

Watergate Opened Pandora-Like Box Of Myriad Crimes

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The new special Watergate prosecutor, Leon Jaworski, has taken over an investigation in which there have been public allegations of more than three dozen types of crimes that were either committed or proposed in connection with the Watergate scandal.

Thus far, there have been few indictments or guilty pleas in connection with the Watergate affair, but Jaworski has inherited from his predecessor, Archibald Cox, a full load to investigate in a scandal that seems to produce new allegations of wrongdoing almost daily.

The allegations cover present and former White House and Nixon re-election committee employees, as well as some other citizens, and range from allegations against President Nixon himself to those against Watergate conspirator G. Gordon Liddy's former secretary.

In public testimony before the Senate Watergate select committee and in depositions given in connection with civil suits that arose from the Watergate arrests, there have been allegations concerning a large number of crimes that were actually committed — breaking and entering, illegal wiretapping, perjury, obstruction of justice, for example.

There also has been testimony concerning crimes that were proposed but never carried out for one reason or another, plus testimony of proposed crimes that were perhaps of a more fanciful nature — Liddy's suggestion after the Watergate arrests that he be assassinated for bungling the job, for example.

In some instances, there is the possibility that more than one crime could be charged in relation to the same incident. In other instances, there might not be enough evidence to sustain an indictment or conviction for some of the crimes alleged during testimony.

A federal prosecutor, with no connection to the Water-

gate investigation, was asked to review most of the alleged crimes that appear on the list that follows to see if they were properly categorized. In no instance was he passing on the guilt or innocence of those allegedly involved.

What follows is by no means a complete list of the allegations of crimes that were committed or proposed in connection with the Watergate affair, but rather is a large sampling to show that the episode has come a long way since its days as a "third-rate burglary," as President Nixon's press secretary once described it.

Conspiracy

Although a skilled prosecutor could probably find allegations of a number of conspiracies, three of the major conspiracies alleged to date involve the two break-ins and the bugging of Democratic National Committee headquarters at the Watergate, the subsequent cover-up of those events and the break-in at the office of Dr. Daniel Ellsberg's psychiatrist.

• Five persons pleaded guilty to the original conspiracy charges involving the June 17, 1972, Watergate arrests, and two others were convicted at a trial in January. Since then, there has been Watergate committee testimony alleging that several other persons had advance knowledge of the break-in and bugging effort, which would, if proved, involve those persons in conspiracy charges.

Testimony has placed the following persons at one or more of the meetings at which plans for break-ins and bugging at the Democratic National Committee offices to obtain political intelligence were discussed: John N. Mitchell, former U.S. Attorney General and former Nixon re-election campaign director; John W. Dean III, former counsel to the President; Jeb Stuart Magruder, former White

House aide and former Nixon deputy campaign manager; Frederick C. LaRue, campaign aide to Mitchell, and Liddy.

Also, there has been testimony by Magruder that Gordon Strachan, aide to former White House chief of staff H. R. Haldeman, received in advance documents discussing the proposed Watergate break-in and bugging. Magruder also said he assumed Strachan passed the documents along to Haldeman. Both Strachan and Haldeman have denied advance knowledge of the Watergate bugging and break-ins.

Also, Charles W. Colson, former special counsel to the President, has acknowledged in a sworn deposition that he once prodded Ma-

gruder in early 1972 to come to a decision on Liddy's political intelligence plan. Colson said he had no idea when he telephoned Magruder that Liddy's plan involved breaking and entering and bugging, and that he had made the call as a favor to E. Howard Hunt Jr. Hunt later pleaded guilty in the Watergate conspiracy trial.

Hunt told Senate Watergate investigators that "he believes" Colson knew of plans for some kind of surreptitious intelligence operation against the Democrats.

• In the cover-up aspect of the Watergate affair — that is, conspiracy to obstruct justice — there has been testimony from Dean that President Nixon himself was aware of efforts to hide the truth of the matter as early as last Sept. 15.

