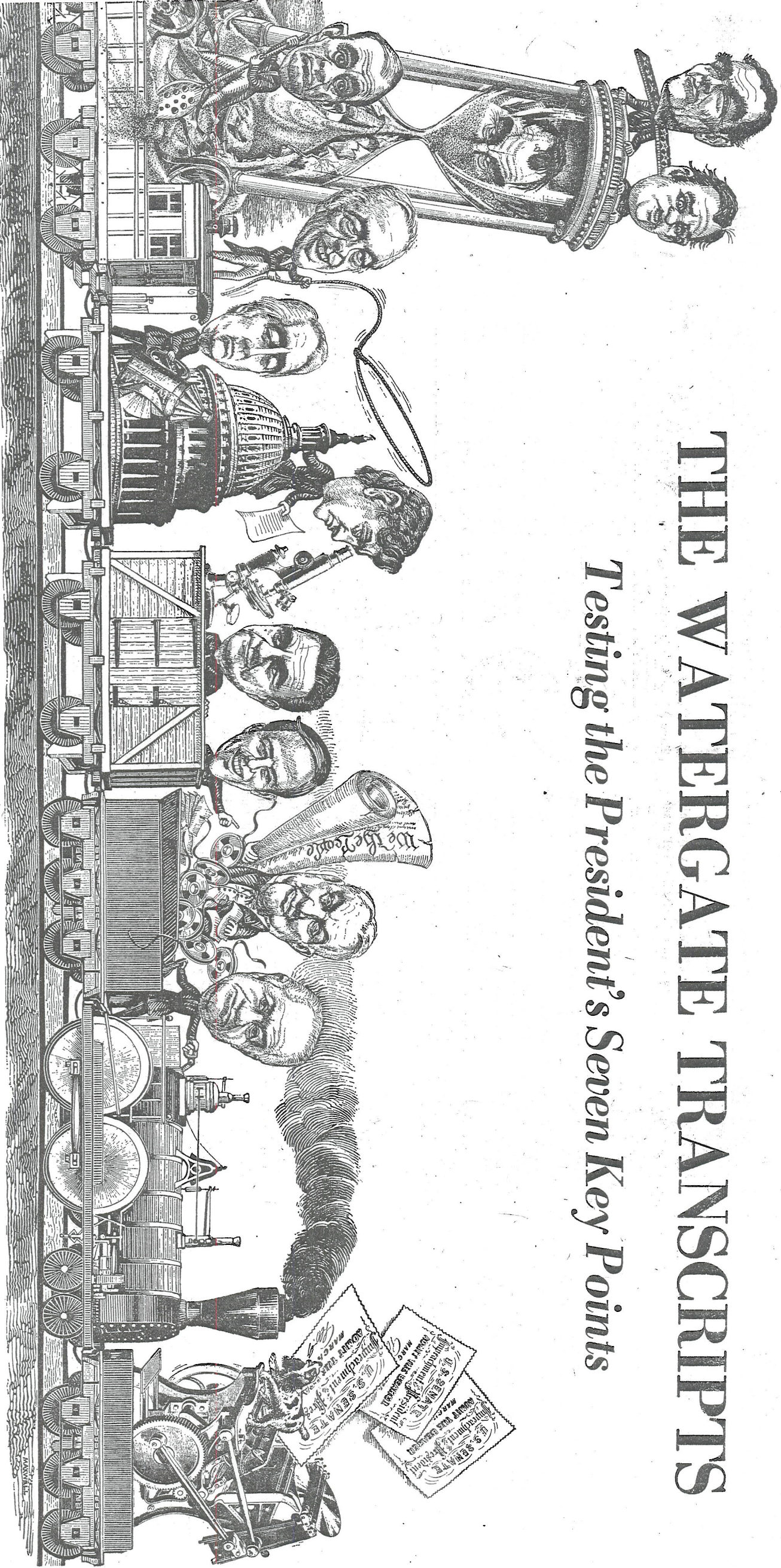


THE WATERGATE TRANSCRIPTS

Testing the President's Seven Key Points



By Haynes Johnson

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LAST MAY 22, in the fullest public accounting of his own Watergate role until last week, the President made seven specific and unequivocal declarations of innocence. With the release of the private Nixon transcripts, a partial documentary record now exists to test those earlier assertions.

