

Unfolding of Watergate

Transcripts Indicate Nixon Acted Against Cover-Up Only After It Seemed He Might Be an Accessory

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WASHINGTON—President Nixon's Watergate transcripts indicate he decided to expose the cover-up only after it dawned on him that he might be legally regarded an accessory to it.

In a strategy session with his two top aides April 14, 1973, Mr. Nixon, a lawyer, is warned by his chief domestic adviser, John Ehrlichman, that "once you are possessed of a reasonable body of knowledge, you have an obligation to do something." And the President himself conceded during that meeting that if knowledge of the cover-up makes one guilty "then I have been since a week ago, two weeks ago."

Among the things President Nixon knew about at that time was a payment to one of the original Watergate defendants, E. Howard Hunt, who had been blackmailing the White House by threatening to expose other "seamy things" he had done for Mr. Ehrlichman. The pros and cons of meeting the demand were discussed by Mr. Nixon March 21, 1973, in a meeting with his counsel, John Dean, and his chief of staff, H. R. Haldeman. Mr. Nixon has contended he rejected the idea, but the transcripts show him acknowledging privately that that wasn't quite the case.

"I suppose then we should have cut—shut it off," he told Mr. Ehrlichman April 17, 1973, as the two reviewed the March 21 session in preparation for a public statement on "major developments" in the Watergate case.

April 14 Review

When the President moved to go public with his Watergate knowledge, it was becoming evident the cover-up wouldn't last

much longer anyway because some of those involved were beginning to talk.

On April 14, Mr. Nixon reviewed with Messrs. Haldeman and Ehrlichman just who might be implicated as the cover-up unraveled:

Ehrlichman: There were 8 or 10 people around here who knew about this, knew it was going on. Bob knew, I knew, all kinds of people knew.

President: Well, I knew it. I knew it.

E: And it was not a question of whether

P: I must say though, I didn't know it but I must have assumed it though. But you know, fortunately — I thank you both for arranging it that way and it does show the isolation of the President, and here it's not so bad — but the first time that I knew that they had to have the money was the time when Dean told me they needed forty thousand dollars. I had been frankly, (unintelligible) papers on those little envelopes. I didn't know about the envelopes (unintelligible) and all that stuff.

E: The point is that if Dean's, if the wrongdoing which justifies Dean's dismissal is his knowledge that that operation was going on, then you can't stop with him. You've got to go through a whole place wholesale.

P: Fire the whole staff.

That March 21 hush money discussion,

which has since become the most controversial of Mr. Nixon's Watergate transcripts, apparently worried him a good deal the following month.

On April 14 the President recalled: "Dean asked, told me about the problem of Hunt's lawyers. This was a few weeks ago. Needed sixty thousand or forty thousand dollars or something like that. You remember? I said I don't know where you can get it. I said, I mean, I frankly felt he might try to get it but I didn't know where. And then he left it up with (former Attorney General and Nixon campaign manager John) Mitchell and Mitchell said it was taken care of and after (unintelligible)."

During another review of the blackmail demand, Mr. Haldeman noted that someone who knew about the March 21 conversation "could jump in and then say, 'yes, well that was morally wrong. What you should have said is that blackmail is wrong, not that it's too costly.'"

Mr. Nixon tried to convince himself and others that, even if he had failed to halt the payment, it wasn't illegal. "Frankly, not knowing much about obstruction of justice, I thought it was perfectly proper," he told Mr. Haldeman at one point, comparing it to legal defense funds raised for such anti-Vietnam war figures as the Berrigan brothers and the Chicago seven.

Motive Became Crucial

The motive behind the payment to Hunt became crucial as Mr. Nixon and his two top aides wrestled with what they would tell the prosecutors and the public about their own knowledge of the Watergate cover-up. On April 17, shortly before Mr. Nixon's public statement citing "major developments" in the case and instructing all White House employees "fully to co-operate" with investigators, this exchange took place.

P: Have you thought when you say before it gets to (unintelligible) thing out of the way. Have you given any thought to what the line ought to be — I don't mean a lie — but a line, on raising the money for these defendants? Because both of you were aware of what was going on you see — the raising of the money — you were aware of it, right?