Also named in testimony as playing roles in obstructing justice, either knowingly or unknowingly, were John D. Ehrlichman, former top White House domestic aide; Herbert W. Kalmbach, the President's former personal attorney; former acting F.B.I. Director L. Patrick Gray III, Assistant Attorney General Henry E. Petersen; former Assistant Attorney General Robert C. Mardian, plus Dean, Mitchell, Colson, Haldeman, LaRue and a dozen or more other attorneys, federal officials and former White House and re-election committee aides.

Dean, Magruder and LaRue have pleaded guilty to one count each of conspiracy to obstruct justice. Magruder also pleaded guilty to conspiring in the unlawful interception of oral and wire communications.

Aspects of the cover-up included allegations that money was paid to the origi-

nal seven Watergate defendants to buy their silence; that promises of executive clemency were made in return for the defendants' silence; that evidence was destroyed; that witnesses perjured themselves; that witnesses were intimidated or told to commit perjury; that witnesses lied to the FBI; that the White House attempted to thwart the investigation of the affair. All these would be part of a conspiracy to obstruct justice, as well as separate crimes in themselves.

• The break-in at the office of Ellsberg's psychiatrist took place Sept. 3, 1971, after Ellsberg had been indicted in connection with the leaking of the Pentagon Papers to The New York Times, The Washington Post and other newspapers. This involves a possible third conspiracy.

Watergate conspirator Hunt, in a sworn statement, said that he and Watergate conspirator Liddy, aided by Bernard Barker, Eugenio R. Martinez and Felipe De-Diego, had planned and carried out the break-in at the office of Dr. Lewis Fielding, Ellsberg's psychiatrist. (Martinez and Barker later were arrested in the June 17, 1972, Watergate break-in.)

Former White House aide Egil Krogh, who headed the "plumbers" unit that Mr. Nixon said was set up in the summer of 1971 to plug security leaks, publicly stated that he had ordered the break-in and assumed full responsibility. (Hunt and Liddy were both members of the "plumbers" unit.)

More recently, Krogh's lawyer has indicated in court that President Nixon told Krogh to lie under oath, if necessary, to protect any of the plumbers' operations.

In later testimony, Dean said Krogh had told him that Mr. Nixon had ordered the break-in.

In his testimony, Ehrlichman acknowledged that he approved a covert action designed to get information from Ellsberg's psychiatrist, but said that he assumed the action would be other than a break-in. (However, Ehrlichman also defended the break-in as legal under the President's implied powers to safeguard national security.)

Ehrlichman said he had learned of the break-in soon after it occurred. Concealing information on the break-in also could be a crime. He said Mr. Nixon did not know of the planned break-in.

A Los Angeles County grand jury last summer in-

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dicted Ehrlichman, Krogh, Liddy and former White House "plumber" David R. Young Jr. in connection with the Fielding break-in.

Breaking and Entering

• The two break-ins at the Watergate—Memorial Day weekend, 1972, when the bugs were placed on two tele-

See LIST, M10, Col. 1

LIST, From M10

ceiving end of such allegations are Dean and Mitchell. In depositions, at least two secretaries from the Nixon re-election committee testified they had heard Liddy's former secretary, Sally Harmony, say she had lied under oath before the Watergate grand jury in the summer of 1972. Mrs. Harmony denied committing perjury.

Bribery

• The approach by Ehrlichman to Judge W. Matt Byrne, who presided over the Ellsberg trial, with an offer of the FBI directorship while the Ellsberg trial was in progress. President Nixon also was introduced to Byrne at one of the two Ehrlichman-Byrne meetings. The defense attorneys, civil libertarians and some journalists have charged that this approach by Ehrlichman and Mr. Nixon amounted to trying to bribe the judge.