As the White House has noted, the transcripts are at times ambiguous and open to varying interpretations. In part, they corroborate Mr. Nixon's claims. In part, they clearly do not. In other areas, they leave questions either unanswered or unresolved. Here, point by point, is what the President has based his case upon for the last year—and what is now known about each critical area:

1 "I had no prior knowledge of the Watergate operation."

The transcripts strongly confirm that Mr. Nixon knew nothing about the plans to break into the Democratic Party's Watergate offices on June 17, 1972. As the months passed, however, he certainly began to have a clearer picture of what had happened, and who was involved. But until his fateful meetings with John Dean in March of last year, he still did not seem to understand why or how the Watergate operation was mounted.

On March 13, he begins asking Dean

the hell was gathering intelligence?"

Dean: "That was [G. Gordon] Liddy and his outfit.

The President: "Apart from Watergate."

Dean: "That's right. Well you see Watergate was part of intelligence gathering, and this was their first thing. What happened is—"

The President: "That was such a stupid thing!"

Dean: "It was incredible—that's right. That was [E. Howard] Hunt."

The President: "To think of Mitchell and Bob would have allowed—this kind of operation to be in the campaign committee."

Thus, while the President did not seem to know anything about Watergate prior to the break-in, by at least March 13 — eight days before he publicly has stated he learned of "serious charges [from Dean] which came to my attention" prompting him to begin "intensive new inquiries into the whole matter"—he knew the essential ingredients of the operation. And he knew that such close aides as Mitchell, Haldeman, Colson, Strachan and Dean were probably closely involved.

2 "I took no part in, nor was I aware of, any subsequent efforts that may have been made to cover up Watergate."

Webster's unabridged dictionary defines "coverup" as: "a device or stratagem for masking, concealing or preventing investigation, incrimination or discovery." Congress and the Ameri-

questions about who was involved. Dwight Chapin?

"Chapin didn't know anything about the Watergate?" Dean tells the President.

"Don't you think so?" Mr. Nixon asks.

"Absolutely not," Dean replies.

"[Gordon] Strachan?" the President continues.

"Yes."

"He knew?"

"Yes."

"About the Watergate?"

"Yes."

"Well, then, he probably told Bob [Haldeman]," Mr. Nixon remarks. "He may not have."

Moments later, he adds: "I will be damned! Well that is the problem in Bob's case. Not Chapin then, but Strachan. Strachan worked for him didn't he?"

The President continues to seek information. "Who knew better? [Jeb Stuart] Magruder?"

Magruder and G. Gordon Liddy, Dean informs him. "Oh, I see," Mr. Nixon comments. "The other weak link for Bob is Magruder. He hired him, etc."

"That applies to [John] Mitchell, too," Dean says.

The President next asks about Charles Colson's role in Watergate. As the edited transcripts report, the conversation goes this way:

Dean: "Chuck has told me that he had no knowledge, specific knowledge, of the Watergate before it occurred. There have been tidbits that I have raised with Chuck. I have not played any games with him. I said, 'Chuck, I have indications.—'"

can people will have to judge whether the President is guilty of a Watergate coverup, but his own private, and incomplete, record makes a devastating case against him in this area.

The President's position consistently has been that he has always been attempting to learn the entire truth about Watergate, and to see that it is made public. As he said in his nationally televised address of April 30, 1973: "I was determined that we should get to the bottom of the matter, and that the truth should be fully brought out—no matter who was involved."

The transcripts offer a different picture. They show the President knew that his men did, indeed, obstruct justice, that perjury had been committed, and that blackmail payments had been made to Hunt. They do not show him taking immediate action to report the apparent commission of crimes to the prosecutors, nor quickly moving to make that information public. Instead, they show the President and his men endlessly debating tactics and strategies that can be viewed as aimed at limiting the scope of the various Watergate investigations.

As Dean told the President on March 21 in relation to blackmail money going to Hunt, "That's the most troublesome post-thing because (1) Bob is involved in that; (2) John [Ehrlichman] is involved in that; (3) I am involved in that; (4) Mitchell is involved in that. And that is an obstruction of justice."

