means that it tries an accused as well as local authorities, there are two trials.

Now with The Watergate break-in, there were two jurisdictions. The crimes were both local and federal. The immediate crime, breaking and entering, was a local crime. It could, in local jurisdiction, have come to rt trial rapidly, following a simple and rapidly-

issued indictment. Thereafter, the rights of the accused not to be twice put in jeopardy for a single offense would not have been violated if they were charged and tried for their federal offenses. This procedure would have been proper and normal. However, it would have also presented the possibility of the federal government losing the completeness of control it it held if it kept the prosecution entirely in federal hands.

That is what happened.

The most immediate result was a long and unnecessary delay in every stage of the functioning of Justice. The handing down of the indictment wad stalled until September 1972. During this long and unnecessary delay, despite the protestations of innocence by the federal prosecutors, pressure for delay was continuously exerted by the White House. This fact did not become known until long after the trial, if it can be called that. The indictment, as we shall see, was also a whitewash avoiding obvious charges and understating fact and known criminal acts and involvement.

The net result is that after the trial nothing was known that was not known before it and those who were sought to be shielded by federal power were shielded by it. Nothing could have been more natural with the Nixon administration prosecuting itself. As in the JFK assassination, essential witnesses were not interviewed, as they themselves later attested under oath. Again those witnesses the FBI could not avoid were not asked what they so obviously should have been asked. Because the FBI's reports remain secret except under the most unusual cirsumstances, it can general be certain that its deliberate failures will not be known.

If the FBI can and does conduct professionally perfect investigations, in political cases it regularly performs less than professionally, serving politicial rather than prosecutorial ends. I have thousands and thousands of pages of FBI reports which leave no possibility of doubt on this score. Two of these files deal with two of The Watergate figures and illustrate this side of the FBI's face not seen in its extensive self-publicizing.

These two files, which I had obtained from The National Archives for the cost of xeroxing them, were unclear xeroxes in the Archives' files. A reporter wanted copies /right after the arrests. Instead of making copies which would have less clear, I gave them to him. The request for replacement copies at the Archives was met with the claim they didn't have these files.

When the agency of government entrusted with the keeping of the records that are of our national heritage can make such political "mistakes," what can be expected of those dealing with scholarly matters and where political pressures from the boss are great is a lower standard of dedication and performance.

There is no way to know what finally forced the indictments out. One development that presented hazards to the White House, the re-election committee and to prosecutors who did not plan to go all out in their prosecution was a civil suit for damages filed by the Democrats.

In the odd technicalities of the law this case is identified as Lawrence F. O'Brien et all versus James W. McCord et al, the defendants. It is Civil Action No. 1233-72 in federal district court for the District of Columbia.

Counsel for the Democrats, in Spetember 6, mailed notice of intention of taking depositions from 16 people connected with The Watergate. Of these, 10 were connected with the re-election campaign directly and 12 had direct, personal knowledge of the spying.

With the approval of civil court, the taking of these depositions was scheduled to begin September 12. The prosecution did not dare delay indicting until the trancripts of these depositions were filed in court, when they would becaome public.

Of the eight counts in the indictment, four were under the local code, not federal charges.

The indictment and the text of the accompanying Department of Justice press release are masterpieces of news management and pp political propaganda. They set a tone and a doctrine the case was long beginning to escape. They misdirected public attention and went as far as could be dared in exculpating the uncharged/guilty and unnamed. Other crimes by then authenticated in the public press were not charged. Co-conspirators went unmentioned. Previous crimes by the same Mission Incrediblers, proven beyond possibility of doubt, were kept secret, almost certainly from the grand jury/ members. And to the degree that the criminally-involved government dare, it hid all leads for private investigation, particularly by the press. The Washington Post's first-rate reporting, for which it won the Pulitzer Prize, was by then well begun.

The means by which improprieties like these are pulled off are necessarily subtle. With the speed with which the daily press must work, there is little time for detecting subtleties. The indictmebt itself was a major story. This also tended to mask the undetected subtleties some of which are so delicate they may seem/to those to be nit-picking no familiar with a new government science, semantics.

The marvel and the measure of official success in misuse of the indictment is that there was not an immediate hue and cry alleging whitewashing and covering-up. It is no less a tribute to official skill that in the first thirteen months after the initial arrests, with no less that 23 investigations of various kinds, including by not fewer than six grand juries, one two more indictments were handed down,/One of these/ included neither in Washington.

two key Watergate figures, Nixon's chief moneybags and former Commerce Secretary, Maurice Stans./ It was not the result of administration demand and was in spite of what had been done to protect Stans from indictment. The other was returned in Florida, as far away from Wasgington as that Nixon operative could be charged and tried with the least publicity expectable. He was there charged with fewer transgressions than had been before this attributed to him in the newspapers.

add mitchell

The initial prosecution, on all levels, from the assistant United States Attorneys on the case th the Attroney General and the President, stoutly maintained they had diligently and vigorously done their duty. The record persuades otherwise. Failure to perform official duties is a crime with which those who fail, naturally, never charge themselves. Malfeasance, misfeasance and nonfeasance are the criminal failure to ~~perform~~ meet official obligations, by doing them badly, wrongly or not doing them at all.