E: Yes, sir.

P: And you were aware — you see, you can't go in and say I didn't know what in hell he wanted the \$250 for.

Haldeman: No — I've given a great deal of thought (unintelligible)

P: Well I wonder. I'm not — look — I'm concerned about the legal thing Bob, and so forth. You say that our purpose was to keep them from talking to the press.

E: Well, that was my purpose — and before I get too far out on that, as, I want to talk to an attorney and find out what the law is — which I have not yet done.

P: Right!

The President and Mr. Haldeman sought to reassure each other April 17 that they weren't actively involved in authorizing the payment to Hunt:

P: I didn't tell him to go get the money did I?

H: No.

P: You didn't either, did you?

H: Absolutely not! I said you got to talk

to Mitchell. This is something you've got to work out with Mitchell — not here — There's nothing we can do about it here.

P (to Ehrlichman): We've got a pretty good record on that one, John, at least.

On another occasion, Mr. Nixon commented to Mr. Ehrlichman something about "Dean rumbling around here and asking you and Haldeman how about getting us some money for Watergate defendants. Damn. I can't believe it. I can't believe they'd (unintelligible) you for conspiracy if you were asked for that. Maybe they could." Mr. Haldeman chimed in, "I — technically, I'm sure they could. Practically, it just seems awfully remote, but maybe that's wishful thinking."

Mr. Nixon and his aides also discussed the importance of Hunt's testimony about the payment. Mr. Haldeman suggested that Hunt's purpose — getting his sentence reduced in exchange for talking — could be served even if he didn't say it was hush money, and said instead he "gave it to these guys I had recruited for this job" and that he "was concerned about their family." Mr. Nixon responded, "That's right, that's what it ought to be and that's got to be the story," that "will be the defense of these people, right?"

Step Into Forefront

By mid-April, fearing that the prosecutors or the press might break open the Watergate case, Mr. Nixon made a concerted effort to step into the forefront. Up until then the White House "investigation" Mr. Nixon has said he ordered appears to have concentrated more on getting information from the prosecutors than on relaying information to them.

For instance, on March 27, 1973, the President and Mr. Ehrlichman discussed how to find out from Attorney General Richard Kleindienst what the grand jury was up to:

P: Alright. You just tell Dick. You see the problem is, there, that Dick thinks I am — if he says he has furnished the grand jury things to the White House that there is a problem.

E: It's a tender problem. I think what he has to do —

P: No you could say this. Our need — our interest here — you could say is whether there are any White House people involved here and we will move on them.

E: That's right. And the President wants to know.

P: That is the purpose. Not to protect anybody, but to find out what the hell they are saying.

E: Absolutely. That is the only basis on which to go.

P: What have you today? Get every day so that we can move one step ahead here. We want to move. We are not going to wait until a grand jury drags them up there.

On April 14, Mr. Ehrlichman gave Mr. Nixon a message from former presidential special counsel Charles Colson, explaining, "He wants you to be able to say afterward that you cracked the case." Mr. Colson, who has since been indicted in connection with the cover-up, "feels that the next forty-eight hours are the last chance for the White House to get out in front of this, and that

once Hunt goes on (presumably, the grand jury witness stand), that's the ballgame," Mr. Ehrlichman related.

Shortly after, the President and his men started to move on that advice. As a first step, they decided to relay to both Mr. Mitchell and Jeb Magruder, a former Nixon campaign official, the message that the President wanted them to tell the truth to the prosecutors. In Magruder's case, they found they were a little late because, it turned out, he had already decided to tell all.

Nevertheless, the President urged Mr. Ehrlichman to go ahead and meet with Mr. Magruder because the purpose "was for making a record" and also because "we

would like to get the hell what he is going to say." Mr. Nixon added, "I would particularly like to get what the hell he is going to say about (former Haldeman aide Gordon) Strachan." And he suggested, "You could say, 'look, Jeb, I have to conduct this investigation on the White House. Tell me what you are going to say.' If he says Strachan knows, ask him how he knows he knows."

Two Versions of Article

Mr. Nixon and his aides even conjured up two versions of the news magazine story that they figured could result from the Magruder and Mitchell testimony:

E: "The White House may have its cover-up finally collapse last week when the grand jury indicted John Mitchell and Jeb Magruder."