Dean then explains about some of the payments.

The President: "What indications? the lawyer has to know everything."

Dean: "That's right. I said, 'Chuck, people have said that you were involved in this, involved in that, involved in all of this.' He said, 'That is not true, etc.' I think that Chuck had knowledge that something was going on over there, but he didn't have any knowledge of the details of the specifics of the whole thing."

The President: "There must have been an indication of the fact that we had poor pickings. Because naturally anybody, either Chuck or Bob, were always reporting to me about what was going on. If they ever got any information they would certainly have told me that we got some information, but they never had a thing to report. What was the matter? Did they never get anything out of the damn thing?"

Dean: "I don't think they ever got anything, sir."

The President: "A dry hole?"

Dean: "That's right."

The President: "(Expletive deleted.)"

Dean: "Well, they were just really getting started."

The President: "Yeah, Bob one time said something to me about something, this or that or something, but I think it was something about the convention, I think it was about the convention problems they were planning something. I assume that must have been [Clark] MacGregor — not MacGregor, but [Donald] Segretti."

Dean: "No, Segretti wasn't involved in the intelligence gathering piece of it all."

The President: "Oh, he wasn't. Who

By Maxwell Silverstein for The Washington Post

"Bob had \$350,000 in a safe over there that was really set aside for polling purposes. And there was no other source of money, so they came over and said you all have got to give us some money. I had to go to Bob and say, 'Bob, they need some money over there.' He said 'What for?' So I had to tell him what it was for because he wasn't just about to send money over there willy nilly. And John was involved in those discussions. And then we decided there was no price too high to pay to let this thing blow up in front of the election."

The President replied:

"I think we should be able to handle that issue pretty well. May be some lawsuits."

Later, in the same conversation, Dean again raises the money problem.

"How much money do you need?" Mr. Nixon asks.

Dean: "I would say these people are going to cost a million dollars over the next two years."

In his now celebrated reply, the President says: "We could get that. On the money, if you need the money you could get in cash. I know where it could be gotten. It is not easy, but it could be gotten. It is not easy, but it could be done. But the question is who the hell would handle it? Any ideas on that?"

At this point in the President's own transcripts there is no statement that such payments "would be wrong," as Haldeman and the President had previously claimed.

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The only reference about something being "wrong" concerns an entirely different subject—and an entirely different context. The subject is clemency; the context is whether clemency for Hunt is politically feasible.

"Politically it's impossible for you to do it [grant clemency]," Dean says.

"That's right!" the President exclaims.

"I am not sure that you will ever be able to deliver on the clemency," his counsel advises. "It may be just too hot."

Mr. Nixon then says: "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."

"That's right," Dean replies. "It may further involve you in a way you should not be involved in this."

At that point the President says:

"No—it is wrong, that's for sure."

When the million dollars was being discussed, the immediate concern was how to deliver the payoff. In fact, the very next thing Dean says to Mr. Nixon's question "Any ideas on that" is:

"That's right. Well, I think that is something that Mitchell ought to be charged with."

The President agrees: "I would think so too."

Nor did they stop discussing the payoffs there.

Discussing the possibility that Hunt could "sink Chuck Colson," as Dean puts it, the President then concludes:

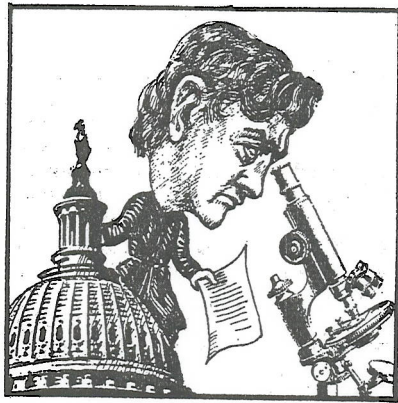
"Just looking at the immediate problem, don't you think you have to handle Hunt's financial situation damn soon?" Dean says he talked with Mitchell about this problem the night before, and Mr. Nixon interrupts to say: "It seems to me we have to keep the cap on the bottle that much, or we don't have any options."

"That's right," Dean says.

