

WXPost SEP 9 1974

Wide Criminal Probe of Nixon

By Timothy S. Robinson
and John Hanrahan

Washington Post Staff Writer

Special Watergate Prosecutor Leon Jaworski had been proceeding with "broad and detailed" investigations of alleged criminal involvement by former President Richard M. Nixon over a five-year period until the former chief executive received a total pardon from federal prosecution yesterday.

The investigations of cases ranging from campaign financing to tax fraud were in various stages of completion, according to well-informed sources, with the most advanced being the probe of Mr. Nixon's alleged role in the Watergate cover-up.

One well-informed source, who had been in direct contact in the past with members of the original Watergate grand jury investigating the cover-up, said yesterday that he believed the former President "almost certainly" faced indictment from that grand jury although Jaworski himself had not yet decided whether to seek any charges from them.

Conceivably, the grand jury still could attempt to file charges against Mr. Nixon without Jaworski's approval by presenting its evidence directly to U.S. District Judge John J. Sirica. However, legal experts said such charges would not be legally binding if they had not been approved by prosecutors.

The federal Watergate grand jury reportedly had been eager to indict the former President or charges in the Watergate cover-up last Spring, but were informed

by Jaworski's staff at that time that the indictment of an incumbent President might not be legally possible.

Instead, the grand jury voted 19 to 0 to name him as an unindicted coconspirator in the criminal cover-up for which seven former Nixon aides were indicted.

The original Watergate grand jury has been concerned solely with Nixon's alleged role in the cover-up, while other federal Watergate grand juries here have at various times been investigating the President's alleged misuse of governmental agencies, illegal wiretapping, acceptance of campaign contributions from the dairy industry, his controversial personal finances and his tax statements, according to informed sources.

One source, close to both the Ford and Nixon administrations said Jaworski's investigation was broad and detailed, apparently because Jaworski wanted to protect himself against possible charges of political vindictiveness by focusing purely on the Watergate cover-up.

Jaworski wanted to be able to show evidence of a larger pattern of criminal involvement of the former President before making any final decision on whether or not to seek indictments, that source said.

However, several sources made it clear that Nixon's main potential legal problem at this point was his alleged role in the Watergate cover-up. His former aides are scheduled to go to trial on Sept. 30 in that case, and it is expected that their lawyers would continue to pressure Jaworski's office for some indication of a prosecutorial decision on what

Nixon's role was in the same conspiracy.

One lawyer familiar with the Watergate investigation said that Mr. Nixon basically "stood in the same shoes" as former White House counsel John W. Dean III, who has pleaded guilty to conspiracy to obstruct justice in the cover-up, and former aides John D. Ehrlichman and H.R. (Bob) Haldeman.

According to a tape of a June 23, 1972, conversation between Mr. Nixon and Haldeman, Mr. Nixon personally ordered a cover-up of the facts of the Watergate break-in within six days after it occurred. Those tapes completely undermined the President's previous insistence that he was

uninvolved in the cover-up, and three days later forced his resignation.

Even before those tapes were made public, however, the original Watergate grand jury had named Mr. Nixon as an unindicted coconspirator in the cover-up. That actions apparently came largely on the basis of a March 21, 1973, taped conversation between Mr. Nixon and Dean in which the then-President on his own initiative discussed accommodating blackmail demands by break-in defendants at least six times without once suggesting that paying the men for their silence would be wrong.

The evidence gathered against the former President not only includes the

Was Under Way Before Pardon

tapes, but guilty pleas and pledges of full cooperation by at least four other members of the same alleged conspiracy, legal sources pointed out. They said that is an "comfortably high" number of convicted coconspirators to be available as witnesses against any defendant, even without any taped evidence.

The six former White House and campaign aides facing trial are all charged with conspiracy and obstruction of justice charges against former White House counsel Charles W. Colson in this case were dropped when he pleaded guilty in a another Watergate case to obstructing justice by defaming Pentagon Papers co-

defendant Daniel Ellsberg.

President Ford's pardon of Mr. Nixon blocks any future prosecution of him in the cover-up case and is likely to end that probe since the acts were committed here and the unique federal-state status of the District of Columbia leaves no other agency to prosecute such a case.

Other investigations, such as one of Mr. Nixon's state tax returns in California for example, conceivably could be started by state prosecutors, according to legal experts, because the pardon covers only federal prosecutions.

In addition to the Watergate break-in and cover-up, the pardon also immunized

Mr. Nixon from any future federal prosecution in a variety of other areas. These could include allegations concerning:

- Bribery and obstruction of justice in connection with the break-in two years ago at the offices of Dr. Lewis Fiedling, the psychiatrist for Daniel Ellsberg, the man who leaked the Pentagon Papers. The possibility of California state charges in the case remains open.

- Misuse of government agencies, defrauding the United States, in connection with efforts to use the Internal Revenue Service and other federal agencies to harass White House "enemies."

- Tax fraud, relating to Mr. Nixon's agreement to pay \$432,000 in back taxes for 1969-1972 after being cited for the underpayment by both the IRS and the Congressional Joint Committee on Internal Revenue Taxation. The extra taxes were imposed after the IRS (which had originally allowed the deduction) rejected in Nixon's claim of a \$482,012 charitable deduction for the donation of his vice presidential papers to the National Archives.

- Illegal use of federal funds for improvements to Mr. Nixon's San Clemente, Calif., and Key Biscayne, Fla., properties. The Joint Committee on Internal Revenue Taxation last April concluded that Nixon realized more than \$92,000 in taxable income from improvements on his property. Nixon agreed at that time to pay the taxes on the improvements.

- Misappropriation of campaign funds for personal use by Mr. Nixon and his close friends, Charles G. (Bebe) Rebozo.

- Bribery and extortion in connection with the Secretary of Agriculture's decision to raise milk price supports in early 1971 in return for campaign contributions from the Associated Milk Producers, Inc.

- Bribery in connection with an ITT pledge to the 1972 Republican National Convention and a lenient ruling on an ITT antitrust matter by the Justice Department.

- The authorization by Mr. Nixon between 1969 and 1971 of a program of wire-taps of 17 persons, including members of the National Security Council, governmental employees and newsmen.

- Approval by Mr. Nixon of the so-called "Huston plan" which called for illegal break-ins and interception of mail, as well as electronic surveillance and other intelligence techniques, to be used against organizations deemed radical or leftist by the White House. Mr. Nixon has acknowledged approving the plan, but said it was in operation for only five days.

If any illegal break-ins actually were carried out as a result of this plan, Mr. Nixon possibly could be subjected to criminal charges in the state in which the break-in occurred.

Had he been indicted, tried and convicted of some of the federal crimes involved in the allegations against him, Mr. Nixon conceivably could have faced up to dozens of years in prison and tens of thousands of dollars in fines. For example, obstruction of justice carries up to five years in prison and a \$5,000 fine. Extortion carries up to three years in prison and a \$5,000 fine.