Ehrlichman has denied there was any impropriety in his approach to Byrne because he said he was acting with the knowledge of Mr. Nixon and then-Attorney General Richard G. Kleindienst.

Suborning Perjury

There has also been public testimony that certain Watergate figures tried to induce others to commit perjury. Hugh W. Sloan, former treasurer for the Finance Committee to Re-elect the President, testified he was urged to commit perjury before the grand jury last year to Magruder.

Lying to the FBI

This is a separate crime under a law that prohibits any intentional misrepresentation of a material fact to the FBI or any federal agency. A large number of persons allegedly lied to the FBI, or withheld information on the Watergate break-in and other matters, according to various testimony. The list includes Mitchell, Dean and Magruder.

• The indictment, re-

turned in New York, alleging that former Attorney General Mitchell and Nixon campaign committee finance chairman Maurice Stans committed perjury and obstructed justice in connection with a Securities and Exchange Commission investigation of international financier Robert L. Vesco, Mitchell and Stans, the former Commerce Secretary, have denied the charges.

Bribing A Witness

• According to a sworn deposition by a former re-election committee secretary, a trip to Florida to the Republican convention, was given to Liddy's secretary, Sally Harmony, as an apparent reward for her allegedly perjured testimony before the Watergate grand jury. Mrs. Harmony has denied committing perjury or getting the trip as a reward. She said she was on a campaign work assignment at the convention.

Contempt of Court

• Allegations have been made that government officials knowingly withheld ev-

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idence in the Ellsberg trial, in possible contempt of Judge Byrne's order that such evidence be produced.

This included information about the break-in at Ellsberg's psychiatrist's office, which was known to certain administration officials before the trial, but was not produced in court at the time.

President Nixon, in his Watergate speech in August, acknowledged that he had known about the break-in at Ellsberg's psychiatrist's office on March 17 of this year while the trial was in progress. Assistant U.S. Attorney General Henry E. Petersen testified to the Senate Watergate committee that Mr. Nixon barred him from turning this information over to Judge Byrne on April 17, but finally agreed to do so on April 25—more than one month after the President first learned about it.

Ehrlichman, in his Watergate testimony acknowledged he knew about the break-in at Ellsberg's psychiatrist's office shortly after it occurred, yet such information was not turned over to the court until May of this year. Because of this and other governmental activi-

ties which Byrne said prejudiced the case, Byrne dismissed the charges against Ellsberg and his co-defendant, Anthony Russo.

• Liddy was cited for contempt of court for refusing to testify before the Watergate grand jury after his conviction.

Contempt of Congress

Watergate conspirator Liddy last summer refused to testify before a House subcommittee on the grounds that it would jeopardize the appeal of his Watergate conspiracy conviction. The subcommittee cited Liddy for contempt of Congress but no action has been taken by the House.

Destruction of Evidence

• Allegations, some of them acknowledged, that documents were shredded in a wholesale fashion at the White House and Nixon re-election committee following the Watergate arrests.

Much of this, according to testimony, was potential evidence in the Watergate affair and related matters.

Gray, former acting FBI director, also has acknowledged that last December he destroyed materials taken from a White House safe used by Watergate conspirator Hunt. The documents included a phony cable prepared by Hunt linking the late President John F. Kennedy to the 1963 assassination of South Vietnamese Premier Ngo Dinh Diem.

Gray contends the material he destroyed was not evidence.

Campaign Finance Violations

Thus far, a myriad of campaign finance violations has been alleged in indictments and testimony, and in some cases, by contributors.

For example:

• The re-election committee's finance unit pleaded no contest in January to eight charges of campaign financial irregularities and was fined \$8,000.

• The General Accounting Office has submitted to the Justice Department for possible prosecution a series of reports alleging other campaign finance violations by the Nixon re-election committee.

• These alleged violations included failure to report certain contributions and expenditures, filing false reports and failing to report accurately the cash on hand from previous campaigns.