"Either that or it all blows right now," the President responds.

While they are continuing to talk, the President even suggests that Dean brief the Cabinet and Republican leaders — and avoid telling all he knows about Watergate.

"Still consider my scheme of having



you brief the Cabinet, just in very general terms and the leaders in very general terms and maybe some very general statement with regard to my investigation. Answer questions, basically on the basis of what they told you, not what you know. Haldeman is not involved. Ehrlichman is not involved," Mr. Nixon instructs Dean.

And Dean jubilantly replies:

"If we go that route, sir, I can give a show we can sell them just like we were selling Wheaties on our position."

This conversation is one of many that could prove critical to Mr. Nixon in his impeachment fight. When he instructed Dean not to tell the Cabinet what Dean really knew and to state flatly that Haldeman and Ehrlichman were not involved, his counsel already had unmistakably informed him they *were* involved.

The transcripts also show that the President was well aware that perjury had been committed by aides to cover up Watergate and related matters. In the same March 21 conversation, Dean specifically tells him that "Bud Krogh, in his testimony before the grand jury, was forced to perjure himself."

"What did he perjure himself on, John?" Mr. Nixon asks.

Dean: "Did he know the Cubans. He did."

Nixon: "He said he didn't?"

Dean: "That is right. They didn't press him hard."

The President then says: "He might be able to—I am just trying to think. Perjury is an awful hard rap to prove. If he could just say that I—Well, go ahead."

Further on in that talk, which Haldeman has joined by this time, the President does indeed suggest how Krogh might defend his perjury action. At that point Dean remarks, "You might put it on a national security ground basis."

Haldeman: "It absolutely was."

Dean: "And say this was—"

Haldeman: "(unintelligible)—CIA—"

Dean: "Ah—"

The President: "National security. We had to get information for national security grounds."

Dean: "Then the question is, why didn't the CIA do it or why didn't the FBI do it?"

The President: "Because we had to do it on a confidential basis."

Haldeman: "Because we were checking them."

The President: "Neither could be trusted."

Mr. Nixon then says that "With the bombing thing coming out and everything coming out, the whole thing was national security." To which Dean says, "I think we could get by on that."

The President then sums up: "On that one I think we should simply say this was a national security investigation that was conducted. And on that basis, I think the same in the drug field with Krogh. Krogh could say he feels he did not perjure himself. He could say it was a national security matter."

Similarly, Mr. Nixon was fully aware that others had perjured themselves. Dean again had told him so that same day, saying, "I know that Magruder perjured himself in the grand jury. I know that [Herbert] Porter has perjured himself in the grand jury."

The President: "Who is Porter?"

Dean: "He is one of Magruder's deputies. They set up this scenario which they ran by me. They said, 'How about this?' I said, 'I don't know. If this is what you are going to hang on, fine.'"

Indeed, Mr. Nixon himself, in discussing various administration options, including an Ehrlichman proposal that another grand jury be convened, discusses the possibility of administration witnesses giving misleading answers to such a panel.

The Watergate Transcripts:

"You can say you have forgotten too, can't you?" asks Haldeman.

"Sure, but you are chancing a very high risk for perjury situation," Dean remarks.

The President then says: "But you can say I don't remember. You can say I don't recall. I can't give any answer to that that I can recall."

And six days later, in a March 27, 1973, conversation in the Executive Office Building, Haldeman and Ehrlichman, the President talks of Haldeman and Colson possibly denying before a grand jury that they discussed the clemency and hush money questions with Mr. Nixon.

In that conversation, the edited transcripts show, Ehrlichman posed the problem: "Yeah, but there would be questions like, 'Did you ever discuss with the President, Mr. Haldeman, the matter of executive clemency for any of these defendants?'"

"Both of them would say no," the President replies.

"Or the payment of money. The payment of—" adds Haldeman.

"Haldeman and Colson would both say no, there's no question," the President answers.

3 *"At no time did I authorize any offer of executive clemency of the Watergate defendants, nor did I know of any such offer."*

The first part of the President's statement is partially borne out by the transcripts, but the second portion definitely is not.

