

Watergate Questions Waiting to Be Asked

The testimony of Jeb Stuart Magruder before the Ervin Select Senate Committee was a dramatic presentation of his version of the planning of the Watergate intelligence operation, its execution and the coverup that followed the arrest of five men inside Democratic Party headquarters. But the Ervin committee members and their counsels failed to question Magruder closely not only on some key facts he presented, but also on facts given the committee by others in earlier testimony—facts which Magruder may have overlooked or facts which disputed what Magruder was saying. Though some of the overlooked areas appear petty next to the major Magruder disclosures, the factual base they could help construct might be crucial when John W. Dean III appears or when future witnesses, such as former Attorney General John Mitchell and ex-White House aides H. R. Haldeman and John Ehrlichman come to testify. They may seek refuge in just those areas left incomplete by the committee's apparent haste.

Take, for example, the planning for intelligence operations. Magruder described three meetings at which convicted Watergate conspirator G. Gordon Liddy's plans, which included other operations along with burglary and bugging, were discussed. The Watergate operation was not approved, according to Magruder, until March 30 at which time former Attorney General John Mitchell was quoted as saying, "Let's give him (Liddy) a quarter million and see what he can come up with." Earlier testimony, particularly by Nixon treasurer Hugh Sloan, indicated that prior to this decision, Liddy had already received about \$125,000 in cash beginning in late December 1971 or January 1972. What was that money used for? Magruder several times referred to Liddy having "other minor projects in the intelligence field." *What were they?* Magruder was the man who authorized them. Were they part of the finally approved \$250,000 program? It just happens that after March 30, according to Sloan, another \$125,000 was either given or set aside for Liddy—making a grand total of \$250,000 for Liddy intelligence. Were portions of the Liddy intelligence plan approved while others delayed or disapproved as these discussions went on from January 1972 through March?

Then there was the key question of how the cover-up story was developed which led to perjury at the first Watergate trial by both Magruder and one of his campaign aides, Herbert Porter. Magruder skipped over the details and dates of meetings at which his phony story was developed. He was never asked how he developed the cover-up story with Porter—or when. Those events and dates are important for they could bear on how much pressure or influence was brought to the FBI investigation and the Justice Department prosecution, itself. Sloan testified he told the prosecutors Magruder asked him to falsify the amount of cash given Liddy. Magruder said, without being pressed by the Senators, that he told the prosecutors his disagree-

ment with Sloan was essentially semantics—and the prosecutors accepted that. Why? It was a month after the Watergate arrests before the FBI questioned Magruder and Porter, by which time they had their phony stories concocted. Magruder was not asked if he knew why the FBI delay. It was almost another month before they both went before the grand jury. Again he was not asked about that delay. He remarked that Dean, who had prepared him for his grand jury appearance, called him the next morning to say he would not be prosecuted. *How did Dean know?* The Senators did not pursue the subject.

Magruder told about a January meeting with Haldeman at which time he went over in detail the Watergate

planning and cover-up after which they discussed a job for Magruder in the second Nixon Administration. It was obviously a key meeting to be corroborated yet the Senators did not press Magruder to see if he told anyone else about it, or whether there was any other way of confirming it.

In a different vein, the committee did not press Magruder on testimony which questioned his desire to make a clean breast of things. For example there was testimony by Magruder's former assistant Robert Reisner, about a call by Magruder in March to try to stop Reisner's statements to the Ervin committee itself, statements that helped confirm a cover-up. At that point the cover-up had not collapsed.

Though much of the committee and public interest in the Dean testimony will be focused on his meetings and discussions with the President, the credibility of his statements could be tested in part by a thorough questioning in areas where corroboration exists or could be obtained. Dean's activities

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with regard to FBI acting Director L. Patrick Gray III would be one area. What control did Dean exercise over Gray? That subject should be explored not by a single general question but through getting dates and subjects of meetings. What influence did Dean have on the prosecution? Again what the Senators should seek are facts—calls, meetings, and so on, not a general statement.

How deeply involved with Dean in the cover-up were Haldeman and Ehrlichman? One way to explore that would be by getting the details from Dean of what preceded and followed the June 23, 1972 meeting among Haldeman and Ehrlichman on one side and CIA Director Richard Helms and his deputy Lt. Gen. Vernon Walters. At that meeting CIA was asked to halt the FBI inquiry into the Mexican money found in a Watergate burglar's bank account. What does Dean know about why the White House sought that action? It is important for at that time—six days after the break-in—only someone intimate with the financing of the Watergate operation would know the Mexican money led back to the Nixon re-election committee.

The Ervin committee's first task is to develop the facts of what happened at all government levels in the planning, execution and cover-up of the Watergate affair. That job is complicated because some want to focus on what the President did or did not know at some specific time. Further hindering the committee is the possibility that some witnesses may either lie or conveniently forget important facts. Since two participants have already testified they perjured themselves at the Watergate trial, the committee must be on guard. The stakes which were high at the January trial, are at least as high now.

Contradictions on the committee record are inevitable, but as one witness follows another, facts should either be corroborated or directly disputed. That might make boring television but it may close up areas of later accusation or confusion. The committee can always bring witnesses back, but the current atmosphere of hurry-up makes that course less possible in this first phase. Therefore the best course is for the committee to take its time with a witness such as Magruder and particularly Dean. Detailed questioning in an orderly chronological progression using statements by prior witnesses should be the order of the day.