The Department of Justice's press release was in the name of Attorney General Richard G. Kleindienst, who had detached himself from the case as much as he could consistent with keeping a lid on it. This made it appear that he was responsible for the indictments. In turn, to the uninformed, this meant the administration and the President, too, ~~had~~ also were responsible for the indictments. They were hailed by Kleindienst as the end product /one of history's "most intensive, objective and thorough" investigations, an "absolute, thorough and imaginative investigation" by the FBI, under Acting Director L.Partick Gray's "personal" direction and on "this highest priority."

George Orwell could not have said it better.

Gray, personally and criminally, ~~&~~ burned some of the essential evidence. He and Kleindienst were both forced to quit under pressure.

If it seems that Nixon did not attract the literary types, all of his people ~~xxxxxx~~ played knew their Orwell, not just the prsoecutors on all levels. Clark MacGregor, Former Congressman had succeeded Mitchell as campaign manager. The indictment was not handed down until the afternoon and the day was a Friday, the day of the week guaranteed to eliminate followups on a non-working day, Saturday. Yet MacGreger was so ready with a prepared response that it was on the radio before 5:30 that afternoon. He used the indictment as a basis for pretending Republican innocence, charged the Nixonians had been the victims of "political libel", and of O'Brien, Democratic candidate George McGovern and others demanded public apologies yet! Not only from these two but from all "those who have recklessly ~~thought~~ sought to connect others to the case." To this he added, ~~x~~ a lofty note and pretension of high principle and concern for true justice, "We now appeal to all those who have sought political benefit from this ase to discontinue saying or doing anything that will interfere with a full and fair trial."

The orchestration was perfect. All administrations moves, official in the indictment and unofficial in the publicity and propaganda, were perfectly coordinated. The indictment, rather than being an indictment of the guilty Republican campaign machine, was misused by it as proof of its vindication, of its innocence.

Republican Senate Leader Robert Dole going MacGregor, saying, "As we knew all along and as the grand jury has now determined, there is no evidence to substantiate any of the wild and slanderpus statements McGovern has been making about high officials in the Nixon administration. I would expect McGovern to stop trying to make a political issue of this matter."

These two Republican leaders were not alone in claiming that the proper legal and moral solution to a rape case is to charge the victim as an attractive nuisance. They are enough to illustrate. Both knew better, knwoing more than enough of the truth to know they were at the very least further undermining the function of justice and of the political life of the country but to both political advantage meant more. Later they were to pretend that they also were victims of misinformation. The claim is false. MacGregor

had been warned personally by that other Nixon holy man, FBI chief Gray, who thereby sought to warn Nixon about the truth he had kept keep out of the indictment. Gray did this in a July 6, 1972 phone call to MacGregor, then at San Clemenete, Nixon's western personal western White House. Nixon returned Gray's call in a half hour, commending Gray on what was a whitewash. Gray blurted out in reponse,"there are people on your staff who are trying to mortally wound you." If Nixon were entirely innocent, if he had been kept entirely in the dark on all [redacted] "the White House horrors", [redacted] John Mitchell's description of a year later, Grays frantic warning stripped innocence and the possibility of innocence off.

The orchetration [redacted] included all the official instruments. The day of the indictment was selected to coincide with another Department of Justice favorite for attracting attention to its political view in political case, the day of the graduation ceremonies at the FBI academy. That is always well-covered by TV. At these ceremonies Gray and Kleindienst repeated the false claims about the thoroughness of the FBI cover-up investigation, their proof being the same meaningless statistics. Their scuess is measured in the considerable extra attention this got.

The Orwellian orchestration manipulated the newspapers into a position where they had to play all this straight, present [redacted] falsehood as unquestioned truth, or depart from tradition and practise and become partisans, generally reserved for the editorial page. As no paper was about to call Kleindienst, Gray, MacGregor, Dole or other prominent men liars, so also were they not about to bring Nixonian wrath down upon themselves by reporting that all of this was a further evil of authoritarian government, that the statements were false and the indictment a cover-up.

That the indictment was this was so apparent from the evening newscasts alone is reflected in my notes of early the next morning, before the morning paper came, before I could see [redacted] direct quotes from the indictment. They are headed,"The larger Scandal - The Indictment." They detail the cover-up that later became the focus of investigation. Much later-the next year. Nixon's news-management was that good.

Citing this is not ego-tripping. It is, rather, proof of how transparent the entire Nixon operation was and how despite this it succeeded. It required no particular skill or inside knowledge to perceieve, as these note do, that the key to the whole indictment was semantics.

The only real problem officialdom faced with the indictment was with words, those to use and those not to us. It is by words used and misused that the guilty were exculpated, and further deception and misdirection were practised.

Generally and properly, public authority seeks all the information it can get from all whom may have it. When the police post "wanted" notices they provide all the information they have about those they want. All known aliases are always included. This indictment goes out of its way to give aliases for each and every one of the seven charged, which makes it look good. It fact in eliminatedsthose aliases by which key figures in the crime were known. Thus those who knew them by the names not given could not respond with proffers of information. This is the very first thing in the indictment, the impressive (to the unknowing) list of aliases. taking the case of one of the seven, Hunt, show how carefully this deliberate deception was practised.