Mr. Nixon and his aides did discuss clemency, commutation and paroles during their secret Watergate deliberations. The record, however, does not show the President "authorizing" clemency, although he did at one point say that he had considered commutation of Hunt's sentence.

In the March 21 meeting between Mr. Nixon and Dean, the President says: "As a matter of fact, there was a

discussion with somebody about Hunt's problem on account of his wife and I said, of course commutation could be considered on the basis of his wife's death, that is the only conversation I ever had in that light."

As for his knowledge of offers made by others, in that same meeting Dean tells the President, "As you know Colson has talked indirectly to Hunt about commutation."

When Haldeman enters the room that day, the President again refers to what he calls "the clemency thing." "You know Colson has gone around on this clemency thing with Hunt and the rest?" he says.

To which Dean answers, "Hunt is now talking about being out by Christmas."

"This year?" Haldeman asks.

Dean confirms that, and the President adds his view: "The only thing we could do with him would be to parole him like the (unintelligible) situation. But you couldn't buy clemency."

Dean tells them, "Kleindienst has now got control of the Parole Board, and he said to tell me we could pull paroles off now where couldn't before. So—"

Haldeman interrupts: "Kleindienst always tells you that, but I never believe it."

The President then speaks up:

"Paroles — let the (unintelligible) worry about that. Parole, in appearance, etc., is something I think in Hunt's case, you could do Hunt, but you couldn't do the others. You understand."

On April 14, at a morning meeting with Haldeman and Ehrlichman, the President adds another name to the clemency situation — Mitchell. "... Mitchell, apparently had said something about clemency to people," he tells them.

Haldeman adds, "To Liddy."

4 *"I did not know, until the time of my own investigation, of any effort to provide the Watergate defendants with funds."*

Since issuing that May 22 statement, the President has conceded he made misstatements about what he knew about the payment of funds to the Watergate defendants.

Last Aug. 15, he had this to say about learning of the payments on March 21. "I was told then that funds had been raised for payments to the defendants, with the knowledge and approval of persons both on the White House staff and the re-election committee. But I was only told that the money had been used for attorney's fees and family support, not that it had been paid to procure silence from the recipients."

After further Watergate revelations were made public, the President again revised his account of the payments. At a press conference this March 6, he said:

"And for the first time on March 21 he [Dean] told me that payments had been made to defendants for the purpose of keeping them quiet, not simply for their defense. If it had been simply for their defense, that would have been proper, I understand. But if it was for the purpose of keeping them quiet, you describe it as hush money, that of course would have been an obstruction of justice."

Later that month, when challenged publicly at a Houston press conference to explain this discrepancy, the President gave still another version:

"I should have said they [the payments] were alleged to have been made because as a matter of fact those who were alleged to have made payments to defendants for their defense fees and for their support, Mr. Ehrlichman, Mr. Haldeman, Mr. Mitchell, all have denied that that was the case. They have said it was only for the support of the defendants and only for their attorneys' fees, which would be completely proper."

The transcripts—again of March 21—show Dean spelling out unmistakably how the post-Watergate break-in payments began, and who was involved.

"All right," Dean tells the President, "then they started making demands."

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Testing Seven Key Points

NIXON, From Page C4

"We have to have attorney's fees. We don't have any money ourselves, and you are asking us to take this through the election." All right, so arrangements were made through Mitchell, initiating it. And I was present in discussions where these guys had to be taken care of. Their attorneys' fees had to be done. Kalmbach was brought in. Kalmbach raised some cash."

The President's response to this knowledge is: "They put that under the cover of a Cuban committee, I suppose."

Dean continues: "Well, they had a Cuban committee and they had—some of it was given to Hunt's lawyer, who in turn passed it out. You know, when Hunt's wife was flying to Chicago with \$10,000 she was actually, I understand after the fact now, was going to pass that money to one of the Cubans—to meet him in Chicago and pass it to somebody there."

The President's next reply comes out "unintelligible" in the edited transcripts. Then he says: "But I would certainly keep that cover for whatever it is worth."

What the transcripts do not dispute is the President's contention that he had not heard of these payments until March 21.

5 "At no time did I attempt, nor did I authorize others to attempt, to implicate the CIA in the Watergate matter."