P: Right.

E: "Cracking the case was the testimony of a number of peripheral witnesses who, each of whom contributed to developing a cross triangulation and permitted the grand jury to analyze it" and so on and so forth. The final straw that broke the camel's back was the investigators discovery of this and that and the other thing." That's one set of facts. And then the tag on that, is "White House Press Secretary Ron Ziegler said that the White House would have no comment."

P: I know. I know. It can't be done.

E: The other one goes: "Events moved swiftly last week, after the President was presented with a report indicating for the first time that suspicion of John Mitchell and Jeb Magruder as ringleaders in the Watergate break-in were facts substantiated by considerable evidence. The President then dispatched so and so to do this and that and maybe to see Mitchell or something of that kind and these efforts resulted in Mitchell going to the U.S. attorney's office on Monday morning at nine o'clock, asking to testify before the grand jury. Charges of cover-up by the White House were materially dispelled by the diligent efforts of the President and his aides in moving on evidence which came to their hands in the closing days of the previous week."

P: I'd buy that.

Mr. Mitchell was indicted in the Watergate matter this past March 1. Magruder, who began co-operating with the prosecutors in April 1973, entered a formal guilty plea last August.

In any case, beginning April 14 the transcripts contain repeated references to the need for the President to appear to be "out in front" on the Watergate investigation. "On the PR side I sure as hell am not going to let the Justice Department step out and say look we dragged the White House in here," he declared to John Dean on April 16. In addition to his fear that the Justice Department will get the credit for breaking the case, "I don't want The Washington Post to

break it," he told Assistant Attorney General Henry Petersen in an April 16 session.

"An Overstatement"

Even the deferential Mr. Petersen couldn't quite accept all of the version the President was rehearsing of how the case was broken. When Mr. Nixon said, "I think we should say which we have - that Ehrlichman and I - Friday the President gave the (inaudible) the Attorney General the results of his own investigation. Would that be a fair account of that?" Mr. Petersen replied, "An overstatement."

Yet later that same day, April 16, 1973, Mr. Nixon bragged to his aides, "I've got Petersen on a short leash" and in a phone call to Mr. Petersen he continued to press him for information about the grand jury investigation, assuring him that "anything you tell me as I think I told you earlier, will not be passed on" because "I know the rules of the grand jury."

Yet throughout that period Mr. Nixon was sharing with Messrs. Haldeman and Ehrlichman a key fact about the grand jury investigation that he learned April 15 from Attorney General Kleindienst - namely, that John Dean might implicate Mr. Nixon's two closest aides in the cover-up.

However, Mr. Dean still was negotiating a deal with the prosecutors, and Mr. Nixon was assured by both the Attorney General and Mr. Petersen that the prosecutors agreed they wouldn't use what Mr. Dean had told them if the deal fell through.

At this point, Mr. Nixon apparently began to realize that the granting of immunity to Mr. Dean, a standard prosecution negotiating tool for unravelling conspiracy cases, could be dangerous for his two closest associates. Mr. Ehrlichman agreed, stating in an April 17 discussion that "the quid-pro-quo for the immunity is to reach one through us to all of us."

Of course, the prosecutors themselves, had a second reason to oppose immunity for high White House officials because it might have looked like a continuation of the cover-up. Indeed, even Mr. Ehrlichman observed, "I think you have to ask yourself really, whether anybody in the White House who does wrong, ought to get immunity, no matter how many other people he implicates."

Working with Mr. Petersen, the President arrived at this passage to include in his April 17 public statement: "I have expressed to the appropriate authorities my view that no individual holding, in the past or at present, a position of major importance in the administration should be given immunity from prosecution."

After that statement, Mr. Nixon remarked to his aides, "Dean is the only one who can sink Haldeman or Ehrlichman." Two days later, in a meeting with attorneys for Messrs. Haldeman and Ehrlichman, the President recounted that he thought the prosecutors "have told Dean that, 'if he'll - if he can get Haldeman and Ehrlichman - he gets immunity.'" And Mr. Nixon added, "See, that's why - I put out a statement that no major figure should be given immunity."