

Counterattack and Counterpoint

The White House counterattack on the Watergate hearings was under way. At a state dinner honoring Japan's Premier Kakuei Tanaka, without directly mentioning the scandal, President Nixon declared: "Let others spend their time dealing with the murky, small, unimportant, vicious little things. We have spent our time and will spend our time in building a better world." Moments later, he deplored again "the petty little indecent things that seem to obsess us."

It was an extraordinary and almost unbelievable reflection of the President's state of mind and sense of values: dismissing as small and unimportant acts of perjury, burglary, bribery, abuse of campaign funds and attempts to misuse and interfere with elections, courts, prosecutors, the FBI and CIA—all admitted and committed or condoned by at least some high officials or presidential aides. There was also a sense of detachment to the point of unreality about the statement, as if the "murky, vicious" things had been committed far away from the White House in some obscure corner of the land and the investigators, rather than doing their obvious duty, were perversely dragging them into public view.

Shaky Memory. A counterattack was also under way in the hearings as the White House presented its most effective defender so far: a polite, low-keyed and occasionally apologetic H.R. Haldeman. The much feared former White House chief of staff, so often described as the President's dour and whip-cracking office guardian, answered questions with a seeming directness, patience and on occasion with an engaging grin. The performance was in contrast to the defiant, cleverly evasive witness who had preceded him: John Ehrlichman. Yet before the week's hearings were over, both Ehrlichman and Haldeman had been challenged by the testimony of four CIA or FBI officials.

For a man whose mastery of detail terrified any subordinate who overlooked the most minute assignment, Haldeman had a shaky memory. He treated many of the charges against him as though they were too insignificant to be remembered. Among them:

Was it true, as John Dean, the President's fired counsel, testified, that Dean had reported to him about Convicted Wiretapper G. Gordon Liddy's bizarre political espionage plans as early as February 1972? Haldeman: "I don't have a recollection." Had he seen a memo prepared for him by his assistant Gordon Strachan indicating former Attorney General John Mitchell's approval of a \$300,000 budget for Liddy's "sophisticated intelligence-gathering plan"? "I don't recall." Did he recall reading a "talking paper" about this plan given him by Strachan for a meet-

ing with Mitchell? "No, I do not."

After the arrests at the Watergate, was it true, as Strachan testified, that Haldeman ordered him to "clean the files"? "I don't recall the conversation." Did Strachan, again as he testified, report to Haldeman that he had destroyed Watergate-related files? "No, sir, I don't recall a report from him."

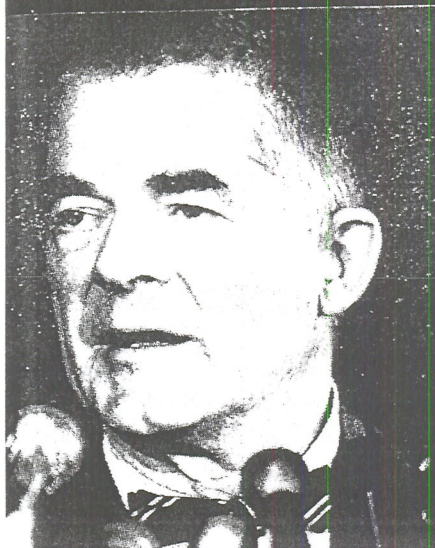
Haldeman was more emphatic in making a few flat denials. He said that both Dean and Jeb Stuart Magruder, former Nixon campaign deputy, were wrong in testifying that on separate occasions they had told him that Magruder intended to commit perjury.

Haldeman's explanation on another area of possible personal complicity was unconvincing. He said that he had been told by Dean that the Nixon re-election committee needed cash funds to pay legal fees for the men arrested at the Watergate. Haldeman had control of some \$350,000 belonging to the committee that he wanted to return, although this was complicated by changes in the campaign funding laws. He admitted suggesting to Dean that "both problems" could be met by transferring this money to the committee. But he insisted, under rough questioning, that he did not know that the funds he turned over would be used for any specific purpose. He never considered the funds "silence" money and "formed no moral judgment" on whether the payments were proper. "This was incidental information that I received and dismissed."

While Haldeman deftly deflected all attempts by the Ervin committee to get him to confirm the damaging claims of other witnesses, he ran into senatorial outrage as he tried to carry out his main mission before the committee: to show that Richard Nixon had no knowledge of the massive cover-up conspiracy. Haldeman's sensational weapon was his revelation that the President had permitted him to listen to some of the taped conversations between Nixon and Dean that are among the objects of a legal showdown between the Congress and the President.