"Everette Howard Hunt, Jr., also known as Edward L. Warren and Edward J. Hamilton."

Who's Who and Contemporary Authors gives other Hunt aliases. In renting the rooms in the Hotel, he indulged black hunor and used the name "Earl Warren", that of the former liberal Chief Justice who to Hunt is vertually a Communist. Of his political aliases, that of "Eduardo" is most important. It is under this name that he was the CIA's chief political agent in the Bay of Pigs, that fiasco of an invasion of Cuba initiated under Eisenhower, inherited by Kennedy and designed to fail by both the CIA and the military. "Eduardo" is well known to countless Cubans and others. As Eduardo he is, or at least then was, virtually a god to his Cuban companions and all other revanchist Cubans in the United States. For Eduardo they would - and in fact did - perjure themselves and lie.

In one of his other lives hunt lives viacriously as the spook hero of more than

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(It is important to understand that the case of these seven being trained for political crime by government intelligence agencies is by no means exceptional. There is loose in the country today a virtual army of federally-trained spoks with a wide assortment of special skills ranging from simply spying to sophisticated bombing. Some were trained in these black arts for use in foreign intelligence and other clandestine operations. Others, much more numerpus than ever publicly indicated, are the creatures of the FBI, trained for and used in its domestic-intelligence operations. There have been bombings inside the United States by both CIA and FBI graduates using explosives provided by both agencies. The commit/Political crimes within the United States with regularity. These do no less violence to political freedom than do explosions. One of the more common domestic-intelligence uses of federally-trained, federally-paid and federally controlled agents in domestic political work is as agents provocateurs. From time to time individual instances achieve slight notoreity. How widespread this governmental/corrupting of political life and framing of the innocent is is not recognized. I have compiled an anthology of dossiers os such characters and their careers for a book tentatively titled The Informers. In the story of The Watergate one of the essential elements has received no public attention. It is the use of government agents provocatuers and spies to fuel reaction to their operations.)

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40 cheap spy novels. He ground them out as McDonald does hamburgers, while a full-time CIA operative, giving an measure of both his personal life and the degree to which the CIA found use for his services for 20 years ending in 1971. In these novels, written under an assortment of needless other names, he is a great lover and a big brain, the one man with the widdom and political understanding to see all and emerge heroic. In this literary pot-boiling he is Robert Dietrich, John Baxter, Gordon Davis and perhaps others. For each phoney name he created a fanciful, sometimes romantic career for the biographies printed in standard sources.

Hunt's CIA career is not mentioned in the indictment or the press release. That he was CIA does not make him unique among the seven indicted and others known to have been involved and not indicted. Six of these seven - all but Liddy - had been CIA operatives of differing, some minor, rank. McCord and Barker had both worked for the FBI, as had, Liddy. McCord and Liddy were full agents. Barker had also worked for the secret police of the fascist dictator, Batista, deposed by the Castro revolution.

Without these careers in intelligence, none of these men would have been suited for the crimes in which they were caught and others known and not charged. With the seven h having nine federal government careers, the federal government found it expedient to make no reference to its connections with them in its indictment or in the publicity it sought on its indictment. Their federal intelligence careers embarrass the government. It trained them for their criminal activities, suffient reason for avoiding mention of these not-secret careers.

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The indictment and the release are consistent in not fully indentifying the others by their aliases and their roles. In fact, it gives Hunt's employment record falsely, not by accident. It for the same reasons casts him, again falsely, in an inferior role.

In drafting the indictment, the prosectors elected to name Liddy first. He is in this and in other ways made to appear to be the big boss on this and uncharged other jobs. This deception was carried further in leaks to the press. There is a purpose

It is not carlessnes, happenstance or whimsy. It is to accomplish what the spooks call a "cut-off", to separate the White House from its crimes. At the time of this and earlier crimes known and suppressed from the indictment, Hunt was a White House employee. He was a $100 a day "consultant" to the President. Who's Who gives his business address as The White House. He wrote the listing. He had offices there, personal and official property there, a safe there, and illegal, electronic equipment there. It is some of his files found in his White House safe after it was broken into by the General Services Administration on White House directive that they be burned, these files were that sensitive in this case. They had to be hidden even from FBI agents, to whom the White House denied them. Cartons of Hunt's other records were spirited out of his White House office before the FBI could find them or blunder into them.

The indictment hides this and more in its ~~treachery~~ initial reference to Liddy and Hunt:

"3.At all times material hereto George Godron Liddy, also known as Gordon Liddy and George F. Leonard and hereinafter referred to as defendant Liddy, was employed as counsel for the Finance Committee to Re-Elect the President located at 1701 Pennsylvania Avenuw, N.W., Washington, D.C."