• Admissions by Ashland Oil and American Airlines that they made illegal corpo-

rate contributions to the 1972 Nixon campaign.

• The Nixon re-election committee's finance unit was found guilty June 20 of violating campaign disclosure law by concealing a \$200,000 cash contribution from financier Vesco.

Blackmail

• An allegation, in Dean's testimony, that Hunt and his attorney, William O. Bittman, were attempting to blackmail the White House by threatening to tell the truth about the affair unless the White House came up with more money for them. Haldeman corroborated Dean's testimony that such a conversation concerning the alleged blackmail took place with President Nixon in March.

• Testimony by Magruder that one of the elements in the original Liddy political intelligence plan, which he said was later scaled down, called for setting up a call-girl system and then luring

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LIST, From M16

prominent Democrats into compromising situations. (In addition to possibly violating a blackmail law, such a proposal if carried out would also violate state and possibly federal laws regarding prostitution.)

Showing Classified Documents to An Unauthorized Person

• Former White House aide Colson, in his own sworn deposition, acknowledges that he told Watergate conspirator Hunt, in 1971 before the Watergate incident, to show classified State Department cables on the Vietnam war to Time-Life reporter William Lambert. Colson acknowledged in his deposition that he knew that Lambert did not have a security clearance and was not entitled to read classified documents.

Falsifying Government Documents

• Hunt, in a sworn statement for the Ellsberg trial, acknowledged creating a phony cable that implicated the late President John F. Kennedy in the 1963 assassination of South Vietnamese Premier Ngo Dinh Diem.

Colson, according to Hunt, saw the phony cable and was pleased with it. Colson denies that he had anything to do with creating the phony cable and says that when he found out it was phony, he warned Lambert

not to use it.

Income Tax Violations

• Questions have been raised by members of the Watergate committee and in the press as to whether recipients of the large sums of money that were disbursed by the Nixon re-election committee in 1972 reported the money on their federal income tax returns.

• A memo in the possession of the Watergate committee shows that the White House obtained income tax information on a number of prominent taxpayers, in an alleged effort according to Dean, to help or hurt these taxpayers. This is a possible violation of a law safeguard-

ing the confidentiality of a person's income tax return. (Dean has said these were not legitimate White House investigations, but rather were part of an effort to attack political "enemies" of Mr. Nixon.

Defrauding the U.S.

• Allegations that the White House used, or attempted to use, various federal agencies to attack the White House's political "enemies." This would constitute a possible misuse of taxpayers' funds and, as such, a fraud upon American citizens.

A memo introduced during the testimony of former White House counsel Dean discussed using the existing federal machinery — the Internal Revenue Service, as a prime example — to "screw our political enemies."

Embezzlement

• Dean testified that he had taken \$4,850 in cash from campaign funds entrusted to him and had used it on his honeymoon last fall and for other personal items. He said he had left his personal check in the safe to replace the funds he took, but acknowledged his checking account didn't have enough money in it at the time to cover the full amount. Sen. Edward Gurney (R-Fla.) charged that this constituted embezzlement. Dean's attorney disagreed.

Extortion

Allegations that Kalmbach and Stans, the Nixon campaign's two chief fundraisers, used threats or implied threats to obtain contributions from businessmen whose companies did business with the government or were regulated by the government.

The Washington Post re-

ported June 22 that special Watergate prosecutor Archibald Cox' staff was conducting a preliminary investigation into possible extortion.

A separate statute—the so-called antiracketeering law—also makes it a federal crime to travel in interstate commerce and violate state

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LIST, From M17

laws against certain crimes, including extortion and bribery.

Distributing False or Unsigned Campaign Literature

• Confessed political saboteur Donald H. Segretti pleaded guilty to distributing a phony letter to Florida voters before the 1972 primary election there. Segretti pleaded guilty to this offense and three other misdemeanors in connection with the campaign of "dirty tricks" he admittedly waged against the Democrats during the 1972 election campaign.

