

A Point in Time Has Come To Define Watergate Lingo

By ISRAEL SHENKER
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WASHINGTON — Now is the point in time for all good men to come to the aid of the Watergate language.

In the Senate hearings, now in recess, the air grew daily spongy as speakers used words to absorb every semblance of sympathy, dilute each suggestion of guilt and exude a perfect air of innocence.

Situations are "intolerable, and at times unbearable," "incredible" means "wonderful," and paper vivifies beyond recognition as "action paper" and even "talking paper."

While paper articulates, men decay, denatured into "avenues" and "conduits," "programed" as victims and converted to "capacities." Describing Anthony T. Ulasewicz, John D. Ehrlichman said: "He was a kind of facility of the counsel's office. . . ."

'California Illiterate'

Lillian Hellman, the author, called the speech of the witnesses "California illiterate," saying: "The committee don't talk so good either, except for Senator [Sam J.] Ervin."

Prof. Leon Lipson of the Yale law school dissented: "Rather than say 'California illiterate,' I attribute it to recent literacy, young men who want to be and want to appear crisp, controlled, dynamic, in charge, but who have no real intellectual power or grace."

Richard N. Goodwin, speech writer to President Kennedy, called it "the bureaucratization of the criminal class—it's almost as if the Mafia chief had learned to speak like the head of H.E.W." Mr. Goodwin complained that witnesses accused of high crimes "use the language as if they'd simply routed a memo the wrong way."

'Bureaucratic Indirect'

"Bureaucratic indirect," Thomas Griffith, the former editor of Life, termed it, citing Robert C. Mardian's expression: "We undid the paperwork."

Each Administration has its verbal ways, blazed by the President's rhetoric and rhythms. There was hauteur to Franklin Roosevelt's language and saltiness in Harry Truman's; Dwight Eisenhower's was bureaucratic-amorphous while wry was the flavor of John Kennedy's and country regionalism of Lyndon Johnson's.

"Everything that we did was staffed to Mr. Strachan," Jeb Stuart Magruder noted, and Mr. Mardian spoke of a man who "officed in that same agency." Instead of approving or authorizing, Administration aides "signed off."

It was hard to know whether the executive branch was running a railroad or a sport. James W. McCord Jr. switched lines in successive sentences, as he quoted a friend: "Everybody else is on track but you. You are not following the game plan."

To Senator Edward J. Gurney the digestive process was all-consuming. "That is the question that is uppermost in people's minds and gnawing away in the pits of their stomachs," he said, adding, "Mr. Odle, we worried the meat off the bone of that phone call at quite some length this morning. . . ."

"I believe he did," was a formula for imprecision, and "best recollection" was similarly flawed recall. When Mr. Mardian spoke of his "best recollection," Senator Ervin complained: "I don't know any way that any human being can testify as to a past event except by giving his best recollection."

"I have no specific recall," Gerald Alch apologized, and the chairman rejoined: "Do you recall it otherwise than specifically?"

What?

Exasperated by John N. Mitchell's delicately tooled verbal mechanisms, Senator Joseph M. Montoya exclaimed: "Are you saying that to the best . . . are you saying this in light of your recollection and not as a positive statement?"

The Senate staff rapidly lost its own footing.

Samuel Dash, chief counsel and staff director: "You didn't have any recollection that Mr. LaRue in fact had that recollection of that meeting, did you?"

Mr. Mitchell: "I didn't have any recollection that he had that recollection?"

Mr. Dash: "Your testimony is that Mr. LaRue would have agreed or agree with your testimony that when Mr. Magruder presented the proposal to you in Key Biscayne that you just dismissed it. Senator Weicker said to you that Mr. LaRue's testimony would probably be to the fact that you stated it didn't have to be decided at that time?"

Repetitions, Redundancies

In "The Language of the Law," David Mellinkoff bewailed the repetitive libretti of last will and testament; mind and memory; rest, residue, and remainder; force and effect; fit and proper, and give, devise, and bequeath, but for the Watergate principals such lamentation was null and void. Gordon Strachan spoke openly of his resort to legalese.

Mr. Mitchell's buttoned-down prose made the points hard to seize: "No, I have no ability to weigh the potentials for the sources of concern in this area."

Even nonlawyers caught the virus of notional insecurity, and Hugh W. Sloan Jr. maintained: "I did not factually know."

"One word will not be used when five will suffice," said Prof. Norman Dorsen of the New York University law school. "People like to cover with more words than necessary when unsure of themselves."