From this there was no way of knowing that Liddy had been a White House operative in a wide assortment of illegal activities, transferred from the White House by the White House to Nixon's main re-elect committee and from there to the Finanance Committee, where he was spymaster at the time of the break-in, not just counsel. He actually had a quarter of a million dollar espionage and sabotage minerature FBI/CIA budgeted in Nixon's campaign headquarters when he pulled the break-in at The Watergate.

"4. At all times material hereto, Everette Howard Hunt, Jr., also known as Howard Hunt, Edward L. Warren and Edward J. Hamilton, and hereinafter referred to as the defendant Hunt, was a friend and associate of defendant Liddy and Bernard L. Barker."

This is to say that Hunt was but a hanger-on, in the deal for kicks, and that Liddy was the big boss. Both are and were know to the prosecutors to be wrong. Hunt was Nixon's private, personal spy-chief when he lurked insafety in the hotel room while the hired hands ~~kidnapped~~ pulled the job in which they were caught.

The whole game, later confessed by John Dean and others, no thanks to the prosecutors,

was to cut the White House off entirely and to let no official involvement higher than Liddy be known. This one of a long serimes of job was on Liddy's insistence becau e he had been pressured into it over the failure of the second bug to work properly. Aside from this, Liddy ran the campaign spookery, Hunt the White House's. Both, however, were Nixon's. One of t e consequences of his not trusting his re-election campaign to the regular party machine, the Republican National Committee, was to make the re-elect committee his personal operation. This was so completely the actuality that despite titles, he ran it through his chief of staff, Harry Robbins Haldeman.

Had the White House controlled the prosecutors with wires they could no better have manipulated out of the grand jury an indictment more ideally suited to the secret White House scheme of separating itself and Nixon from the crimes.

The same kind of cut-off is practised with the others. McCord is described in a manner calculated to emphasize that he "was the President of McCord Associates, Inc." ahd Also served as security co-ordinator for the Committee for the Re-Eelction of the Pre ident." His just-started business could not be more irrelevant to the indictment.

Barker is identified as the utterly immaterial,"President of Barker Associates, Inc., a real estate corporation with Offices at 2301 Northwest Seventh Street, Miami, Florida." His real estate business relates to nothing. Not do his given aliases, Frank and Fran Carter, a nostalgic second-life like Hunt's, from the dime-novel dashing character of the past. Barker, like Hunt, had relevant aliases not given. As "Bernie" he was Hunt's Baybof Pigs second in command. As "Macho" (i.e. "he man") he is known for his anti-Castro CIA work. "Bernie" and "Macho" are relevant to the crimes, the real estate business is not. Thus "Bernie" and Macho", which would lead to Hunt's and his common past and to the CIA and the federal government, are suppressed from the indictment and the real estate businesss is dragged in.

Martinez is identified, irrelevantly, as "Employed by Barker Associates, Inc." That he was of the time nabbed by the police a CIA employee is unmentioned.

Sturgis, better knows as Fiorini, and Gonzalez, have nothing more connected to the

said about them to connect them with the crimes charged than that each "was an associate of the defendant Barker." The actuality is that all save McCord had been bonded in the fellowship of a long series of earlier crimes for the White House.

But these crimes, too, had to be hidden from the indictment. There could be no charging of them, no mention of even allusion to them, otherwise Nixon's own criminal activity would have been exposed. This, understandably, his prosecutors did not do.

[illegible], the [illegible] may seemed simple, so obvious, that nobody would ever try [illegible] down. That it worked [illegible] next day's headlines in The [illegible] Times and The Washington Post, "[illegible] Nixon Ex-Aides Among 7 Indicted in Raid in [illegible]" and "Nixon Ex-Aides, 5 Others Indicted in Bugging Case."

And the separate from Nixon [illegible] the White [illegible] possible, carried into the stories. The Times even restricted itself to the verbatim descriptions of the defendants taken bodily [illegible] from the indictment [illegible] its own earlier publication of considerable relevant data.

This is not the only covering-up and suppression in the indictment nor is it the only trick that worked.

The eight counts of the indictment boil down to three charges, breaking and entering, intercepting communications electronically and stealing documents, by actually taking them and by photographing, and conspiring to do these things. Most of the rest of the indictment is taken up in itemizing acts in pursuance of the conspiracy, for the most part telephone calls. The conspiracy is limited to beginning "On or about 5 May, 1972" when these conspiratorial relationships extended a year into the past and included many other crimes, from coast to coast.

So [illegible] was the [illegible] that it succeeded in hiding that it [illegible] in the paragraph numbered [illegible], [illegible] the words are limited to [illegible] the defendant Hunt made a telephone call [illegible] from within the District of Columbia to the defendant Barker at his residence," a masking

said about them to connect them with the crimes charged than that each "was an associate of the defendant Barker." The actuality is that Alfred McCord had been bonded in the fellowship of a long series of earlier crimes for the White House.

But these crimes, too, had to be hidden from the indictment. There could be no charging of them, no relation or even lead to them, otherwise Nixon's own criminal activity would have been exposed. Very unfortunately, his prosecutors did not do.

