

9/13/72 W post

Watergate Questions Abound

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It was exactly 11 weeks ago today that the story burst across the front pages for the first time: five men arrested in the early morning hours inside the offices of the Democratic National Committee at the Watergate Hotel...

Wearing rubber surgical gloves. Carrying burglary

News Analysis

gear, electronic eavesdropping equipment, cameras for photographing documents, walkie-talkies, and consecutively numbered \$100 bills. Included among the five, was the chief security consultant to the Committee for the Re-election of the President.

The investigation of the break-in took a curious path, leading from Washington to Miami to Mexico to Minnesota and elsewhere, involving everything from foreign bank accounts and hidden fund stashes to the Bay of Pigs invasion and the CIA.

Somewhere along the line, it became known as the "Watergate Caper"—a major issue in the 1972 presidential campaign.

Yet after all the disclosures, publicity and furor of the past 11 weeks, almost all the principal questions raised by the incident remain unanswered:

- What were those five men doing inside the Watergate? What was the purpose of allegedly bugging and collecting information on the Democrats? And were

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QUESTIONS, From A1

they attempting to remove, not plant, a bug?

- What was the extent of involvement of officials of the Nixon re-election campaign or of the Nixon administration?

• How thoroughly and honestly are the investigations being conducted?

- What effect will it all have on the presidential campaign this fall?

I. Purpose and Scope

Ever since the break-in, a number of theories have been advanced regarding its purpose.

First, there was what might be called the "Cuban refugee" theory, which assumed that the men arrested inside the Watergate were members of a fringe Cuban group perhaps worried that the Democrats might be seeking friendlier relations with Cuban Premier Fidel Castro. Among those advancing this idea in the days after the break-in was at least one staff member at the White House.

The Cuban theory is based primarily on the fact that four of the five men arrested June 17—Bernard Barker, Frank Sturgis, Eugenio Martinez and Virgilio Gonzales—lived in Miami and were either Cubans or had extensive contacts with Cuban exiles there. All four had had some close associations with the CIA since the 1961 Bay of Pigs invasion.

Arguing against the Cuban theory has been the accumulation of evidence that members of President Nixon's own campaign staff, the Committee for the Re-election of the President (CRP), were involved in the break-in.

The man providing the initial clue to Republican involvement was the fifth person arrested in the break-in, James W. McCord Jr., a retired CIA employee who was the chief of security for the Nixon campaign.

On the day after the arrests, John N. Mitchell, then the Nixon campaign chairman, sought to disassociate the campaign staff from McCord, saying, "He (McCord) has, as we understand it, a number of business clients and interests, and we have no knowledge of these rela-

tionships."

The next clue was the discovery, two days after the break-in, that another former CIA employee (E. Howard Hunt Jr., who had been a \$100-a-day White House consultant, was listed in address books taken from two of the five arrested men. Next to Hunt's name in the address books were the notations "W.House" and "W.H." It was later determined that Hunt had had extensive contacts with Barker in the months before the break-in.

Hunt, by most accounts, was a friend and consultant to White House special counsel Charles W. Colson and was brought to the White House on Colson's recommendation. Shortly after Hunt's name was linked to the case, he disappeared, and according to authorities, 150 FBI agents began a nationwide search for him. It ended when his Washington attorney told authorities that Hunt would agree to return and answer questions.

Adding to the intrigue was a tidbit of the kind that began to come out every few days in the ensuing weeks: Hunt, according to others in the White House, had spent months quietly doing research on Sen. Edward M. Kennedy (D-Mass.) and his 1969 Chappaquiddick automobile accident.

Yet another link to the Nixon campaign was provided in late July, when it was revealed that G. Gordon Liddy was fired by Mitchell June 28 for refusing to answer FBI questions about the Watergate incident. (Mitchell himself resigned two days later, asserting that he wanted to accede to his wife's wishes and return to private life.)

Liddy, a one-time White House aide, was the chief adviser to the Nixon campaign staff on the new congressional statute requiring stricter reporting of campaign contributions. In the eyes of some people on the campaign staff and others close to the investigation of the Watergate incident, Liddy was probably the second-ranking policy-maker in the Nixon fund-raising effort, next to finance chairman Maurice Stans.

Telephone records of the

Miami home and office of Barker (one of the five arrested men) revealed that Barker had placed at least 15 long-distance calls to the Nixon campaign offices between March 15 and June 16, most of them to Liddy's extension there. The records also showed that Barker had made 29 long-distance calls to Hunt's home and offices from Nov. 19 to June 16.