Noted Prof. Louis Henkin of Columbia University's law school: "If people are engaged in something shady, there's a tendency to be circumlocutory even if nobody is bugging—as though they're afraid to admit to themselves what's going on."

Professor Lipson said Magruder's language "is full of abstract nouns, most of which are euphemisms used by the physician reporting to the grieving family."

"No sir, I would not characterize his comments to that regard," Mr. Magruder replied to one query. "We indicated there was a problem in an operation that in effect was something we were aware of," was the blight he cast on another question.

"One is struck by the talent of the lawyers for non-communication," Prof. John Kenneth Galbraith said. "Mitchell is marvelously aware of what every witness should know: a very short answer gives the interrogator insufficient time to prepare the next question and thus brings the questioning to an embarrassing close."

A Good Tactic

"One of Mitchell's best tactics was to respond with a negative aimed at something mentioned in the question only collaterally," Professor Lipson noted. "This drew the attention of the questioner away from the track he should have followed. The key word for Mitchell is 'context.' When he's about to make a key denial of something that might be grounds for perjury, he talks about the thing being in a different context."

Professor Lipson pointed to Mr. Mitchell's use of "the negative pregnant."

"In common law pleading, suppose the plaintiff alleges that the defendant carelessly ran over him at the corner of 15th and F Streets," the professor explained. "The defendant says, 'I didn't run over him carelessly at 15th and F.' This leaves open the possibility that the defendant did run over him carelessly at any number of other corners."

The interrogators were equally marked by stylistic idiosyncracies. Noted Professor Lipson: "Senator Baker

has to be tuned out for the first 75 or 90 seconds, because in those 75 or 90 seconds he gives flattery or disclaimer or soft soap for colleagues. Later he takes a broad point of view—'How can we turn this country around?' — or pursues the narrowest of lines: 'What did you say? Who was there? What was his tone of voice?'"

Favorite of Dash

Mr. Dash cherishes the phrase "Did there come a time?" meaning "You testified about this in executive session, and it's crucial."

Terry F. Lenzner, assistant chief counsel, fell victim as he asked Mr. Ulasewicz: "Did there come a time when you received these other amounts . . . ?" James Hamilton, assistant chief counsel, succumbed and Mr. Thompson suffered a virulent form when interrogating Mr. Mitchell: "Did there come a time between that time and the meeting on Jan. 27th . . . ?"

In all the Watergate torture, nothing exceeded like "point in time." Putting points of time together produced time frames, and it proved hard to focus on the picture in the time frame.

New York University's Professor Dorsen was struck by "the language of the South—the special pains to be polite to people."

"It tends to be a little disingenuous," he suggested. "When they're talking to people like [Maurice H.] Stans and Mitchell they probably feel contemptuous and therefore hostile; certainly not cordial."

Noted Professor Lipson: "Under the impact of Ervin and [Senator Herman E.] Talmadge, to say nothing of [Frederick C.] LaRue, the latitude of Senator Baker's accent has been dropping farther South—I should say 'futher' South."

"Southern witnesses employed the vocative as the signal for a response that answers the substratum of the question rather than the question itself: 'Senator, I attended 15 meetings in 10 days.' Then he gets to the stratum and agrees that at one of those meetings occurred the event that he has been asked about."

Professor Galbraith said that he was "fascinated by the extraordinary good diction of some members of the committee, notably Senator Talmadge."

"Pleasant to the ear, the sentences are perfect," Professor Galbraith observed. "It's slow, but with a peculiar quality of slow music which wants to make you hear the next note. Even the way Senator Talmadge drops his g's makes it sound wholly grammatical and attractive."

"The other superbly grammatical speaker is Inouye. Every sentence parses and his articulation is very nearly perfect. He has a marvelously resonant voice."

Chairman Ervin was unrivalled for resort to esoteric language (eleemosynary), to the Bible, to classics, and to home-grown similes ("just as straight as a marten going to its home"). He was eloquent demonstrating the allure of alliteration: "murder meritorious or larceny legal," "Legal learning . . . and intellectual integrity," "by word or wink." President Nixon was a distant duffer when he spoke of those who would "wallow in Watergate."

"I want to make one thing perfectly opaque," said Peter De Vries, the author, who confessed that he wanted to put the antics back in semantics. I rarely listened to the hearings because they bugged me from the start. Such language! "This is correct" is the inevitable answer when some scoundrel is asked about his skulduggery. Everything is correct, but nothing is proper."