Heard Tapes. Haldeman had heard one tape in late April while still on the White House staff. Amazingly, he was allowed to take four other tapes in early July to a Maryland house where he was staying, after he had resigned and just before the existence of the secret recording system was revealed. Haldeman decided to listen to just one of the tapes, which he held for 48 hours.

Increasingly becoming the most aggressive committee interrogator, Republican Senator Lowell Weicker protested that it was "grossly unfair" that Haldeman could hear the tapes when other prospective criminal defendants could not. Complained Democratic Senator Herman Talmadge: "Why



RICHARD THOMAS

PROSECUTOR ARCHIBALD COX
Readying his arguments.

ment in what is expected to be a historic constitutional struggle. Although there was some speculation that Sirica might be able to reach a decision within three weeks on Cox's petition, the case is certain to reach the Supreme Court on appeal. Only a definitive decision by that court will be accepted as binding by the President, the White House has said, which means that the issue will probably not be resolved before fall unless a compromise is worked out along the way up the ladder of the courts.

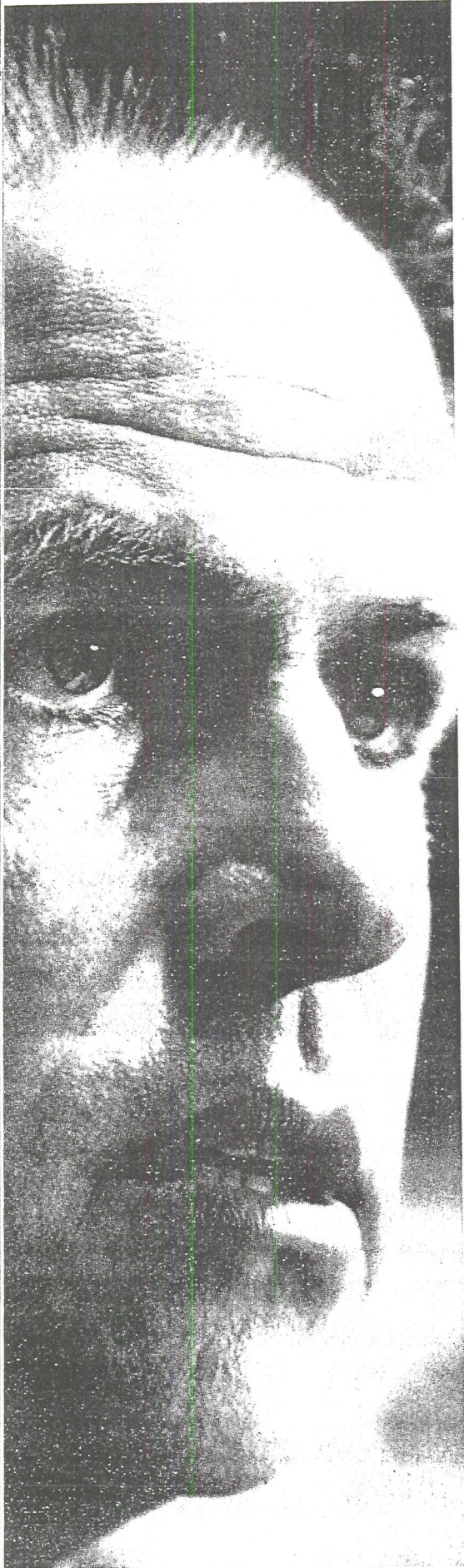
rusquely: "All right, he's still a lawyer admitted to the bar, I'll grant you. Now let's get on with it."

A bachelor until he was 47, Sirica now has three children (aged ten to 20) and with his wife Lucile leads a quiet life in a fashionable Northwest Washington neighborhood. "I had two loves in life," he says, recalling the words of an old law-school professor, "but Prohibition took care of one of them, and old age took care of the other."

Sirica rises at 5 each morning to begin his voracious consumption of newspapers and magazines, concentrating primarily on the opinion pages. After his morning's work in court, he has lunch in his office, then naps for an hour. Bothered recently by a pinched back nerve, Sirica tries to keep fit by walking three or four miles a day and when not detained by a court case, leaves early in the afternoon for a sauna at the Congressional Country Club.

Since the Watergate trial, Sirica has been quietly relishing his new prominence on the Washington banquet circuit and the approval shown in a flood of speaking invitations. Though some of his critics have accused him of judicial overreach, most concede that his honesty and independence have been established beyond doubt. "My slogan is: do what you think is right at the moment," Sirica observes. "It usually works out."

