

The Grand Jury Report

The documents which Judge John Sirica delivered to the House Judiciary Committee focus on President Nixon's Watergate role during late March and early April a year ago.

Sources familiar with the grand jury evidence say the President made suspicious moves, which the committee could interpret as obstruction of justice.

He doesn't deny that on March 21, 1973, he learned about the Watergate cover-up from his counsel John Dean. Our sources have seen the secret transcript of this crucial meeting.

"This is going to take you by surprise," Dean began. He reported that Jeb Magruder had committed perjury at the Watergate trial, that bribes had been paid to Watergate defendants to keep their mouths shut, that E. Howard Hunt was attempting to extort another \$120,000 and that the President's most trusted aides had conspired to cover up the crimes.

Dean confessed that he, too, had

participated in the obstruction of justice. "Oh John, you have no problem," said the President. But Dean insisted: "Yes, I have."

The President wanted to know whether his staff chief, H. R. Haldeman, was implicated. "Is Bob involved?" asked Nixon. Dean shied away from making a direct accusation against the powerful Haldeman.

The President asked how they could be sure Hunt's demands for money would stop. Dean estimated the payments and expenses could run \$1 million.

"That will be no problem," said the President. Dean told the prosecutors that the President then turned to Haldeman, who had joined the huddle, and repeated meaningfully: "That will be no problem."

The question also came up of offering the Watergate defendants not only hush money but executive clemency. "That's out," our sources quote the President as saying. "We can't offer clemency to anybody." He now maintains that he meant to reject both hush payments and executive clemency as "wrong."

The prosecutors have developed damning evidence, however, that the President's subordinates got the opposite impression. For less than half an hour after the meeting, Haldeman allegedly spoke to former Attorney General John Mitchell on the telephone.

This was followed by a Mitchell phone call to campaign deputy Fred

LaRue, who kept a secret stash of campaign cash in his apartment. The money—an astonishing \$350,000 in \$20, \$50 and \$100 bills—was under Haldeman's control, according to the sworn testimony.

Mitchell directed LaRue to pay \$75,000 to Hunt. Obediently, LaRue stuffed the cash in a plain white envelope and later asked a friend to deliver the envelope to Hunt's attorney, William O. Bittman. The prosecutors have established that the envelope was handed over to Bittman at his home about 10 o'clock that night.

The next morning according to sworn testimony, Mitchell reported at a White House meeting that Hunt was no longer a "problem."

The President's own account of his moves after hearing the Dean revelations differs from the sworn record. He "personally ordered those conducting the investigations," he claims, "to get all the facts and report them directly to me."

But "those conducting the investigations"—FBI chief Patrick L. Gray, Attorney General Richard Kleindienst and Assistant Attorney General Henry Petersen—have testified under oath that the President never told them about Dean's confession.

The prosecutors had to get their information the hard way. Watergate wiretapper James McCord, facing a stiff sentence, finally confessed, say our sources, because of a "psychotic fear of prison." The prosecutors then called in ringleader G. Gordon Liddy and kept him inside the grand jury room until his White House superiors mistakenly thought he was also talking.

This unnerved John Dean who confessed his role in the conspiracy. Jeb Magruder was the next to break.

By April 14, the prosecutors had enough evidence to lay out the case to their superiors. They reported first to Petersen that the evidence impli-

cated three of the President's closest advisers—H. R. Haldeman, John Ehrlichman and John Mitchell. The prosecutors told Petersen who the witnesses were, what they had testified and how the case should be prosecuted.

A shaken Petersen agreed the evidence should be presented to the President at once. Petersen tried to reach his superior, Attorney General Kleindienst, who was attending a White House correspondents' banquet.

Not until midnight was Petersen able to call upon Kleindienst at his home. Chief prosecutor Earl Silbert and U.S. Attorney Harold Titus also

attended the midnight meeting. They agonized over the evidence until 5:30 in the morning. Kleindienst was so distressed, as he heard the details for the first time, that he broke down and wept.

After a couple hours of fitful sleep, Kleindienst called the President at 8:30 on the Sunday morning of April 15. The call was returned at 9 o'clock, and the President invited Kleindienst to attend church services at the White House. Afterward, the two men closeted themselves in the President's hideaway in the old, roccoco White House annex.

Soberly, the Attorney General, reading from his notes of the previous night, spelled out the prosecutors' findings. He concluded by stating that he would have to withdraw completely from the Watergate case because of his past association with the chief suspects. He recommended that Petersen be given full authority over the investigation.

The President agreed and put through a call to Petersen who was working on his boat. Without taking time to change his work clothes, he hurried over to the White House in sneakers and dirty shirt. He repeated to the President the details of the case and recommended that Haldeman and Ehrlichman be fired at once.

"You know, Haldeman and Ehrlichman deny this, and I have got to find this out," responded the President. "Dean in effect has admitted it. Should I request his resignation?"

Petersen strongly urged the President not to fire Dean. "Here is the first man who has come in to cooperate with us," said Petersen, "and certainly we don't want to give the impression that he is being subjected to reprisal because of his cooperation."

Nixon wanted to know whether Dean had been granted immunity and was answered in the negative. But Petersen emphasized "in the interests of the prosecution that it might be necessary to immunize some high echelon person." This decision, it was agreed, would be left to Petersen.

Yet the next day, the President did exactly opposite of what his own chief Watergate prosecutor advised. Nixon summoned Dean to the Oval Office. When he arrived, according to the testimony, Haldeman and Ehrlichman emerged laughing. They quickly sobered when they saw him.

The President then tried to get Dean to sign a letter of resignation. When Dean refused, the President next day issued a public statement declaring that "no individual holding, in the past or present, a position of major importance in the administration should be given immunity from prosecution."

Richard Nixon's moves, the prosecutors believe, were aimed at thwarting the investigation.