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The Unasked Questions

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Debate over continuing the televised Watergate hearings of Sen. Sam Ervin's investigating committee has focused primarily on two issues: the sessions are dragging with too much detail from secondary figures boring the public; and the extensive publicity given the revelations might prevent successful future prosecutions.

I would like to suggest an altogether different danger posed by the conduct of the first three weeks of public questioning—the committee is not questioning *enough*. Through haste or lack of preparation, it is missing its chance to lay a firm factual base against which the senators will then be able to question the principals from the White House and the Nixon re-election committee. Almost from the first day after the arrests at the Watergate, when campaign manager John Mitchell misled the public on James W. McCord's employment with the campaign, webs of lies have been draped over the affair. The Ervin committee has the chance—and the responsibility—to establish the facts. However, in the hearings to date, aimed at detailing the Watergate break-in, the background and the coverup that followed, the senators and their counsel have missed opportunities to develop facts that will be needed later on to sort out exactly what happened.

One major failure was in the questioning of Mrs. Sally Harmony, secretary to convicted conspirator G. Gordon Liddy. Mrs. Harmony retyped the taped telephone logs along with other intelligence information under the code name "Gemstone." On several occasions Liddy dictated such reports to her, which she took down in her shorthand notebook and later retyped. Once she received a telephone log directly from McCord. After the affair was over and a bill for the "Gemstone" stationery arrived, she asked Deputy Campaign Director Jeb S. Magruder about it and he told her to destroy it. In short Mrs. Harmony had information which would start a trail to others, above Liddy, with regard to pre-June 17 knowledge of wiretapping. She also had to have information on any cover-up, if just in the manner in which she was questioned and how she responded. She told the senators that as of June 18, she knew she was involved in something illegal. What happened next?

The committee failed to press Mrs. Harmony in any of these key areas. Liddy was suspect within the re-election committee from the start. Was Mrs. Harmony ever questioned by Nixon committee officials or their

lawyers? What did she tell them? She was questioned by the FBI, although after she destroyed her records. What did she tell them? It was brought out that she had appeared before the grand jury, though no senator asked her the dates of those appearances. They were important. For Mrs. Harmony apparently never talked about what she had done for Liddy before the Watergate trial since she never appeared as a witness.

She did testify that in a conversation with Liddy, her former boss told her to tell the truth. Apparently she either did not or never was asked about "Gemstone" and related matters. Why? Perhaps her *memory* of them did not come back until recently. What happened, who has she talked to in the past months that led to her new, but still somewhat limited, disclosures? The committee ought to get her back to clear up these questions.

In Robert Reisner, Magruder's former administrative assistant, the committee had a cooperative witness with a good memory for facts. Reisner told of putting "Gemstone" material in folders destined for John Mitchell. But he was never asked if he knew whether that material ever came back to Magruder—in short whether Mitchell kept the documents. Reisner also said copies of material sent to Mitchell normally went to H. R. Haldeman at the White House. He never was specifically asked whether copies of "Gemstone" material, known to be sen-

sitive, were also sent to the White House.

Reisner disclosed he was never questioned on his knowledge of "Gemstone" material until March 30, after the Watergate trial was over and McCord's letter to Judge John Sirica raised questions of perjury. At that time, it was an Ervin committee investigator who came to him, not anyone from the Nixon committee or the U.S. Attorney's office. Reisner thus would have been a good witness to describe what happened within the Nixon committee and particularly Magruder's office during the first weeks after the break-in. He was not asked.

Herbert L. Porter, the Nixon committee's director of scheduling who disclosed, to the committee last week he perjured himself, will return to testify today. Last week he told how Magruder approached him to lie to the federal investigators "11 or 12 days" after the break-in or around June 28. Porter's story should be reviewed in detail because, as earlier testimony

showed, attempts were being made to have Nixon Treasurer Hugh Sloan Jr.

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change his testimony on the same subject as late as July 13. Porter also should be asked about his statements to the Nixon committee lawyers, the FBI, the federal prosecutors and the grand jury. Particularly, he should be queried on how deep the questioning went on his phony story, in an attempt to see if any or all these investigators were willing to accept it at face value.

Porter also should be questioned on the destruction of records that—although denied—appears to have taken place in the week after the Watergate arrests. Reisner testified he "consolidated" sensitive files and delivered them to Magruder who selected those to be destroyed. Sloan on June 23 finished up his summary of cash disbursements and contributions, gave one copy to Finance Chairman Maurice Stans and destroyed all the backup material. Mrs. Harmony went through Liddy's files on June 28 and destroyed those that had his handwriting on them. What, if anything, was destroyed in Porter's area?

Finally Porter should be questioned in more detail about how he first heard about the Watergate arrests. He briefly described Magruder in California looking for a "secure" phone at 8:30 a.m., June 17, to take a call from Liddy. What happened the rest of that day in Los Angeles where, along with Magruder you had Mitchell and his two assistants, Fred LaRue and Robert Mardian. The next day, according to Porter, Magruder was said to have "spent the whole morning on the telephone with Key Biscayne." That should be developed. The President was in Key Biscayne that day and most certainly questions were being asked and answers given on the Watergate operation. Who did he talk to? Whatever Porter can tell about what went on that day and in the days that followed would be invaluable to any close questioning of the principals in the days to come.

All this is not to say the committee is on the wrong track or off to a particularly bad start. The first days of any investigative hearing are difficult—techniques and styles must be worked out, a pace must be established.

The easy witnesses are coming to an end and a good deal of important information has been needlessly passed over. One solution for this initial problem might be for the senators to divide up specific areas—one concentrate on pursuing what went on the week after the break-in, another going after what each witness did, who he talked to in the period following McCord's letter of March 24. Such a program would have the added effect of eliminating the scattershot questioning that has ensued with each witness after a basic story had been told.