STEVE NORTHUP



WATERGATE WITNESS H.R. HALDEMAN

would a private citizen be more entitled to listen to those tapes than a Senate committee of the United States Congress?" Chairman Sam Ervin, noting that Nixon had conceded that the tapes were subject to different interpretations, said he would be "scrupulous in considering whether I should accept Mr. Haldeman's interpretation."

Interpretation seemed to be the key element added by Haldeman. Up to a point, his description of the conversations on the two tapes he reviewed indicated that Dean, who had taken no notes at any of his Watergate talks with the President, had remembered parts of the talks remarkably well. Haldeman said that Dean apparently had confused two of the meetings because some topics Dean had thought were raised at a March 13 meeting with Nixon actually showed up on the March 21 tape that Haldeman had heard. Allowing for this mix-up, the Dean and Haldeman versions include the following basic claims:

MEETING OF SEPT. 15, 1972

Dean: "The President told me I had done a good job and he appreciated how difficult a task it had been, and the President was pleased that the case had stopped with Liddy. I also told him that there was a long way to go before this matter would end and that I certainly could make no assurances that the day would not come when this matter would start to unravel." Dean said that he told the President that lawyers for the Nixon committee were talking out-of-court to a judge, Charles R. Richey, about delaying Democratic civil suits until after the election. Dean quoted Nixon as responding, "Well, that's helpful."

Haldeman: "The President did commend Dean for his handling of the whole Watergate matter, which was a perfectly natural thing for him to do. The President knew that Dean had been concentrating for a three-month period on the investigation for the White House. I am sure that the President thought it would be a good time to give Dean a pat on the back. Dean reported to the President on how the press was handling the indictments. There was some discussion about Judge Richey hearing the civil case and a comment that he would keep Roemer McPhee abreast of what was happening. Dean indicated that the indictments meant the end of the investigation by the grand jury and now there would be the GAO audit and some congressional inquiries. But he assured the President that nothing would come out to surprise us."

The basic clash between the versions is thus whether Nixon congratulated Dean because the case had been "contained," as Dean claimed, or whether Nixon merely appreciated Dean's hard work on the Watergate matter, as Haldeman contended. It is also significant whether McPhee had improperly discussed the case with Judge Richey, as Dean maintained, or whether McPhee was merely advising the Nixon committee, as Haldeman in-

dicated. Dean thought the conversation indicated the President was approving cover-up efforts that Dean had been engaged in since June 17. Haldeman saw no such implication.

MEETING OF MARCH 21, 1973

Dean: "I began by telling the President that there was a cancer growing on the presidency and that if the cancer was not removed, that the President himself would be killed by it." Dean noted that he had attended two meetings with Liddy, Mitchell and Magruder at which the wiretapping plans had been discussed, and that he had reported these plans to Haldeman. He said that both Haldeman and Mitchell had received wiretap information. He said that the President's personal lawyer, Herbert Kalmbach, had paid silence money to the defendants on instructions relayed by Dean from Ehrlichman, Haldeman and Mitchell.

"Hunt wanted \$72,000 for living expenses and \$50,000 for attorney's fees, and if he did not get the money and get it quickly he would have a lot of seamy things to say about what he had done for John Ehrlichman while he was at the White House." Dean said that he had helped prepare Magruder for perjury. "I concluded by saying that it is going to take continued perjury and continued support of these individuals to perpetuate the cover-up and that I did not believe that it was possible to so continue it. Rather, all those involved must stand up and account for themselves and the President himself must get out in front."

Dean testified: "I told the President that there was no money to pay these individuals to meet their demands. He asked me how much it would cost. I told him that I could only estimate, that it might be as high as a million dollars or more. He told me that that was no problem, and he also looked over at Haldeman and repeated the statement. The President then referred to the fact that Hunt had been promised Executive clemency. He said that he had discussed the matter with Ehrlichman and that [Charles] Colson had also discussed it with him later. He expressed some annoyance at this."

Haldeman: Dean did make a remark about a "cancer growing on the presidency." Dean also "outlined his role in the January planning meetings and recounted a report he said he made to me regarding the second of those meetings. He felt Magruder was fully aware of the operation, but he was not sure about Mitchell. He said that his only concerns regarding the White House were in relation to the Colson phone call to Magruder, which might indicate White House pressure, and the possibility that Haldeman got some of the fruits of the bugging via Strachan.

"Regarding the post-June 17th situation, he indicated concern about two problems: money and clemency. He said that Colson had said something to [E. Howard] Hunt about clemency. The

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President confirmed that he could not offer clemency, and Dean agreed. Dean said that Kalmbach had raised money for the defendants' lawyers' fees, that Haldeman had okayed the return of the \$350,000 to the committee, and that Dean had handled the dealings between the parties.

