

Tale of the Tapes

President's Innocence Is Not Exactly Proved By His Transcriptions

Many Damaging Statements Were Not Foreshadowed In His TV Presentation

Key Huddle on Hush Money

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WASHINGTON—The transcripts of President Nixon's Watergate conversations aren't nearly as clear a portrayal of his innocence as the White House is trying to tell the American people they are.

Although Mr. Nixon conceded that the material would prove embarrassing and ambiguous, the full transcript of one controversial meeting—that of March 21, 1973—includes numerous damaging statements that weren't foreshadowed in the President's confident television presentation Monday night.

For instance, while Mr. Nixon said in his speech that his clear intention at the end of the March 21 meeting was that further payments of hush money to Watergate defendant E. Howard Hunt shouldn't be made, the edited transcript shows him looking favorably on that option very near the end of the session. On page 67 of the 79-page account of that meeting among the President, White House Counsel John Dean and Chief of Staff H. R. Haldeman the following exchange begins, referring to Hunt's demand for money:

Dialogue Over Hunt

President: Would you agree that that's the prime thing that you damn well better get that done?

Mr. Dean: Obviously he ought to be given some signal anyway.

President (expletive deleted): Get it. In a way that—who is going to talk to him: Colson? He is the one who is supposed to know him?

Further, President Nixon's contention that by the end of the meeting his "decision was to convene a new grand jury and to send everyone before the grand jury with instructions to testify" doesn't look quite so high-minded in context. Indeed, Mr. Nixon describes a grand jury as a "middle ground" between all the alternatives, ranging from continuing the hush-money payments to letting everything come out.

John Dean raises the possibility of this middle route, saying: "Is there some way that we can get our story before a grand jury, so that they can really have investigated the White House on this." The suggestion was an alternative to going before the Senate Watergate Committee.

President: That is the point, see. Of course! That would make the difference. I want everybody in the White House called. And that gives you a reason not to have to go before the Ervin and Baker committee. It puts it in an executive session, in a sense.

Mr. Haldeman: Right.

Mr. Dean: That's right.

Mr. Haldeman: And there would be some rules of evidence, aren't there?

Mr. Dean: There are rules of evidence.

President: Rules of evidence and you have lawyers.

Mr. Haldeman: You are in a hell of a lot better position than you are up there.

Mr. Dean: No, you can't have a lawyer before the grand jury.

President: Oh, no. That's right.

Mr. Haldeman: But you do have rules of evidence. You can refuse to talk.

"You Can Take the Fifth"

Mr. Dean: You can take the Fifth Amendment.

President: That's right.

Mr. Haldeman: You can say you have forgotten too can't you?

Mr. Dean: Sure but you are chancing a very high risk for perjury situation.

President: But you can say I don't remember. You can say I can't recall. I can't give any answer to that that I can recall.

Mr. Dean also points out that the grand jury plan could help alleviate the blackmail problem: "What I have been trying to conceive of is how we could lay out everything we know in a way that we have told the grand jury or somebody else, so that if a Hunt blows, so what's new? It's already been told to a grand jury and they found no criminal liability and they investigated it in full." During the same discussion Mr. Nixon observes: "Nobody questions a grand jury."

The disclosures in the March 21, 1973, transcript are new only to the public; both the special Watergate prosecution force and the House Judiciary Committee already had the tape of that conversation, which was covered by the original grand jury subpoena of last year. The White House later gave the committee copies of everything given the special prosecutor.

Indeed, the March 21 tape apparently formed the basis for one of the perjury counts against Mr. Haldeman in the Watergate cover-up indictment returned March 1. The indictment charges that Mr. Haldeman lied when he told the Senate Watergate

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Committee that Mr. Nixon on March 21 rejected hush money payments as "wrong." And it's widely assumed that the tape of that session is included in the sealed material relating to President Nixon the grand jury forwarded to the Judiciary Committee when it returned the cover-up indictment.

Throughout the discussion of the hush-money demands, the impression comes through that whatever objections Mr. Nixon raised were on grounds of logistical or political expediency, rather than on moral or ethical grounds. For instance, when Mr. Dean estimated that the growing blackmail demands could cost a million dollars over the next two years, Mr. Nixon responds: "We could get that. On the money, if you need the money you could get that. You could get a million dollars. You could get it in cash. I know where it could be gotten. It isn't easy, but it could be done. But the question is who the hell would handle it: Any ideas on that?"

"We Aren't Criminals"

At another point, Mr. Dean noted that dealing with the blackmailers wouldn't only cost money, it would be dangerous. "People around here aren't pros at this sort of thing," he says, adding: "This is the sort of thing Mafia people can do: washing money, getting clean money, and things like that. We just don't know about those things, because we aren't criminals and aren't used to dealing in that business."

