

The Watergate Whitewash: The Larger Scandal- The Indictment. HW 9/16/72

This is written early in the a.m., after seeing evening TV last night and a reading of the early edition of the Post, which is the one that reaches here. It will be written without consultation of earlier notes. Faulty recall may lead to error.

In retrospect, perhaps the sharpest thing is the clarity with which the covering up was visible from the first. The accuracy with which it could be forecast from what appeared in public sources only makes Democratic fumbling less easily understood. (Could be means was, for my earlier notes accurately predict who would be indicted-no errors of omission or commission.) With the ineptness of the Democrats there is what is not ineptness but abdication by the press. I can't recall a single break in the three months since the arrests where one can with certainty say it was developed by diligent reporting. Not one case that does not now as it did then seem to be a leak or a tip. This morning's Post headline is typical of the subtlety with which the press became part of the whole covering-up: Nixon Ex-Aides, 5 Others Indicted In Bugging Case." Now they were not "ex-aides" at the time of the crime. They were working for Nixon. And there were three, two of whom had worked, one of whom, although from the reporting it would not be known, was still working for the White House.

Time pressures have much to do with what reporters can't recall or don't think of, but one of the glaring things omitted is that there are overt connections of all but one of those indicted with the CIA. Not stated. That one was FBI. Not stated.

Glaring omissions in the indictment as reported not indicated. And that it add practically nothing to what had been leaked in the careful and successful management of the press is not only not indicted but misrepresented with the statement that new information was disclosed. It is new in that it is a detail and significant in that it diverts from the Republican organization.

That the indictment was handed down on a Friday is not without possible significance. That what it would and would not do was known to the GOP hierarchy and when is clear from the changes in their positions and statements, in the disappearance of what could be called close to hysteria. When Friday afternoon is picked, it means several things: less space in the papers from smaller editions, less attention there and on the electronic media because people are or are preparing for weekending, and fewer people are available for comment if the press wants comment. The story thus cools and has less prospect for second-day attention because people are not easily available, the working staffs are smaller, the availabilities are at the weeks lowest on all media. And this, in turn, means that attention is concentrated on what the administration wants, its laundering in ~~its~~ its self-purging indictments. These could not be more carefully tailored to exculpate the guilty not named and to hide what can still be dared.

One of the dead giveaways and one of the things the Democrats should not have fumbled is the GOP play that people should await the indictments, bracketed with the pretenses that the U.S. Attorney's office is independent, not controlled by the administration; that the grand jury was independent, not controlled by the administration through the U.S. Attorney; and that it would exhaust everything. The reality is that the presentation was limited by what the FBI chose to deliver of what it chose to investigate and of that what it chose to include. I digress to note that in contradiction to everything else, Gray said the investigation is continuing. This is standard FBI self-protection against future charges the nature of which are now obvious enough. What the FBI delivers is then filtered by the prosecutor, who gives the grand jury only what he wants it to have and then is generally able to fix its interpretation of the filtered evidence. Most obvious of what was here ignored, is anything having to do with the already-accounted \$114,000 and the pretense that ~~all~~ ^{only} "the money involves in the conspiracy is \$1,600 that Liddy gave the suspect James W. McCord". Yet one of the counts is paraphrased, against McCord, "Purchasing a \$3,500 system 'capable of receiving intercepted wire and oral communications'."

This is worth analyzing out of context lest I forget. It says if there is accurate quotation that all that is charged to McCord is receiving-equipment purchases (more than twice what Liddy is said to have given him). It seems to say that the phone tapping was transmitted by radio, not direct taps. Collectively, this seems to say that 100% of the inspired comment about the antiquated character of the equipment marked this as a ham job.

An entire book could be written in analysis of the semantics and the indictment if one had the full text, and I think, ultimately, I will whether or not published. It serves

administration/re-election/ GOP interests for the text to get the widest possible dissemination. It exculpates, in the light of what was leaked and repeated, all the bigger people involved. Obvious examples, Stans and Mitchell and several in the White House. Bearing on this is the aggressive GOP response, demands for public apologies for telling the truth, the truth thus becoming "political libel".