Another link between the Watergate break-in and the Nixon re-election staff was provided Aug. 1 when it was reported that a \$25,000

check representing funds raised for the Nixon campaign represented funds raised for the Nixon campaign provided Aug. 1 when it was reported that a \$25,000 check representing funds raised for the Nixon campaign was deposited in April in Barker's bank account.

It was this revelation, six weeks after the incident itself, that seemed to give the Watergate caper a new, more important twist. The Democrats, trying to recuperate from the Eagleton affair, began to seize on it daily.

The check represented a contribution from Dwayne Andreas, a Minnesota investor, who reportedly gave the \$25,000 in cash to Kenneth H. Dahlberg, the President's chief fund-raiser in the Midwest. Dahlberg said that he used the cash to obtain a cashier's check made out to himself from a Florida bank, and that he personally handed that check to Maurice Stans, the finance chairman for the Nixon campaign.

Stans later said that he held the check for a few minutes and then turned it over to Nixon campaign treasurer Hugh W. Sloan Jr., who in turn gave it to Liddy. No one has explained the exact details of how the money ended up in Barker's bank account, or how much of it Barker actually kept. Sloan resigned from the Nixon campaign staff over the summer.

It later developed that another \$89,000, also deposited in Barker's bank account, represented contributions to the Nixon campaign that were raised in the Southwest and were moved through a Mexico City bank

to insure that the donors would remain anonymous. According to investigators, this money, like the other \$25,000, passed through the Washington office of the Nixon re-election committee.

All of these links suggest strongly that the alleged bugging may have been concocted not by some Cuban exile group, but by at least some individuals connected with the Nixon campaign staff and the White House (such as Liddy, Hunt and McCord). A few days ago, in fact, a source close to the investigation reported that Liddy and Hunt were actually inside the Watergate at the time of the June 17 break-in, and narrowly escaped arrest that night.

This theory of the break-in raises interesting questions of its own. First, what would anyone be looking for inside Democratic headquarters? The answer to that is unclear.

Perhaps information on the Democrats' campaign strategy, or perhaps lists of persons who had contributed to the Democratic campaign. Such lists were located in the party headquarters; and in late spring, the Democrats were just beginning to make a campaign issue out of the fact that the President had collected \$10 million in contributions before April 7—the date a new campaign law took effect and names of all contributors had to be disclosed.

The burglars could have been looking for some potentially embarrassing information about prominent Democrats.

There was, by way of example, a column by Jack Anderson in mid-June about former Democratic Party Chairman Lawrence O'Brien's personal travel and living expenses—obtained, the Democrats say, from a file that had been missing from party headquarters. Last week, the Miami Herald reported that seven days before the June 17 arrests, a Miami photo shop processed film apparently made during an earlier break-in at Democratic headquarters. According to the film processor, the film showed some of O'Brien's correspondence, some of it mentioning the name "Ken-

nedy."

O'Brien himself has suggested that the June 17 break-in may have been for the purpose of removing bugging equipment placed in the party headquarters at some earlier time.

There is one other theory about the possible motive behind the break-in. According to this, the intruders may have been planning to disrupt or otherwise influence the Democratic convention in Miami.

There are three principal pieces of evidence supporting this theory. One is that, according to investigators, diagrams of two large ballrooms at the Doral Hotel in Miami—which was to be McGovern headquarters during the Democratic convention—were found among the belongings of the five arrested men.

The second is the statement of a Miami architect that a year ago—at a time when only the Democratic convention was to be held in Miami—Barker attempted to obtain from him the blueprints of the Miami Beach

convention hall and of its air-conditioning system.

The third is the report from investigators that McCord, one of the suspects, had four Democratic memos on him when he was arrested. The memos told how representatives of college newspapers could obtain press credentials and housing for the Democratic convention.

Still, the questions about the purpose of the operation linger. Why was it carried out in the fashion that it was? Bugging experts have said that it was an amateurish job and that the equipment found was surprisingly out of date.

Did any higher Republican officials know of Hunt's and Liddy's relationships with the men arrested in the Watergate?

Almost since the day of the break-in, the Democrats, speaking primarily through O'Brien, have charged that the White House and the President himself should bear the responsibility for the break-in. Republicans and high-ranking officials in the Nixon campaign, on the other hand, have disavowed

responsibility and have attempted to portray the possible involvements of Liddy, Hunt and others as misguided efforts unauthorized by the Nixon campaign.