The transcripts add virtually no new information on this point. And there exists no public record that disputes the President's statement about his role in regard to the CIA.

Since his May 22 statement, however, testimony has shown that his key aides were deeply involved with the CIA. Within a week after the Watergate break-in, the then CIA Director, Richard Helms, and his deputy, Vernon Walters, were meeting in the White House with Haldeman and Ehrlichman.

Walters has stated that Haldeman told him "the investigation was leading to a lot of important people and this could get worse," and also that: "Haldeman said the whole affair was getting embarrassing and it was the President's wish that Walters call on Acting (FBI) Director L. Patrick Gray and suggest to him that, since the five suspects have been arrested, this should be sufficient and that it was not advantageous to have the inquiry pushed, especially in Mexico, etc." He also said: "Haldeman then stated that I could tell Gray I had talked to the White House and suggested that the investigation not be pushed further."

Other meetings were held, leading up to the now famous warning passed directly to the President by phone from Gray in July, in which the FBI chief said: "Walters and I feel that people on your staff are trying to wound you by using the CIA and FBI and by confusing the question of CIA interest in, or not in, people the FBI wishes to investigate."

6 "It was not until the time of my own investigation that I learned of the break-in at the office of Mr. Ellsberg's psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne."

The President already has revised that May 22 statement about his actions in regard to the Ellsberg case. On Aug. 16 the President stated that "after a very careful review, I have determined that this statement of mine is not precisely accurate." He said he first learned of the break-in on March 17, four days before the time he said his own Watergate investigation began. "I was told then that nothing by way of evidence had been obtained in the break-in," he added. When, nearly five weeks later, Attorney General Kleindienst urged him to disclose the fact of

the break-in to the court, he concurred.

The transcripts shed even more light on this episode. They show Dean telling the President about the Ellsberg affair as presenting a "potential problem" for Ehrlichman.

"In connection with Hunt?" the President asks.

"In connection with Hunt and Liddy both," Dean replies. He explains that the "idiots," as he describes Hunt and Liddy, broke into the doctor's office "geared up with all this CIA equipment—cameras and the like." They returned the equipment to the CIA, but left film in the camera.

"CIA has not put this together," Dean says, "and they don't know what it all means right now. But it wouldn't take a very sharp investigator very long because you've got pictures in the CIA files that they had to turn over to (unintelligible)."

The President reacts sharply, and in part unintelligibly, to this news. "What in the world—what in the name of God was Ehrlichman having something (unintelligible) in the Ellsberg (unintelligible)?"

Dean explains that the operation was connected to the Pentagon Papers case; they wanted Ellsberg's psychiatric records "for some reason."

"This is the first I ever heard of this," Mr. Nixon says. "I, I (unintelligible) care about Ellsberg was not our problem."

"That's right," Dean agrees.

Here Mr. Nixon utters another expletive that was deleted from the transcript. Then the President says, "I can't see that getting into, into this hearing," referring to the Senate Watergate committee.

Dean explains that the CIA files which the committee was seeking had been turned over to the Justice Department. The files included materials relating to Hunt. "In there," he goes on, "are these pictures which the CIA developed and they've got Gordon Liddy standing proud as punch outside this doctor's office with his name on it. And (unintelligible) this material it's

not going to take very long for an investigator to go back and say, well, why would this—somebody be at the doctor's office and they'd find out that there was a break-in at the doctor's office and then you'd find Liddy on the staff and then you'd start working it back. I don't think they'll ever reach that point."

Mr. Nixon's next transcript comment is yet another "unintelligible."

7 "I neither authorized nor encouraged subordinates to engage in illegal or improper campaign tactics."

Here, perhaps, lies the greatest of all the ambiguities involved in the Watergate scandal. The problem is one of semantics. What does the President himself regard as "illegal or improper" campaign tactics?