The letter referred to above, purported to be from the political headquarters of Sen. Edmund Muskie (D-Maine). In it, Muskie's presidential primary opponents, Sen. Hubert Humphrey (D-Minn.) and Sen. Henry M. Jackson (D-Wash.) were accused of sexual misconduct.

• The "Canuck" letter. This was a letter, allegedly sent by a citizen to the Manchester (N.H.) Union Leader, which alleged that Muskie had made an ethnic slur by referring to French-Americans as "Canucks." The letter is believed to have hurt Muskie's presidential campaign in New Hampshire. In September, 1972, The Post reported that White House aide Ken W. Clawson had told a Post reporter that he was the author of the "Canuck" letter. Clawson denied it.

Slander, Libel

The letter sent out on Muskie stationery in Florida, alleging sexual misconduct by Humphrey and Jackson.

Malicious Mischief

Several Democratic presidential candidates have reported that various "dirty tricks" were played on them during the course of their campaigns last year. In instances where these activities resulted in a monetary loss to the candidates or their organizations, there is the possibility of a crime.

In some cases, the "dirty

tricks" have not been definitely traced to Nixon re-election committee operatives. Segretti has acknowledged many of them himself. The "dirty tricks" included:

• Segretti and another man ordered deliveries sent to Muskie's hotel in Milwaukee just before the Wisconsin primary. The items included dozens of flowers, pizzas, buckets of chicken and two limousines.

Intercepting Mail

• A plan, which Mr. Nixon says he personally approved in July, 1971, called for intercepting mail as part of a government effort to crack down on radicals. One document introduced at the Watergate hearings and compiled by then White House aide Tom Charles Huston, calls for the mail interceptions.

Another part of the plan, described by Huston as clearly illegal, called for

break-ins directed against radicals. Mr. Nixon says he approved the plan, thus acknowledging that he approved committing the illegal acts. Mr. Nixon says the plan was rescinded five days after it went into effect.

• Recently, several members of Congress alleged that Democratic candidates' mail was intercepted and opened during the 1972 campaign.

Flight to Avoid Prosecution or to Avoid Testifying in a Criminal Investigation

• Dean, in his testimony, said he passed on to Liddy an order to Hunt to flee the country shortly after the Watergate arrests occurred. Dean said he was following the instruction of Ehrlichman. The order was later rescinded and Hunt remained in the U.S.

Ehrlichman denied giving such an order.

Theft

• Testimony by former re-election committee aide Porter that a Nixon spy in the Muskie camp photographed documents from the Muskie campaign and passed them on to syndicated columnists Rowland Evans and Robert Novak. (Novak said the columnists were unaware of the source of the material.)

• The photographing of documents in Democratic National Committee headquarters at the Watergate.

• The photographing of documents in Ellsberg's psychiatrist's office. (Hunt says

no documents pertaining to Ellsberg were found; one of the persons who broke in — Felipe DeDiego claims documents were photographed.)

(The prosecutor consulted by The Post said that photographing or copying documents could be prosecuted as theft, the same as if the documents themselves were stolen.)

Most of the matters listed in this article were being investigated by Cox when he was removed from office last month, and are now under Jaworski's jurisdiction.

In addition, numerous other allegations that have come to be associated with the Watergate affair also are being looked into either by the Senate Watergate committee or the special prosecutor's office.

These include allegations that the milk producers contributed money to Mr. Nixon's re-election campaign in return for higher support prices; that ITT obtained a favorable antitrust ruling by agreeing to put up several hundred thousand dollars to pay for the 1972 GOP convention; that President Nixon's closest friend, Charles G. (Bebe) Rebozo, received secret cash contributions totaling \$100,000 from emissaries for billionaire recluse Howard Hughes in 1969 and 1970, in return for possible government favors for Hughes.

Also, some of the matters listed here were state, rather than federal offenses, and officials in several states are conducting their own probes.