"He said Hunt was demanding \$120,000 or else he would tell about the seamy things he had done for Ehrlichman. The President pursued this in considerable detail, obviously trying to smoke out what was really going on. He led Dean on regarding the process and what he would recommend doing. He asked where the money would come from, how it would be delivered, and so on. He asked how much money would be involved over the years, and Dean said, 'Probably a million dollars—but the problem is that it is hard to raise.' The President said, 'There is no problem in raising a million dollars, we can do that, but it would be wrong.'"

The Truth. A critical difference between the versions is the "it would be wrong" quote reported by Haldeman. He also contends that Nixon never indicated at the meeting that he had discussed clemency with Colson or Ehrlichman. But whether Nixon was "leading" Dean on with his questions and trying "to smoke him out" to see how guilty he might be, as Haldeman implied, or was approvingly going over the cover-up details, as Dean suggested, would seem open to each listener's interpretation.

Disagreeing with Ehrlichman in no material way, as their mutual and controversial attorney, John J. Wilson (see Law), had predicted, Haldeman continually pointed to Dean as the cover-up mastermind. Haldeman argued that he, Ehrlichman and the President were trying to "get the truth" out to the public about Watergate, and thus Dean was repeatedly asked to write a definitive report. But during the questioning of Haldeman, it became clear for the first time that the "truth" that was expected was that no one in the White House was involved in the Watergate planning and execution. Haldeman gave his view of why the President had so incongruously suggested that Dean brief the Cabinet after his "cancer on the presidency" talk with Nixon. Haldeman implied that Dean could report—if the facts warranted it—that Magruder and Mitchell may have been involved in the planning. But there was no suggestion that Dean relate his theory of how White House Aides Haldeman, Ehrlichman, Strachan and Dean—as well as the President—may have been involved in the cover-up. What seemed to be wanted—and what Dean apparently could not write—was a cover-up report on the cover-up.

If Haldeman's poor memory and gentle answers got him past most of the sticky Watergate questions, he was clearly stung by some damaging memos

turned up by Senator Weicker. These showed another view of Haldeman: the harsh, political ideologue. With his now familiar indignation, Weicker assailed a Dean-supplied Feb. 10, 1973, memo from Haldeman to Dean. Its leading paragraph: "We need to get our people to put out the story on the foreign or Communist money that was used in support of demonstrations against the President in 1972. We should tie all 1972 demonstrations to McGovern and thus to the Democrats as part of the peace movement."

Weicker: Do you mean to tell me that as a man closest to the President of the United States you issued a directive linking the Democratic candidate to Communist money ... because you thought that was the case?

Haldeman: Only if it is the case, Senator ... This is why the memorandum was directed to the counsel to the President, who had the facts, as I understood it.

Weicker: This is not a request for an investigation of the facts. This is to put out the story.

Haldeman: It was my understanding that there were facts that led to these points.

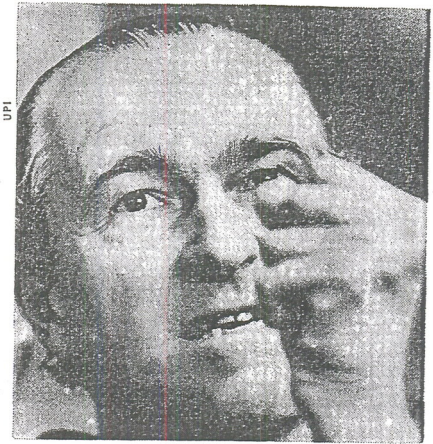
Weicker: What are the facts?

Haldeman: I don't know.

Weicker also scored with a memo from a White House advance man to Haldeman on Oct. 14, 1971, which had been subpoenaed from the Nixon committee. Haldeman had penciled "Good" after the report that antiwar demonstrators would carry "obscene" signs at a North Carolina rally and "Great" after the report that they would direct their protest at the Rev. Billy Graham as well as the President (see cut page 16). Haldeman explained that he was pleased that this would show the nature of the protesters.

Hinder FBI. Moving with unusual dispatch, the Ervin committee next turned to witnesses who could deal with one of the earliest and clearest instances of the cover-up: efforts by the President, Haldeman, Ehrlichman and Dean to get the CIA to hinder or halt the FBI's probe of Nixon campaign funds that had been channeled through Mexico to obscure their source. Those moneys wound up in the pockets of the Watergate burglars. The pretext was that some CIA operation in Mexico might be compromised by the FBI investigation. Nixon had said in his May 22 statement that he had ordered Ehrlichman and Haldeman to talk to the CIA about this only for "national-security" reasons, not to impede a Watergate investigation. Both Ehrlichman and Haldeman said that they merely asked CIA officials to find out 1) if there had been any CIA involvement in the Watergate break-in itself and 2) whether there was any covert CIA activity that could be exposed by an FBI probe.