Moreover, the foregoing may seem so simple, so obvious, that nobody would ever try to get away with it. Read the next day's headlines in The Washington Post, "6 Nixon Ex-Aides Among 7 Indicted in Raid in Capital" and "Nixon Ex-Aides, 5 Others Indicted in Bugging Case."

All this, despite from Nixon or the White possibly, carried into the stories. The Times even restricted itself to the verbatim descriptions of the defendants taken bodily from the indictment, ignoring its own earlier publication of [illegible] relevant data.

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The eight counts of the indictment boil down to three charges, breaking and entering, intercepting communications electronically and stealing documents, by actually taking them and by photographing, and conspiring to do these things. Most of the rest of the indictment is taken up in itemizing acts in pursuance of the conspiracy, for the most part telephone calls. The conspiracy is limited to beginning "On or about 5 May, 1972" when these conspiratorial relationships extended a year into the past and included many other crimes, from coast to coast.

To anticipate the prosecution's evidence it succeeded in hiding that it [illegible] to prove [illegible] specifications and charges. In the paragraph numbered 10, descriptive generally of the [illegible] phone records, the words are limited to "On or about the following dates, the defendant ... made a telephone call [illegible] from within the district of Columbia to the residence of Barker at his residence," a masking

both of Hunt's offices both of which lead to Nixon and the White House. Knowing full fell the number called and its location, 18 nonethless is suppressed into," Oneor about June 16, 1972, the defendant Barker made a telephone call to the defendant Hunt within the District of Columbia..."

However, where it was desired to lay a trail awaybfrom Nixon and the White House had been and long after it was decided to hack it out on the fiction that his committee was somehow not Nixon's and that there was no White House connection with the crime in which its chief espionage agent was actually caught, there is pinpoint specification to accomplish these ends. Paragraph 18 concludes by saying that Barker on that day also called "the defendant Liddy at the Finance Committee to Re-elect the President."

This worked, too, then and thereafter.

The only actual acts charged are those of June 17,1972. The last seven of the eight counts all begin, "On or about june 17, 1972." The only variation is in the charge of actually, physically taking Democrats files rather than taking them for photographing. It is limited to McCord in the 20th and last paragraph ofthe first count. But the words are identical, "On or about June 17, 1972."

It was hardly a secret that there had been an earlier, identical break-in. It was no secret that on it two bugs were planted. It was no secret that one remained and was operating at the time of the arrests and that the other remained but was about to be replaced. It was no secret that at the time of the original break-in a larg batch of Larry O'Brien's personal files had been photographed by the Cuban who, in what even for them was an insanity, took them to Miami and had them processed commercially! Nor was it a secret that when he saw, heard and read of the arrests, the Miami phot-shop clerk immediately reported this, including such details as the surgical gloves used to avoid leaving fingerprints and shown in the pictures on the hands holding O'Brien's papers.

So far from secret were these additional crimes that they were all reported by the media.

16 Apr 016

Here those derring-do supersleuths of the TV spectaculars, those super-Perry Masons of the prosecution, didn't have to ~~[illegible]~~ perform any of their vaunted spectaculars. All they had to do was read the papers. The Washington papers were enough, assuming, that is, that the FBI stayed somnolent. The Washington Star-News carried a complete enough account, attributed to the man who processed the film of the first break-in. He is Micahel Richardson, whose father owns a down-town Miami photo shop.

He described the stolen Democrat's files and, provocatively, mentioned the name of Patricia Harris, who was both a top party executive and a lawyer whose office in The Watergate was also broken into at about the same time. Her law partners include the man who was to be McGovern's running-mate, Kennedy in-law R. Sargent Shriver.

That the operative bug remained operative was also reported in the papers of this period. The FBI, somehow, failed to find it when they knew exactly where it was. The phone company found it for the Democrats.

Barker personally delivered the exposed film and picked up the prints. A Cuban pal of his, a clerk in the shop, lied and said it wasn't Barker. He later confessed he had lied and cofirmed recorgnizing Barker.

17 Apr

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It is secret in the cover-up indictment only. None of these already-proven earlier or mentioned in any way.
crimes are charged as crimes./ Where the indictment can't avoid those acts in pursuance of the conspiracy that enabled these officialphidden other crimes, it itemizes them without reference to those earlier crimes. Under "First Count" @ the renting of the command-post, Room 419 in the Hoaerd Johnson Motel is specified (page 5). So are McCord's purchase of a spo sophisiticated and expensive receiver radio - on May 10. And the travel of all the Cubans from Miami to Washington on May 22, and the registering of the Cubans and Liddy at the Watergate motel May 26, when they pulled that job.

17A The only time McCord's "Receiving System# costing $3,500 in cash" was used was in this first rip-off, and from then until but not after the unsuccessful crime.

This ~~xxxxxx~~ $3,500 in cash is given no soruce source. It is the largest of two sums only mentioned in the indictment. The other, a pittance, a minuscule fraction of the large sums known to have been allocated and largely used, is that "On or about June 11-15, 1972...Liddy gave the defendant McCord about $1,600 in cash."

