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The President and The Caudle Precedent

The ghost of Theron Lamar Caudle may rise from an obscure grave in Wadesboro, N.C., to haunt President Nixon.

Caudle was the assistant attorney general in charge of prosecuting tax cases in the Truman administration. He was an effusive fellow, with a touch of the Claghorn; a "po' boy," as he was wont to proclaim, from below the Mason-Dixon line.

He was offered up by the Republicans in the 1950s as a sacrificial lamb. Lacking bigger game to show they had carried out their campaign pledge to clean up "the mess in Washington," they tried to nail Caudle for "bribery, perjury and knowingly making false statements."

Unhappily, an exhaustive, five-year investigation failed to produce any solid evidence to support the charge. So he was convicted and imprisoned for depriving the government of his "faithful service." He had failed, the jury agreed, to provide "proper administration of the Internal Revenue laws."

Now the Republican members of the House Judiciary Committee, after caucusing behind closed doors, have sworn to oppose any attempt to impeach President Nixon for the criminal acts of his subordinates. The President should not be impeached, they agreed, except for his own criminal conduct.

The Caudle case, overlooked in the dust of the Justice Department, could provide the precedent.

Ironically, Richard Nixon led the assault on the Truman administration, which he called the "scandal-a-day administration." While Dwight Eisenhower, with much clanking of the crusader's armor, traveled the high road in the 1952 campaign, Nixon took the low road. His harping on the "greedy, gouging, grumbling history of the Truman regime" helped bring the Republicans to power.

They immediately unleashed the Justice Department to prosecute the alleged scandals. From retirement, Harry Truman complained that the Justice Department "has put investigators on me and everyone around me to find something wrong."

The most the investigators could come up with was evidence that Truman's appointments secretary, a bright Boston Irishman named Matthew Connelly, had made telephone calls from the White House to Caudle in behalf of Irving Sachs, a St. Louis shoe stylist, who faced prosecution for tax fraud.

Caudle showed leniency toward Sachs, an epileptic, but secured an eventual guilty plea. It would have been "sadistic," Caudle pleaded, to put a sick man like Sachs through a public trial.

Thereafter, Sachs' grateful attorney, Harry Schwimmer, gave Connelly a \$110 topcoat and two suits worth \$315. Schwimmer also bought small oil royalties in the names of both Connelly and Caudle. Schwimmer acted, however, without their knowledge. When they discovered what he had done, Connelly paid \$750 for his oil share. He swore this was the price he had been told, although it was actually

worth \$3,600. Caudle angrily rejected the gift.

The Republicans, with no convictions to show for their charges of corruption against the Truman crowd, brought Connelly and Caudle to trial on the eve of the 1956 GOP convention. The judge threw out the bribery charges, but the jury found them guilty of unfaithful service and improper administration of the tax laws.

Caudle was released on probation after serving part of a two-year sentence. He went back to Wadesboro to raise money to pay off his lawyers. Soon thereafter, his faithful wife, Fairfield, died. The once ebullient Caudle, old and tired after his jail term, also faded fast.

Caudle was buried in a forgotten grave not long after Richard Nixon moved into the White House. But their fates may again cross.

Caudle was jailed, essentially, for failing to give the government his best services. The verdict was that he didn't administer the tax laws properly.

Yet Caudle broke records for tax prosecutions. The integrity of the lawyers, who worked under him, was never questioned. In contrast, 20 of Nixon's most trusted aides have already pleaded guilty to crimes or have been indicted for crimes. And the special prosecutor, Leon Jaworski, has scarcely started bringing indictments. The Watergate crimes were not the isolated acts of a couple of miscreants but the modus operandi of the Nixon presidency.

There was no proof that Caudle ever took a tainted nickel. His co-defendant, Matt Connelly, accepted a couple of free suits and some oil shares below cost. In contrast, Nixon's associates raked in huge sums from campaign contributors who received government favors. Much of the money was delivered in cash, often in outright violation of the campaign laws. Some was used to bribe the Watergate defendants to keep their mouths shut.

The President's closest friend, Bebe Rebozo, collected cash from several contributors, although he was never authorized by the GOP to raise funds. He has sworn that he turned the money over to the campaign, but no record of this has been found. He has admitted that at least one cash gift of \$100,000 from billionaire Howard Hughes was never given to the campaign.

Rebozo has sworn that he kept the \$100,000 in a safety deposit box for three years. Charges have been made—but not proved—that he spent some of this money himself and distributed some of it to Nixon for "walking around" money.

The final irony is that Caudle went to jail for his handling of a tax prosecution. Sworn testimony has now come to light that Nixon claimed a \$576,000 tax deduction based on a backdated deed.

If Caudle could be convicted for not giving the government his best services, the House Judiciary Committee might view the President's record in the same light.