Other remarks that the President makes about the hush-money demands include such statements as "just looking at the immediate problem, don't you think you have to handle Hunt's financial situation damn soon?" And, "It seems to me we have to keep the cap on the bottle that much, or we don't have any options."

The discussion turned to the problems of raising hush money.

Mr. Dean: They haven't been able to raise a million dollars in cash. (Unintelligible) has been just a very difficult problem as we discussed before. (John Mitchell has talked to (Thomas) Pappas (a Boston businessman and GOP contributor), and John asked me to call him last night after our discussion and after you had met with John to see where that was. And I said, "Have you talked to Pappas?" He was at home, and Martha picked up the phone so it was all in code. I said, "Have you talked to the Greek?" and he said, "Yes, I have." I said, "Is the Greek bearing gifts?" He said, "Well, I'll call you tomorrow on that."

President: Well, look, what is it you need on that? When—I am not familiar with the money situation.

Mr. Dean: It sounds easy to do and everyone is out there doing it and that is where our breakdown has come every time.

President: Well, if you had it, how would you get it to someone?

"Bunch of Amateurs"

Mr. Dean: Well, I got it to (Fred) LaRue by just leaving it in mail boxes and things like that. And someone phones Hunt to come and pick up. As I say, we are a bunch of amateurs in that business.

Mr. Haldeman: That is the thing that we thought Mitchell ought to be able to know how to find somebody who would know how to do all that sort of thing, because none of us know how to.

Mr. Dean: That's right. You have to wash the money. You can get \$100,000 out of a bank and it all comes in serialized bills.

President: I understand.

Mr. Dean: And that means you have to go to Vegas with it or a bookmaker in New

York City. I have learned all these things after the fact. I will be in great shape for the next time around.

Mr. Haldeman: (Expletive deleted).

President: Well, of course you have a surplus from the campaign. Is there any other money hanging around?

Mr. Haldeman (after further discussion): That \$350,000 that we moved out was all that we saved. Because they were afraid to because of this. That is the trouble. We are so (adjective deleted) square that we get caught at everything.

As President Nixon said in his TV speech, the discussion of hush money does lead into the question of clemency for those arrested in the June 1972 break-in at Democratic headquarters in the Watergate office building, and he clearly rejected granting clemency. With reference to the blackmailers, this conversation ensues:

President: Well, I wonder if that part of it can't be—I wonder if that doesn't—let me put it frankly: I wonder if that doesn't have to be continued? Let me put it this way: Let us suppose that you get the million bucks, and you get the proper way to handle it. You could hold that side?

Mr. Dean: Uh, huh.

President: It would seem to me that would be worthwhile.

Mr. Dean: Well, that's one problem.

President: I know you have a problem here. You have the problem with Hunt and his clemency.

"A Clemency Problem"

Mr. Dean: That's right. And you are going to have a clemency problem with the others. They all are going to expect to be out and that may put you in a position that is just untenable at some point. You know, the Watergate hearings just over, Hunt now demanding clemency or he is going to blow. And politically, it's impossible for you to do it. You know, after everybody—

President: That's right!

Mr. Dean: I am not sure that you will ever be able to deliver on the clemency. It may be just too hot.

President: You can't do it politically until after the '74 elections, that's for sure. Your point is that even then you couldn't do it.

Mr. Dean: That's right. It may further involve you in a way you shouldn't be involved in this.

President: No — it is wrong that's for sure.

Exonerating Statements

Of course, President Nixon did acknowledge Monday night that there was "potential for misinterpretation" because of the different options discussed at the March 21 meeting. And the statements he quoted as exonerating him are right there along with the damaging ones, in the transcript made public yesterday afternoon. Among them are Mr. Dean's comment, "I can just tell from our conversation that these are things that you have no knowledge of," and Mr. Nixon's remarks about the blackmail that "in the end, we are going to be bled to death. And in the end, it is all going to come out anyway."

However, Mr. Nixon's arguments against the hush money-clemency route consistently

showed a practical, rather than an ethical, tone. He says, for example, "First it is going to require approximately a million dollars to take care of the jackasses who are in jail. That can be arranged. That could be arranged. But you realize that after we are gone, and assuming we can expend this money, then they are going to crack and it would be an unseemly story."

On the other hand, Mr. Nixon at one point says, "I don't give a damn about the publicity. We could rock that through that if we had to let the whole damn thing hang out, and it would be a lousy story for a month. But I can take it. The point is, that I don't want any criminal liabilities. That is the thing that I am concerned about for members of the White House staff, and I would trust for members of the (Nixon re-election) committee."