After he was already into his operations, Liddy was nudgeted $250,000, aside from what he had already spent. The night of the arrests, Barker and Hunt alone had $10,300 in this same Nixon cash in their pockets/ and the others had unknown sums. Unknown save to the police and prosecutors, that is. The police nailed Bakers with his pockets stuffed. Baldwin, who had long before the indictment turned state's evidence, reported Hunt's phone call in which he said he had this $5,000 in cash with him. Repeatedly Liddy had been given sums so large questions were raised before he was given this cash from a xxxx Nixon-committee safe part od the loot in which had been delivered by Nixon's own brother. No accounting was asked of Liddy and he provided none. On one date alone, Aoril 12, 1972, more than two months before he was arrested, he was given $65,000 in cash for t e purchse purchase of specialized equipment for use in the series of crimes, not the onlyxx acts laid on him. (WPost 9/17/73)

As McCord himself later confessed in charging that "senior FBI officials" were tuned down when they sought search warrants to sieze what it was known he had, as Baldwin's

17A

Never having had to confront these "oversights" and others to follow, the prosecutors have not "explained" them. The facile ~~is~~ one is that the men were already charged with enough to keep them in durance vile most of their remaining years. It is, were it to be made, diametrically opposed to the passionate self-justification later made by the man in actual charge of the entire case for the Attorney General, that they planned to lean hard on the men and get confessions after conviction. The way to do that is not to talk about it ex poste facto when in a year it hadn't happened but to follow the traditional manner of prosecutors so notoriously the custom in Washington that it has led to protests from criminal lawyers. When prosecutors want a fast conviction or want to avoid the time of a trial, they load the accused with every conceivable charge, whether or not justified and often knowingly unjustified. It is the rare defense lawyer who, faced with a client upon whom can be loaded/an interminable sentence, doesn't persuade his client to deal with the prosecutor. A few more charges with The Watergate crew could have assured that the youngest was vulnerable to sentencing that would have kept him in jail until his funeral.

confession stipulated, they would have made a real name. Any appreciative police rookie should have know that such a warrant should have been issued ~~xx~~ forthwith. One needn't become a United States Attorney to know this and to have probable cause, all that is prerequisite. Why the prosecutors didn't proceed with this on their own is not a mystery, it is the grossest negligence that has to be considered deliberate. But according to McCord, FBI agents did not miss this painfully obvious and completely normal police procedure.

No search warrants were issued, no search was made. There can be no better source than McCord on what he had in his possession for four weeks after his arrest! In the conservative Armed Forces Journal the former colonel, the conservative McCord, itemized the electronic equipment, the tape recorders, and an electric typewriter belonging to ~~xxx~~ Hunt and used in typing reports on the product of the eavesdropping;"additional electronic equipment related to the overall Watergate operation;"

He charged that this was "billed either by the Department of Justice or the White House", a charge that remained without pro forma denial.

"$13,000 in ~~$200~~ $100 bills ~~xxx~~ left over from the operation, subsequently used for lawyers fees;"

"some private copies of recent wiretap logs, which were later destroyed;"

and his own pencilled notes implicating others through meetings. These include campaign director and former Attorney General Mitchell,; his assistant, Jeb Stuart Magruder (who entered a guilty plea without ~~xxx~~ trial August 16,1973); and John Dean, the Counsel to the President, Nixon's official lawyer in the White House. Dean later conformed these meetings and gave added details under oath - bit not until months after the trial, after he had manipulated Nixon's covering up and frustration of the investigations for close to a year.

Nobody appears to have asked the prosecutors of what use a radio so ultra-sophisticated it costs $2,500 is without something to transmit signals to it. Going along with this

was another part of the deliberate official suppression and coerving up, the planting of false stories ridiculing the equipment used in the eavesdropping as ~~a~~ from the electronic Stone Age. The reporters who repeated ~~mmmxxx~~ in good faith what they had been told and welcomed it as a needed relief ~~the~~ deadly seriousness of the entire catalogue of crimes would not give me names but did confirm official, police sources ahd told them.

The sources of the kind if equipment really had are so few the FBI could have canvassed all - and all are known to it and other intelligence services in less than a day, by phone. If they didn't learn, and believing they didn't is to believe the earth is flat, ~~a~~ one of McCord's sources was Michael Stevens, ~~mf~~ who does business under the name Stevens Research Lab, at 2050 West Devon Avenue, Chicago. McCord never got to pickup all he ordered/ because he was arrested. What he did get cost between $15,000 and $20,000.

This was not secret. Chicago Today included it in a copyrighted story.

How Stone Age was the equipment?

Stevens, whose business was said by local investigators to have been "financed by a federal intelligence agency, probably the Defense Intelligence Agency (DIA~~?~~)" said that three of the "bugs" McCord's jailing kept him from picking up "could transmit to communications satellites" and "then retransmitted to a ground receiving station and relayed to such places as CIA headquarters...Stevens told investigators that the bugs were set to transmit on the feequency used by the CIA to track suspected double-agents in Viet Nam."

