

High Crimes And Misdemeanors

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"Don't you think you have to handle Hunt's financial situation damn soon? . . . It seems to me we have to keep the cap on the bottle that much, or we don't have any options. . . . For your immediate things you have no choice but to come up with the \$120,000, or whatever it is. Right?"

—President Nixon in conversation with John Dean and H. R. Haldemann
March 21, 1973

By Anthony Lewis

WASHINGTON—Even by the standards of Watergate it has been an amazing week. The President's speech, his attempt at a media blitz, the release of excerpts from his tapes: Each event raises profound questions for our political system.

But perhaps the most immediate human reaction is the most important. That is the sense of sadness, of shame, that a President of the United States could talk as this one did in conversations that he chose to record.

There is the President telling his aides that it is easy to avoid perjury charges for testimony before a grand jury: "You can say, 'I don't remember.' You can say, 'I can't recall.'" And remarking that "perjury is an awful hard rap to prove."

Or there he is, in a discussion of payments to the Watergate defendants, expressing repeated interest in a Cuban "cover" for the money-raising and advising: "I would certainly keep that cover for whatever it is worth." Or casually remarking that he knows where \$1 million could be raised, "but the question is who the hell would handle it?" And then agreeing that John Mitchell should.

He is told that an assistant, Egil (Bud) Krogh, is unhappy at having perjured himself over the burglary of Daniel Ellsberg's psychiatrist. His reaction is: "Bud should just say it was a question of national security." (Mr. Krogh at first did so, but then he repented and said he realized that he had been false to democracy and law.)

The most depressing passage, or most frightening, may be one on March 21 in which the President, H. R. Haldeman and John Dean work up among themselves a "national security" rationale to explain away the Ellsberg burglary if Howard Hunt should talk. In his speech to the nation this week Mr. Nixon suggested that paying off Hunt might have been justified to keep him from disclosing "national security" matters. But the March 21 transcript makes clear that the only secret involved was the raid on Mr. Ellsberg's psychiatrist.

The March 21 tape is the heart of the matter. Richard Nixon has achievements to his credit, and individual kindnesses. But I doubt that any fair-minded person could read even the edited transcript of that one

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conversation, stripped of nasty words and racist characterizations, without feeling that there is an ugly strain in the man's character.

That tape is persuasive evidence that the President obstructed justice. Whatever Mr. Nixon knew before, he knew then that Jeb Magruder and Egil Krogh and probably others had committed crimes, and he did not tell his officials at the Justice Department and F. B. I.—not until Dean and Magruder began talking themselves. Again, Mr. Nixon's words about Howard Hunt's immediate demand for money add up to a "Yes," and \$75,000 was paid that night.

The strange thing about this week in Watergate is that it began so well for Mr. Nixon. First there was the acquittal of John Mitchell and Maurice Stans. Then there was the President's speech, very likely the most effective he has ever made. Listening to his explanation of what was about to be disclosed, one wondered why he had not disclosed it long ago.

In manner as well as matter, disclosure, when it came, quickly began to erode belief.

Eleven of the subpoenaed tapes were missing. The editing was not even a "Stennis compromise": No independent party vouched for the transcripts. No experts would be allowed to check the tape gaps marked "unintelligible." The President's staff had spent months editing these transcripts, but the House committee leaders would not be permitted to have staff help in checking them against the tapes. In disputes with Mr. Nixon, he is entitled to counsel, but not the other side.

Even more significant was the indication that, after this, the White House would give no more evidence to anyone. That would mean nothing on I.T.T., the dairy case, the Howard Hughes money—and would mean letting a President limit the grounds of his own impeachment.

Then there was the media blitz. In imitation of "Alice in Wonderland," we had the defense's closing argument first, the evidence after: James St. Clair's tendentious account of the transcripts was given to the press long before the transcripts themselves. Key Republicans were also approached before the fact, and television programs lined up. Television gives any President great advantages. Mr. Nixon, using that power to the full, obviously hoped to impress an image on the public mind that words could never undo, facts never overtake.

But Watergate is not like that. The public has shown again and again that it will not be diverted from the real issues. Nor can Congress avoid its duty to pass judgment. What matters is the facts—the facts of what Richard Nixon has done.