

# The McCord Petitions

When the final chapter in the Watergate scandal is written, it may well be that, as much as anything else, the basic human desire to save one's own skin will have helped bring out the truth and assure that justice was served.

A year ago, motivated by the compulsions of self-preservation, convicted Watergate conspirator James W. McCord Jr. broke the logjam of silence on the eve of his scheduled sentencing.

In a letter to federal Judge John J. Sirica, McCord indicated that others beyond the seven men convicted in the break-in were involved. His subsequent testimony before the federal grand jury and the Senate Watergate Committee helped loosen other tongues and lay culpability for the cover-up close to the door to the Oval Office.

Among the claims made by McCord in his letter was that "there was political pressure applied to the defendants to plead guilty and remain silent." At the time and, in fact, until last week, the White House and Mr. Nixon had denied such was the case.

In his March 6 press conference, however, Mr. Nixon reported that on

*The writer is a member of the national staff.*

March 21, 1973 — one day after Sirica received McCord's letter and two days before it was made public — White House counsel John W. Dean III "told me that payments had been made to defendants for the purpose of keeping them quiet, not simply for their defense."

In saying this, Mr. Nixon was directly and specifically contradicting what he had said in a televised national talk on Aug. 15, 1973:

"I was told then that funds had been raised for payments to the defendants, with the knowledge and approval of persons both on the White House staff and at the re-election committee. But I was only told that the money had been used for attorneys' fees and family support, not that it had been paid to procure silence from the recipients."

Now comes this selfsame James McCord again, obviously driven as before by a desire to save his own hide, charging Mr. Nixon with "impeachable offenses" for having withheld information of tampering with a defendant and obstructing justice. Had the President made known the payment of hush money, McCord now says in a petition of impeachment to the House, Sirica would have had to overturn the convictions of all seven Watergate defendants, including McCord. Judge W. Matt Byrne made a similar ruling in the Ellsberg case when told of the break-in to Ellsberg's psychiatrist's office.

At first the White House dismissed the contradiction in the President's Aug. 15 and March 6 statements as "semantic differences." Then Mr. Nixon's chief Watergate lawyer, James D. St. Clair, in an interview with The New York Times, implicitly acknowledged that the President had indeed been told of hush money payments a year ago.

Because the President is the nation's chief law enforcement officer, St. Clair said, he was not obliged to report the hush money payments to anyone, but simply "to see" that the judicial process went forward against those who made such payments in violation of the law.

This extremely narrow interpretation of a President's obligations brushes aside Mr. Nixon's obligations as a citizen to come forward with information bearing on a judicial proceeding in progress. The seven original Watergate defendants, including McCord, were called up for sentencing just two days after Mr. Nixon now admits he was told of the hush-money payments.

The acknowledgment, however, has significance far beyond the fate of McCord and his fellow break-in artists. Juxtaposed against the chronology of events of March 21-22, 1973, as laid out in the indictment against seven Nixon aides in the Watergate cover-up, it

calls for an extreme exercise in faith to believe the President was not involved. The indictment charges that these "overt acts" were committed:

• On or about March 19, 1973, presidential aide John D. Ehrlichman told Dean to tell John N. Mitchell, then head of the Nixon re-election campaign, that convicted Watergate conspirator E. Howard Hunt Jr. "had asked for approximately \$120,000."

• On March 21, White House Chief of Staff H. R. Haldeman and Dean met (with the President) for 45 minutes before noon and discussed Hunt's request.

• At about 12:30 p.m., Haldeman talked by phone with Mitchell.

• Early that afternoon, Mitchell talked by phone with Fred C. LaRue, a campaign deputy, and authorized him to pay \$75,000 "to and for the benefit of" Hunt.

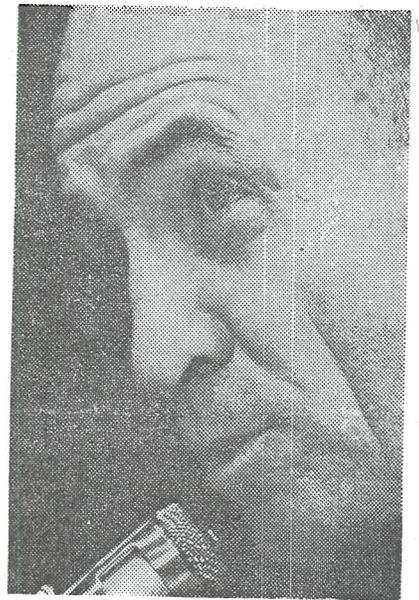
• That night, LaRue "arranged for the delivery" of about \$75,000 to William O. Bittman, then Hunt's lawyer.

• The next day, Mitchell assured Ehrlichman at a White House meeting with Haldeman and Dean that Hunt "was not a 'problem' any longer." Ehrlichman assured Egil Krogh, overseer of the White House "plumbers," that he didn't believe Hunt "would reveal certain matters."

These are all allegations in an indictment, of course, but they must be viewed in light of the fact that a key figure, LaRue, already has pleaded guilty and cooperated with the grand jury.

The President said in his March 6 press conference that he heard Dean outline Hunt's bid for hush money, considered the "options" and then told his most trusted aides that it would be "wrong" to make the payoffs or grant executive clemency.

What one must believe happened



James McCord

then, if one is to believe the President, —and also to accept the findings set forth in the indictment— was that Haldeman, who had spent more than a decade building a reputation as Mr. Nixon's most obedient and unquestioning lieutenant, thereupon went out and issued orders for a \$75,000 payoff to Hunt in direct contradiction to the President's express wishes.

At his press conference, the President was specifically asked why the \$75,000 was paid "the same day you said you disapproved of the practice." Mr. Nixon said he had "no information as to when a payment was made," that all he knew was, "I did not authorize payments and I did not have knowledge of payments to which you have referred."

Increasingly, what did or did not happen on March 21-22, and what Mr. Nixon did or did not know, is becoming the crux of one case forming against the President for impeachable conduct. James McCord, who was in on the Watergate takeoff on June 17, 1972, and kept the scandal airborne with the force of his letter of a year ago, now seems determined to be in on the landing too. In a debacle laden with ironies, his role is not the least of them.