This is not to say that/McCord planned to use the CIA or still worked for it. The Watergate was a CIA job, that it is the technician/manufacturer's description of capability. But having said this in fairness to McCord and to the CIA, it is essential to say simultaneously that the CIA was not uninvolved, that this was known to the White House, which arranged that involvement, to the Attroney General and his immediate assistant, and ~~him~~ to the head of the FBI, was well as to all top CIA officials and to ~~their~~ their functionaries, their technicians. All were silent. All knew that the admitted CIA involvement was illegal.

Confirming Stevens is McCord's statement in a depoition in the Democrats' civil suit against him and others, that he had placed orders for "additional equipment" with

"stronger output", and that he had bought ten transmitting units from Stevens. These units were for room use and for wired microphones. In all McCord made/purchsesm of transmitting units costing more than $40,000 Other than Stevens, he has sources in in April and part of June, 1972, New York and in Washington, at least two of Stevens' specially-made units were used in The Watergate.

How specially-made was this equipment described by officials as out-of-date, amateur stuff? It "took hundreds of man-hours to assemble the special equipment."

Once McCord decided that he had been had, Stevens closed up shop. He is quoted as saying he fears for his life. And part of this Nixon-serving equipment remains unpaidfor.

Much larger sums involving added criminality, the illegally-obtained money used in The Watergate and tying directly to Nixon through two of his former cabinet officers, Mitchell and Stand, and through other White House employees who had been farmed out to his re-election committee to control it for him, are totally ignored in this initial indictment. That part is a real international-spy story.

Two of The Watergate convicted conspirators were involved, Liddy and Barker. The whole story was known more than a month before the indictments not including it were handed down.

Liddy might to most people seem closer to a maniac than a legal genius, as we shall see when we examine his record prior to this involvement in which the $232,000 incash unexplianed is known to have been given him.

All the top executives spoke of him as a unique legal talent in election law, in which he was without previous experience. So, desiring to frustrate the public-reporting and limintation in contributions provisions of the laws (a new one went into effect April 7, 1972, and nobody had any experience under it), Mitchell, Stans et al used Liddy as their expert. He cooked up theories that led to a series of convictions, all indictment's after the purposes of delay and obfuscation had been accomplished.

The General Accounting Office, which supervises the new election law, and the courts

held the legal concoction to be invalid and the acts under it to be criminal. Liddy was possessed of a unique genius!

And faced with xx prosecution those who professed so high an opinion of his rare gifts were prepared to and did undertake to defend themselves with the legal argument that they had acted "in good faith reliance upon" counsel - Liddy. With the Nixon administration prosecuting the Nixon administration, when guilt could not be avoided, charging individuals who committed the acts was avoided. The committees only were charged. Committee can't be jailed. They can pay fines - and did -peanuts compared to the unaccounted millions.

In one of these cases, where the cash contribution of $200,000 was carried to Washington in the hot little hands of Nixon's brother, that cash was intermingled with the loot of the spy story. It may have been used, probably was used, in The Watergate crimes and covering them up.

The FBI had the proof of this corruption June 20, 1973, working two/days after the arrests. it is pretty fast. It was also unavoidable.

The Nixonian problem was to keep it quiet. If it had not been for someone deciding it should not be kept quiet and leaking it, nobody would have known. Because this was close to the Republican convention in which Nixon's nomination was without doubt, an effort was made to delay any action to avoid embarrassing him with charges of law vuilation. The story of how it was done - the month before this indictment - is told in headlines and brief quutations.

On August 23, 1972 The Washington Star-News headline read, "Plea by Stans delays Audit Report on GOP." That story opens,"The investigation report of a federal audit of campaing donations tied to the Watergate bugging caper has been held up after a long-distance telephone appeal by President Nixon's chief fund-raiser, Maurice H. Stans. Within hours after an eight-page document had been drawn up by the General Accounting Office, its elections director, Phillip S. Hughes disappeared from Washington last night amid speculation he may have flown to Miami Beach to confer with Stans."

Hughes had.

The next day the same Republican, pro-Nixon paper expressed "disquiet" that at "delay in issuance of its audit report...until Stans and GOP bigwigs have a chance to examine and offer suggestions..."

That stall worked. Not until August 26 was the report referred to the Justice Department because of law violations the GAO found.

There was one contribution of $25,000 that travelled far and wide before it got from Minnesota to Washington and that store of unaccounted cash estimated at $1,000,000. There were four other checks totalling $89,000. They have an unusual history for innocent political contributions. The were Texas oil money flown to Mexico and "laundered" through the account of a Mexican lawyer. Four Mexican checks totalling the same amount flew back to Texas (foreign contributions are illegal in themselves). There they were intermingled with other unaccounted fund and the total of about three-quarters of a million dollars were flown to Washington in a private pil-corporation jet.

Because all of this hiding was deemed insufficient, that jack of all legal and illegal trades was enlisted. Liddy was given the checks to cash. There is a bank in the building in which the committee is house, but Liddy gave them to Barker. Barker passed them through his own account, falsely certifying the signature on the $2,5 $25,000 check and with due patriotism and loyalty skimming $25,000 in the process.

This is not in the federal indictment. Barker was later convicted under Florida law, where a crusading Democratic states attorney in Miami brought the charges.