While the conspiracy alleged includes frequent trips to and from Miami by a large number of people and at least 40 calls to the GOP from Barker alone, there is no accounting of its financing, which is as incredible as the Post's bland acceptance of it. It states that only \$1,600 was involved in the conspiracy, but that sum can't pay for the travel alone. Yet McCord is admitted to have spent \$3,500 on a special purchase for this, motel rooms were rented and there were all the other obvious expenses. This the bugs themselves, a cost, see, not to be included in McCord's "receiving" equipment. Perhaps people had them on hand, but the language leaves this unexplained as reported.

Incidentally, on the equipment, there would seem to be an open-and-shut FCC case on the use of GOP-licensed communications equipment, captured with the men. But there is no such charge in the indictment. The walkie-talkies were specially licensed with special, assigned frequencies. Thus the GOP hierarchy is exculpated and charges against the men are compromised, one of the apparent requirements in getting them to take the rap in seeming silence.

(Here the leaking to the Post of what is attributed to one of the principals may be significant and may telegraph that the Democrats had advance knowledge of the omissions of the indictment. It says and there was reported what is omitted. It means that there was another involved and not charged or that Liddy or Hunt turned informant.)

There is no use of the \$114,000 and there is clear violation of law in it. Crime. It is not accounted for and it would seem to have been eliminated with deliberate purpose in the false charge that only \$1,600 was involved in the conspiracy. This can't be true of only that conspiracy charged, which is not the same as the real one already disclosed.

There is no mention of Caddy, how he figured in it, how he knew and could appear to represent the man when arrested. This is set forth in earlier memos and was obvious as is the story quite obviously false. Caring on this is the acknowledgement that the men had on them 40 rolls of film. They didn't carry that to the offices not intending to use it, and they could not have begun to add this to what remained to be done by the 3:00 point-of-no-return advance warning alleged to have been established with Barker's wife. (It may be possible to conceive Caddy as the unnamed Democratic informant, but I doubt it.)

Hunt's employment is avoided. I can't imagine him not being paid. It had to be from an unidentified source or the agency or the White House or a combination. It has been pretended that Hunt's last employment was the time of the last check dating, the end of March. He continued working for the White House, however, and wasn't fired until after his connection became known. From the story he emerges as the man in immediate charge of this job.

There seems to be no charge of the use of what was stolen, and it seems to have been used. There is no mention of others involved, and here I mean aside from through the \$114,000 and even accepting the fiction that these were independent, "self-starters". Example: any squad in the Howard Johnson motel; the other men registered at the Watergate motel; skilled typists to transcribe the necessarily voluminous intercepts, and with the activity in the Democratic offices, if this were limited to the conversations on L. Spencer Liver's phone alone. There are probably others. Or, the conspiracy alleged in the indictment can't be explained by the indictment. And as explained, it was a purposeless conspiracy, purposeless crime, purposeless jeopardy.

Four of the eight charges are crimes under local law. What is not generally understood that local government is controlled by the White House. These charges could have been filed immediately, all or most without any investigation. That, however, would have meant trial before the election, thus it was avoided and local authority abdicated to federal, which could pretend delay was required by an allegedly exhaustive investigation aptly and repeatedly compared with that of the JFK assassination.

Aside from the brazen control exercised by the administration over what would be presented, who and what would be charged, the U.S. Attorney went a step further and demanded that its hack and appointee, Chief Judge Sirica, appoint a special judge on this case, not let it go through ordinary channels and be assigned to the next judge, the one whose turn it is. The claim is made that this is justified because this is a special case. It is, however, a mechanism for choosing as a judge to administration liking, the closest thing in DC to a Julius Hoffman. And he will sit on what the administration only offers in evidence.