Still, the mysteries remain. There is the \$25,000 check, which passed through Stans' hands and ended up finally in Barker's bank account. Did Stans know the destination of that check? He denies it.

And what about Mitchell, who was the campaign chairman at the time of the break-in and in the months before it? He too quickly disavowed the break-in a day after it happened. The men "were not operating either in our behalf or with our consent," he said in a written statement.

Yet, some believe that as chairman of the campaign, Mitchell should have known about a transfer of \$114,000 into the bank account of Barker.

Such speculation brings into focus one of the most curious events of the 1972 political campaign—Mitchell's sudden resignation as President Nixon's campaign chairman on July 1.

The resignation came after urgent public pleas from his wife, Martha, that Mitchell spend more time with her and get out of politics, which, she said, was a dirty business. There is the added coincidence that the Mitchells, during their years in Washington, were probably the best known residents of the Watergate Apartments.

II. Probes and Politics

In the aftermath of the break-in, a number of investigations have been undertaken (some with little or no relationship to the break-in itself) and these investigations in turn have raised questions of their own.

The foremost investigation is the federal criminal probe begun immediately after the incident by the FBI and by the U.S. attorney's office here. Both agencies are directed by the Justice Department.

Under the direction of Earl J. Silbert, the second-ranking official in the U.S. attorney's office here, a federal grand jury has been meeting since late June to

hear evidence.

Silbert is a young and respected prosecutor who has in the past worked closely with Justice Department officials and has earned their trust. He has visited the Justice Department on occasion during the investigation, and both FBI Director Patrick Gray and Attorney General Richard Kleindienst have said they are receiving reports on the investigation.

A number of people, reportedly including Liddy and Hunt, have testified before the grand jury. There have been no indictments returned at this time, although various federal officials have hinted there will be some within the next few weeks.

Some people, most notably the Democrats, have argued that it is virtually an impossible conflict of interest for an arm of the Nixon administration to conduct an investigation of an incident that has become so much a part of the presidential election campaign.

Lawyers for the Democrats have asked repeatedly that a special prosecutor, operating independently of the Justice Department, be assigned to the case. Sen. William Proxmire (D-Wis.) at one point called for an independent investigation.

Such steps would be unusual, but not unprecedented. Those who oppose them argue that the Justice Department under President Nixon is fully capable of investigating the Watergate affair, just as, for example, the Justice Department under President Johnson

carried out the criminal investigation of Bobby Baker.

If there were political influence on the investigation, how would it be exerted?

For one thing, there might be efforts to delay the grand jury from returning an indictment until it is certain that there can be no criminal trial before election day.

Under local rules here, a judge must attempt to bring the Watergate case to trial within 60 days after indictment, so to insure a criminal trial before election day,

there must be a grand jury action this week.

On the other hand, the responsibility of the grand jury is to conduct a thorough investigation, not necessarily a speedy one. If the grand jury were hurried to return an indictment and then disbanded without pursuing all available leads, it might later be charged with conducting a quick whitewash.

Besides the federal criminal investigation of the Watergate bugging, there is a \$1 million civil suit filed June 20 by then-Democratic Party Chairman O'Brien. The suit, filed on behalf of all Democratic voters, charged that the break-in was an invasion of privacy and that it deprived voters of their constitutional rights.

When the suit was filed, Mitchell, in a prepared statement, called it a political stunt. The suit became a means by which the Democrats could conduct their own investigation of the Watergate case.

As parties to an official court suit, the Democrats won the right to question everyone involved.

The Republicans formally moved to delay this investigation. On July 10, the Committee for the Re-Election of the President asked the court to postpone the civil suit until after election day, arguing that if the case proceeded, it might do "incalculable" damage to the President's fall campaign. Clark MacGregor, the man who succeeded Mitchell as the President's campaign manager, later admitted that this request was a tactical mistake—saying that attorneys, not campaign officials, used such language.

On Aug. 11, the judge assigned to the civil case, U.S. District Court Judge Charles R. Richey—a Republican appointed by President Nixon on the recommendation of Vice President Agnew—turned down the request to delay the suit and ordered it to proceed. The Democrats immediately moved to take testimony from, among others, Mitchell, Stans, Colson, Liddy, Sloan, Hunt, the five suspects, and others.

Under Richey's Aug. 11

ruling, most of these depositions would have been made public. But on Aug. 22, he decided to seal all testimony in the case indefinitely, saying he was worried the disclosure of the testimony might jeopardize the constitutional rights of any possible criminal defendants.