The $5,300 in his pocket and the $5,000 in Hunts and nobody known how much of the $65,000 McCord had or how much of what Liddy had came from these secret funds.

Strangely, editorial questions about eliminating these charges from the bill of indictment were not asked. That any indictment issued apparently satisfied those who had been asking why it took so long for the prosecutors to act.

This is by no means a full bill of indictment against the indicters. It is limited to some of what is addressed in the indictment. Well as this indictment was received by the press, the Department of Justice seems to have seen need of buttressing it with

its press release. It concludes saying "The indictment listed over 20 overt acts performed by the defendants to further the conspiracy, including:" and then gives its own version of seven, not one of which is in itself a crime. ~~and the six of this may~~ "listed" in the indictment, "the reconnoitering of Senator George ~~McGovern's~~ headquarters at the Fontenoy, Watergate by Liddy, Hunt and McCord."

"McCord's purchase" of that $3,500 radio is jazzed up with the description, "an electronic device capable of receiving intercepted conversations."

How well the administration's strategy worked is demonstrated by more than its uncritical acceptance by the media. it conned the best-informed reporters on the story, the two with more and more detailed knowledge than all others, the two who had brought more to light than any others. Bob Woodward and Carl Bernstein, both thoroughly professional men not easily deceived actually wrote, "The only money involved in the conspiracy is $1,600 that Liddy gave James. W. McCord, Jr., the former security chief to suspect of President Nixon's re-election committee."

However, their opening does include this pertinent comment: "Though the indictment does not touch on the central questions about the purposes or sponsorship of the alleged espionage, it asserts following new details", of which the foregoing is one, a false one tending to diminish the possible "purposes and sponsorship."

The intent and spirit of this cover-up indictment was forwarded by The New York Times, which carries these quotations from John W. Hushen, Justice Department director of "information/":

"We have absolutely no evidence to indicate that any others should be charged"

"The funding as it applies to this case was investigated and there was no evidence to charge anybody."

The only open aspect, according to Hushen, was the GAP report on that unaccounted fortune of which $114,000 wound up in the indicted Barker's account.

It thus was not an open aspect that McCord has used licensed communication equipment in the commission of an illegal act, a lead-pipe cinch charge; ir for other than the licensed purposes. These were not kids' Dick Tracy toys. They were highly-

sophisticated, expensive apparatus for which special licenses were issued on the representation that they were to be used in Republican National Committee - not CREEP- security activities. These were separate from transceivers McCord had licensed for his own use. A total of ten Republican units were licensed. Two were base units, eight were mobile. They were assigned three frequencies, 156,260, 161.9725 and 161.9175 megacycles from June 7 through November 30 only, or through the convention, the election and cleaning up after it.

Nor were ~~were a what may well be the longest list of crimes as a consequence of one breaking and entering ever recorded in and suppressed from~~

What may well be the longest list of crimes ever recorded as a consequence of a single breaking and entering was also not an open aspect. Hushen's and other ~~xxxxx~~ government statements add up to "the case is closed with this indictment." That it has not ended with this whitewash indictment is not Nixon's fault or that of anyone subordinate to him in his administration, with the exception of those who from disgust or in order to make their own situations better leaked his horrible secrets and those of his administration and his private, personal re-election committee.

The most corrupting, the most serious, the most subversive of the uncharged crimes can't be charged because there is no statutory prohibition. Were the offenders peace-loving baby-doctors, preachers, scholars and students, particularly if their hair was long and their feet bare, the fertile imagination of the thousands of lawyers in the Department of Justice would have contrived special interpretations to cover them. But when the administration itself poisons the precious waters of freedom in the well, when it nullifies the entire process by which a representative society governs itself, that is not an indicted or indictable offense.

Never has financial corruption been as institutionalized in an election. Later, despite this covering-up by indictment, some of it did emerge. It then became apparent that corporations and their executives were blackmailed into violating the campaign laws. Some confessed it fearing prosecution after a secret White House list of hidden contributions

was smoked out in a civil action. All other copies and all records on which it was based were destroyed. Only the copy to be used for various kinds of paying back excaped the paper-shredders. Without ~~it~~ this one copy, in the hands of Nixon's private secretary, there would be no way of knowing who had to be remembered by the White House. Some of this money was used in The Watergate, was know to have been used, and was kept out of the indictment.

Other related and indictable crimes abounded and were not charged. There was bribery. There was perjury and the subornation of perjury. There were accessories before and after the fact. There was obstruction of justice. There was the destruction of evidence.

There were so many, not charged, not even hinted at in this indictment

One federal statute that could ensnare many, including someof the highest officials, is Section 4 of Title 18 of the United States Code (18 U.S.C. 4), which makes it a federal offense not to report a federal offense.

Is it any wonder that when Nixon launched his counterattack 11 months after this indictment, his plea of his speech of Wednesday, August 15, 1973 was, "The time has come to turn The Watergate over to the courts"?

His courts where he had appointed the judges. His prosecutors, without exception, to draw the charges and ~~xxxxxxxxxx~~ select the juries and present the cases.

Were this to happen, the initial indictment offers a forecast of the end.