

Watergate Indictments of 3/1/74

HW 3/2/74 A few earlier comments in notes, letters

Today's WxPost carried what is represented as the full texts but there are deletions indicated in one place with *s and elsewhere with . . . s. No way of knowing if deletions are significant or would change opinions.

Prior to reading the text all I knew was from last night's TV coverage, regular CBS, NBC evening news, and from radio coverage, all-news stations, beginning 4 a.m. today and including Westinghouse KYW and CBS' WBBM, WCBS.

From this early coverage I formed initial opinions which were influenced by my earlier knowledge of people, including Jaworski; from knowledge of the situation and its potentials, and want to begin by recording a preconception that the indictments would be sensational, getting much excited attention, but on analysis would be considerably less and would not charge all or even the most serious crimes, even allowing for other indictments in other areas, like Plumbers, ITT, Dairy money, etc.

In short, I expected these indictments to be new coverings up, as the first indictment really was, already analyzed and reported in that chapter of the book.

I assumed from the reporting that at the point reporters said the indictment supports the Dean and not the Haldeman version of the March 21, 1973 meeting with Nixon it would also have the effect of not suggesting, leave alone alleging, any earlier Nixon participation in the cover up. This in fact is the case. There is no reason to believe, from this indictment supposed to cover the covering up, that he had or could have had any earlier part in it. And from reading the language relevant to it in the indictment, that part is not as solid as the attention to it in the media would suggest. Not as it related to Nixon. It nails Haldeman, for whom Nixonian defenses are not available.

This means a presumption of Nixon innocence of covering up prior to 3/21/73 or the indictment lies and this protects him.

Another expectation is that where the indictment deals with efforts to get the CIA to take over paying off the defendants it would make it appear the CIA was innocent. This is incorrect and in order to so represent it CIA criminality was ignored, not even hinted at. Possibly other indictments will include the readily-available charges and against not less than Helms, Cushman and Walters, all for perjury, all for lying to the FBI and possibly the grand jury and Senate committees and possibly for obstructions of justice.

"No DJ, FBI, CIA involvements" is another note. It also is fact and it also is true that charges could have been made against all and should have been made against a number of the top DJ people and Ray at least in the FBI. But this never happens.

"No defense counsel involvement" is another note. Meant people like Bittman, Caddy, etc., not the CRHEPs' lawyers, of whom Parkinson was charged. Another, no misprison charges. No conspiracy to suppress indictments" meaning in and about the first is another. "No FCC charges" over such things as unlicensed transmitters and misuse of licensed. No charges for misuse FBI reports (as via Mardian by CRHEPs. No civil-rights charges, in initial crimes charged incompletely 9/15/72 and since then brought further to light in the "Enemies" projects, misuse government powers, agencies (as IRS and others). "No allegations dealing with earlier White House plans for a unit operation, never brought to light but covered as a "public relations project."

In each and every instance my anticipations were accurate. They are also inadequate because with some thinking I can think of other charges that could and should have been alleged going back to oversights in the initial indictments and involving people who have not copped pleas and who were not part of the Plumbers so not expectable in those coming new indictments.

I can't here analyze all that is wrong with what is in these indictments. It ranges from the significant if not most important, an entirely inadequate reflection of the events of June 19-20, 1972, where Nixon's direct knowledge is reasonably certain and the participation of others is not in reasonable doubt (besides what is alleged). Pat Gray destroyed evidence and is not charged with anything. He withheld evidence and likewise is not charged. But the beginning of that, the Ehrlichman, Colson Dean meeting at which Dean was told to collect all Hunt's stuff is.

"Lying Hunt" off, for reasons that could and should have been specified and charged

already reported publicly and with that comb. ext. referred to plea - very embarrassing

is omitted. In fact, that he was bought off is not charged. It is inferred in other charges. Omitting this and the relevant protects Nixon, Bittman (if not others in his firm) and possibly others. (No ref. to Dorothy's money when killed, either, and that also was criminal and involved more than her. And uncharged Howard.) It also was part of obstructing justice.

What the indictment lacks, and the foregoing is not all but is hastily off the top of the head, is onliterated by its sensation, by the status of those charged, by the length and apparent specifications, etc. It remains a cover-up indictment if it is all of that which orients around covering up.

Despite the length and impressive numbered paragraphs (50 pages) it is essentially a simple indictment charging some of the well-publicized obstructions of justice but not all of them; some of the perjury and the lying that is less than perjury; and conspiracy. No unindicted co-conspirators. Other crimes known and other aspects of these crimes not included. Some but not all above.

Nor are those charges made a certain to stand up as the attention and the sensation might lead one to believe. It is not at all simple to prove beyond reasonable doubt that the false claims to not remembering were in fact not remembered. We may be morally certain that this was perjury, but proving what was and was not in any man's mind at any given time is not easy, less so in time of stress for him, and all these guys were under the most real pressures on all questionings.

Some are one man's word against the other, with no indication of support for either. This is not to say it does not exist nor that the indictment should specify if it does. It is to say a) that substantiation is not indicated and b) I did not immediately recall any. In such cases, the benefit of the doubt belongs to the accused.

The number of repetitions of the same crime that could have been charged to those who were charged and were not included is impressive as it is a radical departure from prosecutorial norm, which is to load the indictment so some charges have better chances of sticking and the time of sentences is likely lengthened. With the poor and political this is the norm. Thus each of those charged with obstructing justice (28 18 U.S.C. 1503) is merely four and each faces but a single charge on this count. Mitchell, Haldeman, Ehrlichman and Strachan. And the obly obstruction in this count is paying defendants.

(In count 11 I recalled what I had forgotten and should not have because it is part of a bigger deal, that it was on 6/19/72 that the business of dumping what remained of Hunt first came up in meetings - Ehr., Colson, Dean. It also seems never to have occurred to anyone, including here, to wonder why Hunt fled and Liddy did not; why Ehrlichman in great haste ordered Hunt to flee and nobody else. Liddy was not only the "emstone boss-Hunt was not even part of it, not officially.)

With time I could pick this indictment apart more. Today was not such a day for there were such pressing needs as replenishing our water supply when the pump and well are out and when we had to locate both the well and the pipe leading to it when both were unmarked, three feet underground and had to be dug up. These kinds of things may well have impaired my acuity and could have led me to misread or draw conclusions that may not be justified. But unless all the foregoing is defective, the indictment certainly is and I do not expect to read, see or hear this in the media. Or from the Democrats.

(I have not finished reading the Post by suppertime. I have read the first page of the early edition and the text as printed of the indictment.)

It is also possible that I am the self-fulfilling prophet who, having prophesized this (to Sussman, Lissner, Lindsay and others in the media, to Sussman in writing and verbally and in notes analyzing Jaworski and his position, etc) seeks to make his prophecy come true. I believe the truth is not contrived, not seen where it does not exist, and that the attacks on Jaworski may well have been part of the deal.

The very best that can be said for this indictment is that it is not thorough and that is more than enough to validate my prediction. But that is not the point. What is the point is that if I could foresee with clarity and accuracy, is it at all possible that nobody in the media could or did? Nobody in the Democrats?

If the indictments are by subject, the deficiencies in this presentment can't be remedied.

There is as I'd expected and earlier wrote, nothing of real importance in this not