Two days later, on Aug. 24, Richey said he was troubled by that decision, and indicated that in the interest of the "right of the public to know" he might order an early trial in the civil suit. He has not done so yet, however, and testimony that was taken of principals in the case by the Democrats this week remains sealed.

A third federal investigation relating to the Watergate incident was launched by the General Accounting

Office, the investigative arm of Congress on Aug. 2, a day after it was revealed that the \$25,000 check to the Nixon campaign wound up in Barker's Miami bank account.

According to the GAO, there was no record of the check being received by the Nixon campaign, as required under the new Federal Election Campaign Act. MacGregor, the Republican campaign manager, disputed that claim, asserting that although the funds were received by the CRP on April 11, they were raised before April 7 (the day a strict new campaign disclosure law took effect) and therefore did not have to be reported.

Here, as in the civil suit, there was what appeared to be an attempt by the Nixon campaign to delay the release of information.

On Aug. 21, several reliable sources reported that the GAO audit had found violations in the handling of the campaign contributions by the CRP. Phillip S. Hughes, a director of the GAO's office report would be issued within a week.

A day later, however, chief Republican fund-raiser Maurice Stans called Hughes from Miami an hour before the GAO audit was scheduled to be released. Hughes then flew to Miami and the GAO audit was held

back at the request of GAO Director Elmer Staats.

Stans later explained that the meeting in Miami was necessary "in order to allow the GAO report to be as complete as possible."

When it was released on Aug. 26, the GAO report noted that \$350,000 in cash was kept in chief fund-raiser Stans' safe for more than six weeks after the new campaign disclosure law went into effect on April 7.

The \$350,000 was not deposited in a Nixon committee bank account until May 25.

One high government official said, "The \$350,000 was like a floating crap game—money could go in and out, checks could go in and out with no accountability as required by the law.

"The public doesn't realize the seriousness of this. The Nixon committee could do anything with that money, play all sorts of games," the official said.

The \$114,000 that was deposited in the bank account of one of the Watergate suspects has been traced to the \$350,000 fund, according to the GAO report.

There have been other official investigations launched into various aspects of the Watergate case. The state's attorney in Miami, Richard E. Gerstein, who is running for re-election this year, has been looking into possible violations of Florida laws stemming from the Miami activities of the four arrested men and of the financial transactions in Florida.

The House Banking and Currency Committee, under the direction of Chairman Wright Patman (D-Tex.) is conducting an investigation of links between campaign financing and the Watergate incident.

And there have been a number of Republican investigations as well — one, for example, for the President by White House counsel John Dean, who concluded that there was no involvement by the Nixon administration or White House staff.

Mitchell and Stans have conducted their own inquir-

ies into the incident, according to President Nixon.

In addition, newspapers and magazines have devoted extensive resources to their own investigations of the incident.

All the investigations have given the Democrats vehicles on which to turn the Watergate affair into a campaign issue.

O'Brien and the Democratic nominee, Sen. George McGovern, have been hammering away throughout the summer, calling for a special prosecutor, emphasizing the possible Republican involvement and using the incident as an example of what they believe to be the evils of the Nixon administration.

On Aug. 16, in his strongest statement, McGovern said of the Watergate incident: "Now this is the kind of thing you expect under a sure about the \$114,000 in campaign funds deposited in Barker's account, and the GAO investigation, have given the Democrats an opportunity to call attention to something they first attacked last spring: the failure of the Nixon campaign

to disclose the sources of \$10 million in campaign contributions.

Last week, the Republicans began to counterattack, charging the McGovern campaign with "devious coverups" of their campaign contributors and calling for a GAO investigation of Democratic campaign finances.

Even President Nixon joined in and assured reporters that everything was being done to avoid a coverup.

There is another measure of the big stakes the two political parties believe they are playing for in the Watergate incident: Some of the best-known lawyers in the country have become involved.

- William O. Bittman, the former government prosecutor who obtained criminal convictions of former Senate aide Bobby Baker and Teamster boss James Hoffa, is Hunt's attorney.

- Henry B. Rothblatt, who successfully defended Col. Oran Henderson in the Mylai massacre case, is representing the five suspects.

- Edward Bennett Williams,

a top criminal lawyer here, is handling the Democrats' \$1 million civil suit.