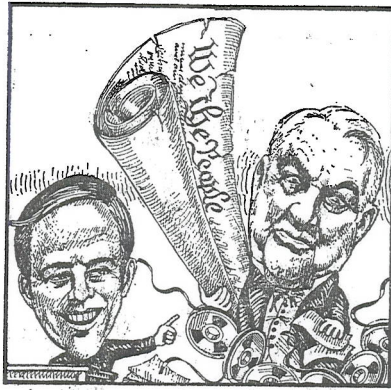
The record he has now spread before the public hardly presents an uplifting or ennobling view of the American political process. A tone of vengeance permeates the thousands of words secretly recorded at the President's orders. From the opening conversation, Mr. Nixon himself sets that tone.

After John Dean walks into his office that September day in 1972, he hears the President say: "Just remember, all the trouble we're taking, we'll have a chance to get back one day."

When he reports that Lawrence O'Brien, the Democratic national chairman, is charging the FBI with failing to find all the bugs implanted in Democratic headquarters, Haldeman responds: "Good, that will make them [the FBI] mad."

Then, and in subsequent conversations, the President hearkens back to old political wounds and bitter memories. "Goldwater put it in context," the President says, "when he said (expletive deleted) 'everybody bugs everybody else. You know that.'" And, he continues, "It happens to be totally true. We were bugged in '68 on the plane and in '62 even running for governor — (expletive deleted) thing you ever saw."

His political approach is to strike back, to attack, to employ the tactics that he believes were used against him. At one point he suggests that the FBI should "tie up" the Democrats'



lawyer, Edward Bennett Williams, "for a couple of days." He comes across as a man locked in mortal combat.

"We are all in it together," he says, "This is a war. We take a few shots and it will be over. We will give them a few shots and it will be over. Don't worry. I wouldn't want to be on the other side right now, would you?"

Then he orders Dean: "I want the most comprehensive notes on all those who tried to do us in. They didn't have to do it. If we had had a very close election and they were playing the other side I would understand this. No—they were doing this quite deliberately and they are asking for it and they are going to get it. We have not used the power in this first four years as you know. We have never used it. We have not used the bureau [FBI] and we have not used the Justice Department but things are going to change now. And they are either going to do it right or go."

Dean's response is a breathless "What an exciting prospect."

It is the rationale for the "enemies list."

Haldeman suggests they "put a little heat" on the Speaker of the House of Representatives, and the President says "I think so too."

Bravura, tough-guy talk is often heard in these hundreds of thousands of words. The President and his men speak of employing all the power at their supposed command — The IRS, the Post Office, the politicians, the judges—to work their will. They talk of "laundering" money, of getting huge sums in cash, of bugging and surveillance operations.

The Nixon view of politics seems to be the cynical conviction that everyone

does it. As he says to Dean on Feb. 28, 1973, in discussing the secret Donald Segretti political sabotage and espionage mission: "It was really juvenile! but, nevertheless, they did. What in the (characterization deleted) did he do? Shouldn't we be trying to get intelligence? Weren't they trying to get intelligence from us?"

"Absolutely!" Dean chimes in.

"Don't you try to disrupt their meetings?" the President continues rhetorically. "Didn't they try to disrupt ours? They threw rocks, ran demonstrations, shouted, cut the sound system, and let the tear gas in at night. What the hell is that all about? Did we do that?"

The President, as he has said, may never have authorized his subordinates to engage in illegal or improper campaign tactics. But his transcripts show that at times he set a tone in which those activities flourished.

The transcripts and all the previous Nixon statements are not, of course, the final word on Watergate. One fragment from the transcripts does, though, offer a kind of assessment of the case from the inside. It comes on April 14. The President, Haldeman and Ehrlichman are meeting at a critical moment. They are aware that Dean has become a problem and may be defecting.

"Dean's case is the question," the President says. "And I do not consider him guilty. Now that's all there is to that. Because if he—if that's the case, then half the staff is guilty."

"That's it," Ehrlichman says. "He's guilty of really no more except in degree."

"That's right," the President says. "Than others."

"Than a lot of—" Ehrlichman interrupts.

"And frankly," the President continues, "than I have been since a week ago, two weeks ago."

Ehrlichman remarks that he suddenly realizes what has been troubling him that week. "... What's been bothering me," he begins.

And here the President of the United States cuts in to say: "That with knowledge, we're still not doing anything."

"Right," Ehrlichman says.

To which the President adds: "That's exactly right. The law and order. That's the way I am."