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Transcripts Don't Resolve

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On March 21, 1973, alone in the Oval Office with White House counsel John Dean and the omnipresent recording device, President Nixon said "It is wrong, that's for sure" while discussing alleged demands from a Watergate conspirator for hush money and executive clemency.

About the only thing "for sure" about the remark is that the President said it. What the President was referring to—whether it was the demand for executive clemency for E. Howard Hunt Jr., a similar alleged demand for hush money, or both—remains unresolved by the edited transcript of the tapes released by the White House this week.

It is also not clear whether the President was talking about the moral and legal implications of the demands — as he has since said — or whether he was

simply condemning meeting the demands as bad strategy.

Whatever the case, the remark already has led to the indictment of former White House chief of staff H. R. (Bob) Haldeman on perjury charges — part of the four-count indictment brought against him on March 1 by the Watergate grand jury. It was Haldeman's recounting of the remark — and his insistence before the Senate select Watergate committee that he was faithfully reporting the tape he had heard — that accounted for one of the perjury charges against him.

The President himself has recognized the ambiguity of the statement as it appears on the transcript by conceding that "different interpretations" could be reached. Nevertheless, Mr. Nixon told a March 6 news conference in San Clemente that "I know what I meant, and I know also what I did."

A close reading of the transcript of the March 21 conversation is of little help in clarifying the remark. The phrase appears on page 38 of the transcript during a discussion of both the alleged hush-money demand and the request for executive clemency:

Dean: I'm not sure that you will ever be able to deliver on the clemency. It may be just too hot.

Mr. Nixon: You can't do it politically until after the '74 elections, that's for sure. Your point is that even then you couldn't do it.

Dean: That's right, it may further involve you in a way you should not be involved in this.

Mr. Nixon: No—it is wrong, that's for sure.

The remark first came to public attention three months after it was made when White House documents supplied to the Senate Select Watergate committee were leaked to the

press. The memorandum from the White House said Mr. Nixon told Dean that Hunt's alleged demand for hush money could not be met because it was "wrong." Hunt has denied making such a demand.

The leak of the documents followed Dean's marathon testimony before the Senate Watergate Committee in which he described the March 21 meeting, including the discussion of clemency and hush money. Dean made no mention of the President saying, "It's wrong, that's for sure."

In July, Haldeman—who had not participated in that part of the meeting with Dean but who had listened to a tape of the conversation—appeared before the Watergate committee and gave his own version of the remark.

"He (Mr. Nixon) asked how much money would be involved over the years and Dean said, 'probably a mil-

Dispute on 'It Is Wrong' Remark

lion dollars—but the problem is that it is hard to raise.'" Haldeman told the committee on July 30. "The President said, 'there is no problem in raising a million dollars, we can do that, but it would be wrong.'"

The next day, Haldeman was asked once again to review the conversation. Questioned by Sen. Howard Baker (R-Tenn.) and Sam Ervin (D-N.C.), Haldeman reiterated his testimony from the previous day, emphasizing that he had listened to the tapes and was certain that the President had characterized paying hush money as "wrong."

Furthermore, Haldeman insisted that the phrase "but it would be wrong" followed the President's reference to hush money. Haldeman, in phrases that the Watergate grand jury later cited in its perjury indictment of him, said he was "absolutely positive," adding that he had lis-

tened to the tapes with "my own ears, yes."

At a San Clemente news conference on Aug. 22, 1973, nearly a month after Haldeman's testimony, Mr. Nixon recounted his conversation with Dean. Talking in the context of both the hush money and the clemency demands, Mr. Nixon said he told Dean, "John it is wrong, it won't work. We have to give clemency and we have to get this story out."

Once again, it is not clear whether the President was referring to the clemency request or the alleged demand for hush money—or both. It appears clear, from the rest of his press conference remarks, that the "wrong" in this case is a moral and legal condemnation of the options, not a tactical one.

But earlier at the same press conference, the President referred to Haldeman's testimony before the Water-

gate committee and called it "accurate."

On March 6, 1974, the President returned to the Dean conversation at a White House press conference and clarified some matters while confusing others. Saying he was paraphrasing a long conversation, Mr. Nixon said:

"I then said that to pay clemency was wrong. In fact, I think I can quote it directly. I said, 'It is wrong, that is for sure.' Mr. Haldeman was present when I said that. Mr. Dean was present. Both agreed to my conclusions."

Both Haldeman in his testimony and the transcript of the tapes are consistent on one thing: Haldeman was not present when the remark was made.

As for the phrase "pay clemency," the President quickly cleared that up. At the same press conference, he said, "I meant the whole

transaction was wrong, the transaction for keeping the whole matter covered up." That remark, it would appear, covers both clemency and hush money.

Still, the President himself has said that during the meeting with Dean he was playing devil's advocate—feeling out his White House counsel in an attempt to determine the depth of the Watergate cover-up. If that was the case, then the phrase "No—it is wrong, that's for sure," could be meaningless, an attempt just to keep the conversation going and draw out Dean some more.

Among the possible interpretations of the remark there is still another one: that Mr. Nixon was agreeing that it "would be wrong" to "further involve" himself in the Watergate situation. The transcript could support that interpretation, too.