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If this is pretty raw, it nonetheless serves the interests of the defendants and if Rothblatt and other lawyers did not have compromising connections, their legitimate pursuit of the actual interests of their clients make this more than acceptable to them. They'd be crazy to protest and nobody else has a legal basis unless malfeasance, non-feasance, etc, are to be charged in court separately. But who prosecutes the prosecutor?

It is not difficult to visualize Sirica casting himself in the role of the man who has to assume the responsibilities of the Chief Judge and take the unpleasant, difficult job upon himself. With predictable results, knowing his record.

When I heard the story on 5:30 radio news and turned on the TV, the item was being reported (WTOP-TV) and I missed what had been said. The closing emphasis was typical of all reporting I know of, emphasizing the demand for public apology, here of O'Brien, elsewhere by McGovern and others. Not repeated at 6 but opener on WRC-TV's evening news.

NBC's net news has Liddy and Hunt (alone) doing the intercepting) and has Carl Stern saying that the names of top officials were not submitted to the grand jury.

(One of the obvious journalistic efforts probably will not be made, to interview members of the grand jury to learn if it was manipulated.)

In his handling of the news. John Chamberlain said "two are of particular interest", McCord and Barker. Or, none directly connected with the White House. Why the drones are of particular interest was not clear. There are those clearly above them.

NBC aired interviews with the four Cubans in Miami, where Barker had been charged. Rothblatt was with them. They were presented sympathetically, uncritically, posing as true patriots and in a red-baiting attack on McGovern and the Democrats for all the world as though there are patriots and not caught criminals. NBC thus spent the first third of its 30 minutes of news without giving the charges and airing the accused in political libel and as martyrs. Without any questioning, they used such descriptions of their victims of crime as "the enemy". Fiorini added that "the enemy, of course, is communism."

Although a Saturday night, CBS had nine remotes, nine locations. Interestingly in the shorter time it devoted to the story it began by saying these were the "first indictments". Justice is quoted as saying the investigation is over. Then this, obviously false in any context except official propaganda, "nobody at the White House had anything to do with it." (But NBC had shown Gray and Kleindienst at the FBI Academy graduation with K bragging of the magnitude of the investigation, again comparing with that of JFK ass. and Gray saying the investigation is not over. Thus the FBI can always say it is still pursuing leads, that the checking of what is known is proceeding, etc.) Here again the emphasis is on \$1,600 cash only, not the already-accounted \$114,000. DJ chief flack Hutchens quoted on several points, one being that there is no evidence that others should be charged. Rothblatt of Barker, "Whatever he has done he is not ashamed of." Barker, "I don't care for the role of informer". (Which makes one wonder what he planned to do with his pictures of stolen files if not to act as GOP informer.) Reference was to information he has about the roles of others, whether or not named not clear.

Flashbacks to Liddy's earlier career designed to accommodate official administration line of gang of self-starters. Such things as always carrying a pistol when Dutchess County assistant D.A. This part was disproportionately long and is one of the means by which the already-inadequate indictments was shadowed in the viewers' minds. Emphasis included "over-zealousness of Liddy. Bluntly, nothing but the official line was aired.

No Post editorial-yet. There was time for today, but probably they are waiting to make full analysis. This did not preclude saying what does not require analysis, that this is clearly a whitewash and the official control at all steps should be understood.

Media down-play and misplay continued on a.m. radio. No mention major news WTOP 7 a.m., earlier for some time WAVA (all-news inde) for some time. Not top news CBS net 8 a.m., not mentioned to 8:09 when combination weak battery and poor location while I was walking blocked signal intermittently, but on what I heard no mention. Lengthy repeat yesterday's story on release testimony Lavelle case, however.

The character of the indictment, its content and omissions, and the mishandling, the ineptness by the Democrats, plus the careful and successful newsmanagement, have dulled this incredible crime to the point where it may be more now than just something from which Democrats fail to get the mileage they should be able to expect of it. It may wind up with a fair number of voters actually believing the Democrats have libelled the Republicans and people close to Nixon over it.