

The Atmosphere in the White House

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Something very close to the heart of the subject matter of the Senate Watergate hearings was touched the other day during the rather startling testimony of Jeb Stuart Magruder. It was not so much the testimony about the sessions in which kidnapping, burglaries, call girls and illegal spying were so casually discussed in the offices of the Attorney General of the United States. Nor was it even Mr. Magruder's revelation of the knowledge that H. R. Haldeman's office possessed about all this. This was startling and substantial stuff. But the heart of the matter was reached, it could be argued, in Mr. Magruder's testimony concerning the line of reasoning that led him to participate for months in a series of felonies and in his testimony about the atmosphere in the White House when he worked there that encouraged him in that direction.

In response to Sen. Howard Baker's now predictable "How could you?" line of questions, Mr. Magruder gave an answer which he had clearly considered carefully before coming to the witness table. He cited his old ethics professor, the Rev. William Sloane Coffin for "continuing violations of the law" and for encouraging breaking the law in protest of the President's Vietnam policy. This incitement to lawlessness, he said, created an atmosphere in the White House that made it almost irresistible to take the decision to break, enter, tap and bug. In the White House, he said, "there was a feeling of resentment and of frustration at being unable to deal with issues on a legal basis."

So there you have it: a considered rationale for the Watergate burglary, presumably for the illegal activities of "the plumbers" while they were doing business from the White House and also for the President's approval—apparently rescinded five days later—of a plan that included illegal intelligence gathering as well. The condition of the country at the time, the effect this had on the atmosphere in the White House and the consequent responses of high government officials all bear a bit of scrutiny. In his May 22 statement on the Watergate, Mr. Nixon gave us his own rundown of the events that produced the atmosphere that apparently produced Watergate and the Ellsberg burglary and all the rest. There had been news leaks, there had been a wave of bombings on college campuses, there were 400 bomb threats in New York in one 24-hour period, there had been college riots in response to the Cambodian incursion topped off by Kent State and Jackson State, both of which Mr. Nixon mentioned by name.

Those were the events which, by Mr. Nixon's own testimony, led him to approve an intelligence-gathering plan, a part of which was clearly labeled illegal as it was passed from hand to hand on its way to him for

approval. And it was those events plus the publication of the Pentagon Papers which led him to authorize the creation of the extra-legal White House "plumbing unit" which soon began to lead the United States government into a life of crime in a big way.

A couple of things come to mind that were wrong about the White House response.

First of all, it is useful to recall some other words from Mr. Nixon's May 22 statement. He said, "To the extent that I may in any way have contributed to the climate in which they [unethical and illegal activities in the campaign] took place, I did not intend to." Now, that may be so. But anyone who has been around this town for any length of time knows that there is one man alone who sets the tone and creates the climate in any White House and that is the President. Intent is not the issue; a President must be prepared to take the consequences of the effect of what he says and does.

There is another point to be made: Whatever you may think of the Rev. Coffin and his assorted lawbreaking, he *was not the highest elected custodian of the Constitution and the laws of the United States*, or even the holder of some lesser responsible office. Where were the voices of those sworn to uphold the law and defend the Constitution when lawbreaking was proposed? In the atmosphere of Mr. Nixon's White House, they were apparently either weak or non-existent and in their absence, the nation was demeaned and the law was broken by its custodians.

The sad part is that the remedies were not hard to find—or articulate. Mr. Nixon himself said in October 1970, "My friends, what we must recognize is that in a system that provides a method for peaceful change, there is *no cause* that justifies resort to violence or lawlessness in the United States of America."

That's what the President *said*. But by that time it is interesting to note what he had already *done*. He had already given his specific approval for at least five days—until J. Edgar Hoover refused to go along—to certain kinds of admittedly illegal activities which he thought necessary in the name of "national security". Surely such a decision by any President would set a tone and fix a standard for his underlings in anything they subsequently might be considering doing by way of achieving the President's objectives. After the abortive plunge into lawlessness for the sake of "national security" there came the "plumbers," and the burglary of Daniel Ellsberg's psychiatrist's office. From this, and reportedly a good many other comparable ventures outside the law, it was no large leap in terms of logic or ethics or propriety to burglarize and bug the Watergate. Watch what we do, not what we say, John Mitchell was fond of advising us, and with that as their credo, it is not surprising that he and others should have attributed the same rule to the President in seeking to determine what might be allowable in the furtherance by his subordinates of his general purposes.