

Dear Jim, Last night's reading of Joe Kraft's column was as much of a shock as watching his messianic appearance as he said the same thing in fewer words on NBC the day before. And I could not but help ask myself how could anyone really know what he said?

And what is more troubling, how could anyone as bright and as well-informed not know that he does not know enough to offer an opinion either way.

So, why did he do it and then repeat it, reaching the largest audience in the country and a maximum in Congress, which has never stopped copping out and covering up?

To one who knows much of the fact, there are two touchstones in the indictment: what is in inadequately and what is not in at all. Both hit directly at Nixon. In this case both are out.

This is a simplification but I think it makes the point.

The charge relating to 3/21/73 on covering up is the weakest of those kinds of allegations that could be included, in part because it was so late, so long after the convictions, when "covering up" is harder to comprehend and more difficult to explain to a jury or to make stick on appeal. (Appeal with Nixon controlling the Supreme Court has yet to be mentioned by anyone, and until after the last appeal nobody goes to jail.) but even with this count, the kicker is not in the indictment. That is the day "McCord's" letter reached Sirica, which gives all developments of that day special significance, particularly getting together to figure what to do about Watergate.

What is not in entirely had to be in this indictment and had to be known in any investigation because it is public domain, one of the reasons for my not spelling it out entirely in my dealings with Lindsay/Newsweek: What happened 6/20/72 and why 100% of all tapes of all kinds have disappeared.

So, to one who knows the fact there has to be the most serious doubt, from these two illustrations alone. To one who reads the indictment with care, even not a lawyer, there has to be more trouble because so many of the allegations are so hard to get convictions on based on what is in the indictments. His, of course, need not be all, but from the exact language of the indictments it is a fair presumption that, as I think I indicated in my notes on a mere reading, with one man's word against another's and the real problem of meeting the reasonable-doubt standard being key problems in the perjury charges and having that stick is by no means certain.

The whole tone of the Kraft piece is that this is the living end and we can forget about Nixon and leave all the rest to normal processes. Impeachment is a normal process? There is any reason today to believe that the House has the determination, even the will? Or that 2/3 of the Senate will agree? Or even that the whole thing can be over, one way or the other, before the end of his term?

The coincidence of the Kraft appearances and comments and the indictments and their unexposed weaknesses is a bit too much. When this is combined with his not atypical posturing as the one one with true knowledge, the SuperLippmanaz and what can't be attributed to this alone, is too much too much. He can't help but know that he can't know. So, as I hint in the letter to him, somebody told him. In this case I think out him up to it. And I believe it was that old shrewdie Jaworski. Here I refer to my earlier comments on his covering up in this case requiring greater sophistication than he displayed in the Texas Court of Inquiry and that with his staff and the problems he inherited with it would require that he save himself for the crunch.

For evaluation I note something for which I did not have time when it was in the headlines, the indictment of Jake Jacobson and what was and is so unusual about it. He is a Democrat, said to be an LBJ man (A Wonnally man would be better) and definitely part of another series of indictments whose coming has been adequately forecast. Question: why was it necessary to indict him separately? Why not include him in that series? If I can't say this is the only answer, I do say that one is a public-relations need, to convince the press that Jaworski is dispassionate and diligent. Why else indict a fellow Texas Democrat in a prosecution that is essentially of a Republican administration?

Of course, the White House's indiscriminate attacks against one and all could make anyone look good and like its enemy to the death. ...and on CIA, where Jaworski has a past, the ~~xxxx~~ intelligent reading of what was published says there is a CIA cover-up.