

Dear Jim,

10/21/73

If there were new developments overnight in the newest Nixonian dictatorial excesses, I did not hear them. All I did hear is a little whistling past the cemetery by a few Dems., and not as much of that as I'd have expected. Maybe Sunday has something to do with that. I don't expect the papers to be giving us learned analyses of what can or does underlie this, and I don't expect Cox to make up the obvious deficiency of what he did say. Cox did get so far outside his character that I am sure what he could have (and should have) said is much stronger than the for him very strong statement he did make. It was apparent that he and Richardson had been talking and that he expected Richardson not to stand still for it. His p.r. man, if you did not catch the press conference on TV, ended it while he was still getting the kind of questions he should have wanted.

Clark Mollenhoff, by the way, became the activist with his second question, the one about letter, telegrams and calls to Cox's office. (I rather expect it worked, if there is any reporting of it.) Clark still expects this technique to work. I don't. He still doesn't understand his former pals.

The largest single weakness of Cox's performance is that he did not spell out - and ordinary people require spelling out - that Nixon, acting as dictator, was ordering that the investigation and prosecution be ended because he was the target of it. If Cox had said that evidence he was looking into pointed to criminal activity of the President, it might not have deterred Nixon, who has his own urgent needs, but it sure as hell would have given point to what he should have anticipated Nixon would do and it sure would have required no explanations when it did happen.

This timidity is one of Nixon's greater strengths.

One thing Cox did say is significant. It does not have to mean anything. It is the kind of thing that should be normal in any decent investigation. But it is one of the things refused to Cox, Nixon's logs of those who saw him. One was Hunt. Another Liddy.

In my writing I have been building to this. I believe it is one of the things being hidden. It is not basic, but it is quite illuminating, especially in terms of covering up, which I am treating as obstructing justice. In the sense of leading to an impeachable offense, it is basic.

The 5 a.m. news from CBS, what I could hear of it, added nothing except Herb Klein's incredible if you don't follow the leader, you should be fired. As applied to a prosecutor? Castro is using the Chicago frequency heavily, so heterodynes destroy that signal, and CBS New York ~~was~~ is fading, so its clear channel wasn't much good.

This could be enough to lead to impeachment, but I think the political courage is lacking. It will be enough to interfere with the Ford confirmation, but that does not really make much difference to Nixon. He may be better off with no v.p.

Nixon will be the dictator, I'm sure. He'll seize Cox's offices and files, and his honcho Kelley and his minions, selected because they take orders, will be the strong-arms.

This will give Cox the opportunity he can use to overcome his yesterday's shortcomings, but I don't think he'll use ~~them~~ it. My hunch is that Richardson and Ruckelshaus are using this as a clean way of getting out, now that they have a better idea of what they are part of. Not that they will turn activist. Both have been hacks.

The big deal will be breaking the pledge to Congress, and that will bother Nixon little. It also will not turn the people on. They'll decide that Nixon had something to hide. But most believed that anyway. It didn't take this to tell them. Or, I think there is a good chance that this guilty excess will not be effectively used for the ends it can serve.

The trick they played on Ervin is pretty raw. Baker's role is unclear. I suspect he took the lead in it. Switching transcripts into summaries. Cox did not make use of the Jencks law at all, and that would have made this much more comprehensible. He also failed to note that holding back what Nixon was holding back signalled his guilt and that of those who had been close to him. To the more dramatic developments, it was not clear whether Nixon had had doctored tapes prepared or not. A not particularly professional editing would have conner a Stennis. And nobody made use of Nixon's blowing of the basis he may have had in withholding in what he offered. Everybody has been saying this ends it in the courts. It need not. With abdication it will. There is the real question of contempt and the courts can order investigations, appoint amicus curiae, etc. Back to work. HW 10/21/73