In their testimony before the Ervin committee, neither former CIA Director Richard Helms nor the deputy CIA di-



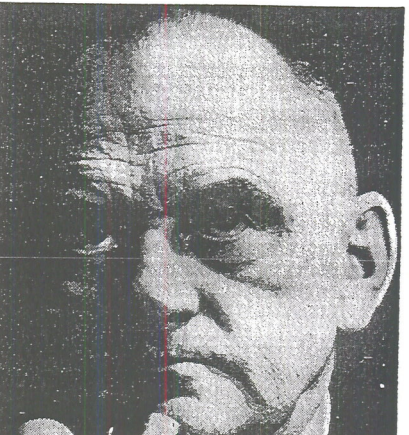
UPPI
FORMER CIA DIRECTOR HELMS



STEVE MORTUOP
FORMER DEPUTY CIA DIRECTOR CUSHMAN



DEPUTY CIA DIRECTOR WALTERS



FORMER ACTING FBI DIRECTOR GRAY

5:00 p. m.

MEMORANDUM FOR: MR. H. R. HALDEMAN
FROM: RONALD H. WALKER
RE: CHARLOTTE, NORTH CAROLINA -
DEMONSTRATIONS

To Walker
High Priority

Good

Guar.

1. The most recent intelligence that has been received from the Advanceman Bill Henkel and the USSS is that we will have demonstrators in Charlotte tomorrow. The number is running between 100 and 200 ; the Advanceman's gut reaction is between 150 and 200. They will be violent; they will have extremely obscene signs, as has been indicated by their handbills. It will not only be directed toward the President, but also toward Billy Graham. They will have smoke bombs, and have every intention of disrupting the arrival and trying to blitz the Coliseum in order to disrupt the dedication ceremony.
2. According to Henkel and the USSS and it is also indicated on the

MEMO TO HALDEMAN FROM WHITE HOUSE ADVANCE MAN IN NORTH CAROLINA
Also, let's tie McGovern to demonstrations and Communist money.

rector, Lieut. General Vernon Walters, saw it that way. Pounding the witness table and nearly shouting, the normally cool Helms declared: "The agency had nothing to do with the Watergate break-in." He said he had told that to FBI Acting Director L. Patrick Gray before he was summoned to a White House meeting with Ehrlichman and Haldeman on June 23, 1972, shortly after the break-in. He said that he emphatically told the same thing to the White House aides.

Both Walters and Helms contended that Haldeman, who did most of the talking at the meeting, had put the matter in a political rather than a national-security context by describing how Wa-

tergate "was creating a lot of noise and might lead to some important people." Nevertheless, Walters was told by Haldeman, according to the deputy CIA chief's testimony, to go to Gray and tell him that "further pursuit of this investigation in Mexico could jeopardize some assets of the Central Intelligence Agency." Dutifully, Walters did so. Both Helms and Walters promptly checked, however, and found that no Mexican operation could be jeopardized. Walters informed Dean of this and assumed that Dean would tell Gray.

Meanwhile, some FBI interviews about the Watergate money were held up by Gray under this pressure. Both

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Gray and Walters were getting insistent inquiries from Dean. When Dean tossed out "feelers" on whether the CIA could supply bail for the arrested burglars and salaries for them if they were convicted, the CIA men decided that the agency was about to be "used." Walters told Dean this could not be done and that Helms would never approve.

Undercover Aids. Helms did, however, take full responsibility for some of the CIA aid given to Hunt, the White House "plumber." This included a tape recorder, camera, wig, voice-alteration device and false identification. Ervin saw these as rather sinister "undercover" aids and asked whether the wig was designed to "improve the pulchritude of Mr. Hunt" and the voice disguiser to help him "sing a different part in the choir." Helms said they were consistent with Hunt's contention that he needed them for a "one-time" interview. The wig was apparently used by Hunt to visit ITT Lobbyist Dita Beard in a Denver hospital, and the other gear was used to disguise himself in directing a raid on the Los Angeles psychiatric files of Pentagon Papers Defendant Daniel Ellsberg.

Helms readily admitted furnishing the White House with "a psychological profile" on Ellsberg compiled in 1971 from nonpsychiatric data by CIA experts. White House Plumber David Young found this so unsatisfactory that another one was requested. That was also rejected, and eventually Ellsberg's psychiatrist's office was burglarized by a plumbers' team. A copy of the first study indicated why the White House