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The Unasked Questions

The various investigators of the Watergate horror are plainly enjoying themselves hugely. Maybe this is why there seems to be some reluctance to ask, straight out, the big questions that would end most of the suspense and excitement. There are only two such questions, as follows:

First of all, just who was authorized to act for the President, including giving orders in the President's name? And second, just what were the terms of any such authorizations by President Nixon?

To illustrate these two questions' great urgency, there is the major matter of the interrogations conducted by the FBI after the Watergate break-in. As all know, copies of all these many hundreds of interrogations went to the White House. But it is not known how the copies were circuitously secured for the White House by John Dean III.

From the beginning of the Justice Department inquiry after the break-in, it must be understood that Dean lied persistently about his own role, both to former Attorney General Richard Kleindienst, and to Kleindienst's deputy in charge of Watergate, Henry Petersen. Dean pretended, in fact, that his grandiose title, "counsel to the President," represented an operational reality. He claimed to be conducting his own inquiry into the Watergate problem by the President's personal order. He further pretended to be seeing the President constantly, and to be reporting to him directly.

Former Attorney General Kleindienst is now firmly convinced that Dean saw the President "only once between June 17 last year and March of this year." That once was "for five minutes, too, and on personal legal business" having nothing to do with Watergate.

Being misled in this manner, Kleindienst was distinctly embarrassed when Dean asked for copies of the FBI interrogations early in the proceedings. It has always been the privilege of Presidents to have access to FBI documents, including the so-called raw files. President Johnson amused himself by reading the gossip in the raw files; and so did President Kennedy. Nonetheless, Kleindienst firmly refused Dean's request.

Because this was "such a political case," Kleindienst told Dean that it would be unwise to give him the verbatim interrogations. As counsel to the President, Dean would have to be satisfied with the gist of what had been learned. To this decision by Kleindienst, Dean made no protest of any kind.

What then happened was only learned by Kleindienst and Petersen much later during the hearings on the confirmation—or rather nonconfirmation of acting FBI director L. Patrick Gray III. After the rebuff at the Justice Department, John Dean made an end run to the FBI, and asked Gray for the FBI interrogations. Gray did not know Dean had already failed with Kleindienst. He followed past precedents. So Dean got the FBI interrogations after all, behind Kleindienst's back.

As anyone can see, Dean made his end run because he well knew that his claim to presidential authority was false. If he had not been making a false claim, he could then have referred Kleindienst to President Nixon.

And if the President had supported Dean, Kleindienst would have had to obey or resign.

To name one more well-attested example of the same sort of thing, there was the call to Henry Petersen about the Republican bagman, Maurice Stans. The caller was John Ehrlichman. Speaking with all the weight of his well-known position at the White House, Ehrlichman indicated that Stans, as a former Cabinet member, should not be subjected to a subpoena to testify before the Watergate grand jury.

Petersen in effect replied by telling Ehrlichman to go to hell in a hack. Whereupon Ehrlichman, more than a bit miffed, went over Petersen's head to Kleindienst, who was on vacation in the Poconos. Kleindienst not only backed Henry Petersen to the hilt, he told Ehrlichman, somewhat brusquely,

that he had no business calling anyone on the Justice Department's working levels; and he asked Ehrlichman to refrain from doing so thereafter.

Ehrlichman at first demurred stiffly. Kleindienst replied that this was a matter he wanted cleared up at once. If he could not have Ehrlichman's promise, he said he would have to take the matter to the President. That threat brought Ehrlichman's promise to leave the Justice Department alone.

Thus Ehrlichman's authority to speak for the President, like Dean's authority, was never put to any final test with the President himself. Such episodes—and there are others—make an interesting if intricate pattern. It is a pattern that does not appear to interest Sen. Sam J. Ervin of North Carolina and many others, but it ought to interest them.

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