

NYTimes MAR 4 1974

A Quote That Never Was

By William Safire

ESSAY

WASHINGTON—Something struck me as fishy about the central count of the Watergate indictment, the perjury charge intended to link the President with the cover-up conspiracy.

In the indictment, the President is quoted directly—not paraphrased—by H. R. Haldeman. The former chief of staff is accused of perjury for saying “The President said, ‘there is no problem in raising a million dollars, we can do that, but it would be wrong.’”

The grand jury underlined the last five words, which it believes to be a direct quotation of the President. Most attention has centered on the inference that a tape recording of the March 21 meeting shows no such direct quote.

What seemed fishy to me, reading the indictment, was that Mr. Haldeman would have quoted the President directly, within quotation marks, at all. Presidential aides, especially of the Haldeman variety, have a custom of paraphrasing the President’s remarks—and definitely not of passing along exactly what was said in the President’s own words.

The distinction is significant: a paraphrase is generalized and a direct quotation is specific; paraphrases lead to “dope stories,” while direct quotes make hard news.

If Mr. Haldeman, recounting three months later what he had heard on the tape of that meeting, were giving his general impressions of what was said, he might not have been indicted.

So I looked up the Haldeman testimony in the printed transcript of the Watergate committee hearings, expecting to see no quotation marks around the Haldeman account of the President’s reaction.

Damn. There it was, in black and white—a direct quotation. To double check, I went to the stenographic transcript sold by the reporting service. Damn again. Still in quotes. Then to The New York Times account in Bantam Books’ Watergate hearings, and paydirt—all narrative, none in direct quotation.

Which was accurate? Obviously, different stenotypists had provided different punctuation to the testimony that Mr. Haldeman had read on television. If this were only oral testimony, in answer to questions, we would never know for certain if the President were being quoted directly.

But the crucial March 21 addendum was a written submission, a prepared statement, read aloud. The written piece of paper is the evidence. Did the statement handed in to the committee contain quotation marks around the point attributed to the President?

Answer: No. The Ervin Committee’s transcript is in error, based on a stenotypist’s punctuation and not on the evidence handed to the committee.

The Watergate grand jury, using that transcript, assumed that Mr.

Haldeman had specifically and directly quoted the President, and made that the basis of a criminal indictment.

Hard to believe? Agreed. All the Special Prosecutor’s lawyers, with all the time that diligence demanded, dealing with the most important count of the most important indictment ever handed up in a Federal court—make the kind of blunder that would not be tolerated in a beginning law student.

They do not go to the sources to look at the original documents. They were so busy demanding more material that they did not double check on the material readily available, and in their sloppiness, misled a grand jury into making a criminal charge that is mistaken on its face.

Undoubtedly, Special Prosecutor Leon Jaworski will try to brush off the “quote that never was” as an inconsequential error. (A little typo, everybody makes them, you know how it is, judge—it’s only an indictment, we’ll get it right at the trial.)

The editorialists who seized on this nonquote as proof of the President’s personal involvement in Watergate’s cover-up will cover up their own gullibility by changing the subject, concentrating on leaks from black satchels, and contributing to the national morality by systematically inducing jurors to break their oaths of secrecy.

The manufacture of quotations, which can then be an object of scorn, is not new. A reporter planted the word “inoperative” in Ron Ziegler’s mouth, which he foolishly repeated, just as a reporter a generation ago induced Harry Truman to accept “red herring”; the gleefully reviled “Operation Candor” was a press phrase, not a White House coinage, and some people still repeat “I have a secret plan to end the war,” which Richard Nixon never said.

But now we have a spurious quotation elevated to the level of a crime: The President, “basically” substantiating Mr. Haldeman’s paraphrased recollection in a later press conference, recalled that his feeling about what had been wrong had been directed to the offer of clemency rather than to the raising of money. This is hardly the reason to put a man in prison, or to impeach a President, even during a reign of terror—especially in the absence of the direct quotation that the prosecution mistakenly thought it had.

Surely there were crimes in the Watergate cover-up and the guilty should be made to suffer. But faint heart never won fair trial; a prosecution is kept honest by a vigorous defense.

Mr. Jaworski could try to brazen out the quote that never was, belittling the significance of his staff’s blunder. But, as the President used to like to say—it would be wrong.