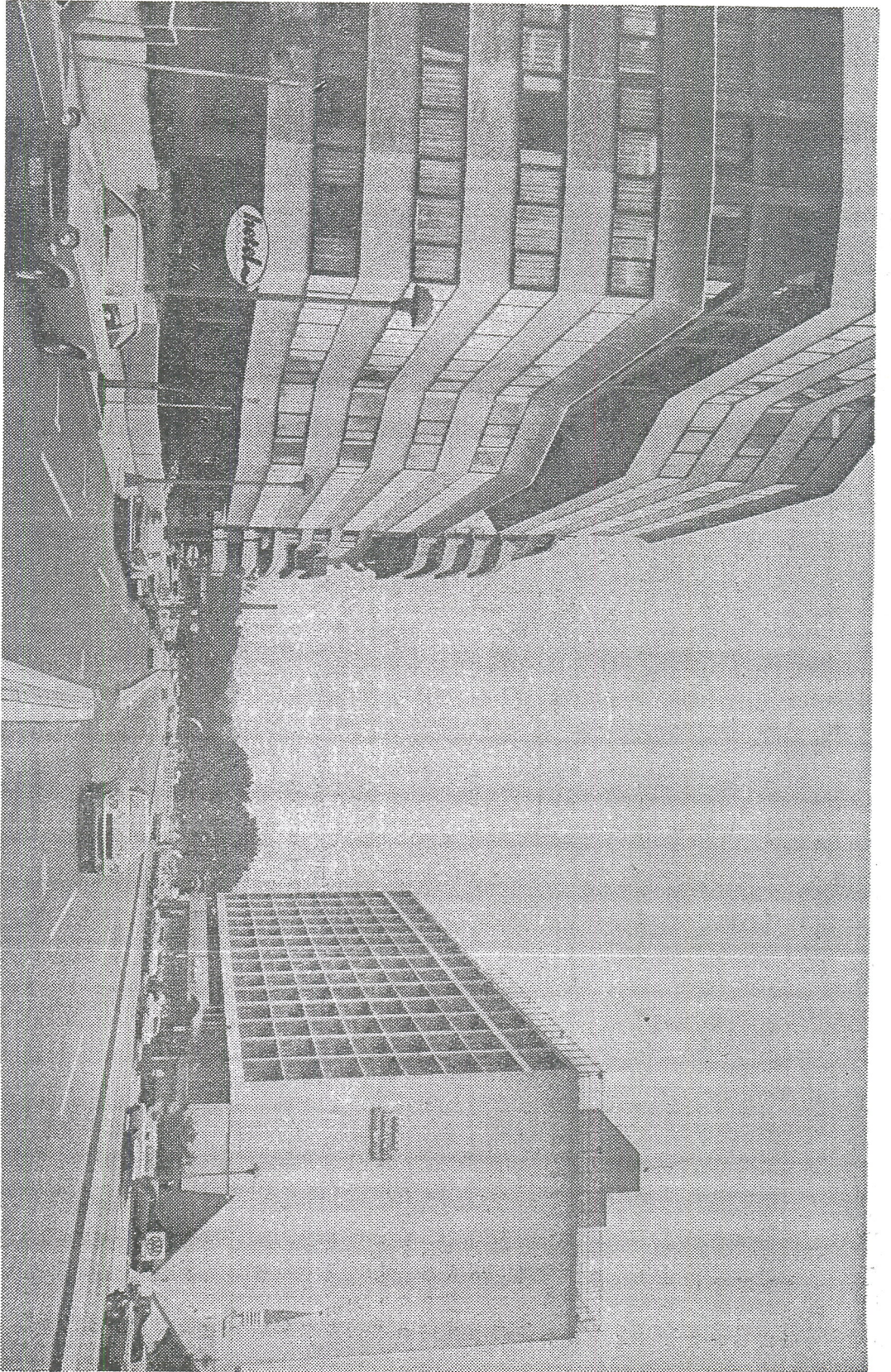
• Douglas Caddy, a young Washington attorney who first represented the five suspects, was himself represented by no less than four lawyers in an unsuccessful and protracted legal dispute to avoid testifying before the grand jury investigating the case.

Noting that there are at least five separate investigations of the incident, President Nixon a few days ago, for the third time rejected the Democrats' request that a special prosecutor be appointed.

"Now, with all of these investigations that are being conducted, I don't believe that adding another special prosecutor would serve any useful purpose," Mr. Nixon said.

"What really hurts in matters of this sort is not the fact that they occur, because overzealous people in campaigns do things that are wrong."

"What really hurts is if you try to cover it up," said the President.



By Frank Johnston—The Washington Post
In this view down Virginia Avenue, the Watergate Office Building is at left and Howard Johnson's Motor Inn at right.