At another point, when Counsel Dean was explaining the motives for the June 17, 1972, break-in at the Democratic National Committee headquarters, the President primarily wondered about the timing of the break-in: "Why at that point in time I wonder?" Mr. Nixon asked, according to the transcript. "I am just trying to think. We had just finished the Moscow trip. The Democrats had just nominated McGovern. I mean, (expletive deleted), what in the hell were these people doing? I can see their doing it earlier. I can see the pressures, but I don't see why all the pressure was on then."

(Actually, the Democrats didn't nominate Sen. George McGovern for almost another month.)

But if the bulky transcripts fail to exculpate the President, they also cast additional doubt on the memory of chief accuser Dean.

In his celebrated testimony to Sen. Sam Ervin's investigating committee last summer, for example, Mr. Dean said he told the President on Sept. 15, 1972, that the federal district judge assigned to hear the Democratic National Committee's civil suit against the Republicans over the Watergate break-in had been engaging in unethical off-the-bench strategy conversations with GOP lawyers. "Well, that's helpful," Mr. Dean quoted the President as saying. But no such presidential comment appears on the transcript for that day.

List of Newsmen

Furthermore, the Sept. 15 transcript doesn't entirely bear out Mr. Dean's testimony that the President instructed him to draw up a list of troublesome newsmen who could be dealt with after the November election. The transcript shows it is Mr. Dean who says, "I have begun to keep notes on a lot of people who are emerging as less than our friends," to which Mr. Nixon responds, without mentioning newsmen:

"I want the most comprehensive notes on all those who tried to do us in. They didn't have to do it. If we had had a very close election and they were playing the other side I could understand this. No—they were doing this quite deliberately and they are asking for it and they are going to get it. We haven't used the power in the first four years as you know. We have never used it. We haven't used the bureau and we haven't used the Justice Department but things are going to change now. They are either going to do it right or go."

Mr. Dean welcomes Mr. Nixon's words. "What an exciting prospect," the White House counsel exclaims.

Presidential Humor

The White House material is also sprinkled with examples of presidential humor ("and don't bug anybody without asking

me? O.K.?" Mr. Nixon says in a telephone conversation with Attorney General John Mitchell) and it often shows the President's way of responding to political threats.

On one occasion, Mr. Nixon got word that House Speaker Carl Albert had generated a General Accounting Office audit of the White House.

President: That surprises me.

Mr. Haldeman: Maybe we better put a little heat on him.

The White House made the 1,308-page transcript available to reporters about 3:30 yesterday afternoon, some five hours after it was delivered to the Judiciary Committee. (The material turned over includes transcripts of 31 of 42 conversations called for by the Judiciary Committee subpoena, due yesterday, as well as other unsubpoenaed conversations such as the March 21 meeting that the Judiciary Committee already had.)

Right after the committee's copies were sent to Capitol Hill, the White House released a 50-page summary of the material. In the summary, largely a narrative giving the context of Watergate events and citing quotations from the transcripts, the White House reiterated that Mr. Nixon hadn't any prior knowledge of the Watergate break-in or any knowledge of the cover-up prior to March 21, 1973. "In all of the thousands of words spoken, even though they often are unclear and ambiguous, not once does it appear that the President of the United States was engaged in a criminal plot to obstruct justice," the summary concludes.

Focus on Dean Accusations

The summary concentrates on excerpts of the transcripts that refute John Dean's accusations of presidential involvement in the cover-up. It also notes that Mr. Dean has pleaded guilty to a felony and mentions the acquittal last weekend of former Nixon cabinet members John Mitchell and Maurice Stans, who were accused by Mr. Dean, among others, of being involved in a conspiracy to deflect a Securities and Exchange Commission investigation in exchange for a campaign contribution from financier Robert Vesco.

The White House said that in probing Mr. Dean's knowledge of the Watergate affair, the President was "often taking the role of devil's advocate; sometimes merely thinking out loud."

On March 21, 1973, according to the summary, "When the President learned for the first time of allegations of (a criminal) plot (to obstruct justice) and an alleged attempt to blackmail the White House, he sought to find out the facts first from John Dean, then others." When these investigations provided "reason to believe that there may have been some wrong-doing," the summary says, Mr. Nixon conferred with the Attorney General and the head of the Justice Department's Criminal Division "and cooperated fully to bring the matter expeditiously before the grand jury."

The transcripts "represent the best efforts accurately to transcribe the material contained on the recording tapes," the summary declares. The White House said it did edit out expletives "in the interest of good taste" and characterizations of third persons "in fairness to them," except where in-

clusion of such material was "relevant" to the President's conduct or "necessary to depict accurately the context of the conversation." It's obvious from reading the transcripts, however, that there wasn't any effort made to edit the conversations with regard to syntax, grammar or punctuation.