

Unraveling the Tapes

Transcripts Show Nixon and Aides Spent Much Time Devising Explanations for Past Questionable Activity

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WASHINGTON—President Nixon and his top aides have spent a lot of time in the past two years dreaming up plausible and legal-sounding explanations for questionable activities long after the fact.

That's the picture that repeatedly emerges in the transcripts of Mr. Nixon's Watergate conversations that the White House made public Tuesday.

A prime example is the national security cloak that the White House has tried for nearly a year to draw around the September 1971 burglary of the office of Daniel Ellsberg's psychiatrist. It was Mr. Ellsberg who gave the Pentagon Papers to the press, prompting the White House to set up the so-called "plumbers" group to plug information leaks.

President Nixon himself said in a Watergate statement last May 22 that he instructed his aides "to ensure" that the investigation of the June 1972 break-in at Democratic headquarters in the Watergate office building didn't expose the plumbers' activities. He explained that shortly after the Watergate break-in, he was alerted that a participant, E. Howard Hunt, had been a member of the plumbers unit. "I felt it was important to avoid disclosure of the details of the national security matters with which the group was concerned," he said, calling them "highly sensitive."

While the President could have been talking about plumbers activities that have never been disclosed, he presumably was referring to the Ellsberg break-in. Yet the transcripts indicate that Mr. Nixon didn't know about the Ellsberg matter until March 17, 1973, months after the cover-up of the Watergate break-in began. On March 17, then-White House counsel John Dean told Mr. Nixon that Hunt was involved in the break-in of the doctor's office and that blackmail threats from Hunt posed a problem for John Ehrlichman, then-chief White House domestic aide.

Nixon Surprised

The transcripts, which the White House edited, leave little doubt that Mr. Nixon was surprised:

President: What in the world — what in the name of God was Ehrlichman having something (unintelligible) in the Ellsberg (unintelligible)?

Dean: They were trying to — this was a part of an operation that — in connection with the Pentagon Papers. They were — the whole thing — they wanted to get Ellsberg's psychiatric records for some reason. I don't know.

President: This is the first I ever heard of this. I, I (unintelligible) care about Ellsberg was not our problem.

Dean: That's right.

President: (expletive deleted)

Dean: Well, anyway, (unintelligible) it was under an Ehrlichman structure, maybe John didn't ever know. I've never asked him if he knew. I didn't want to know.

But four days later, at a March 21, 1973, meeting where Hunt's hush-money demands were discussed at length, Mr. Nixon and his aides, Dean and H. R. Haldeman, arrived at an apparent solution to the threat posed by exposure of the Ellsberg burglary:

President: What is the answer on this? How you keep it out, I don't know. You can't keep it out if Hunt talks. You see the point is irrelevant. It has gotten to this point —

Dean: You might put it on a national security grounds basis.

Haldeman: It absolutely was.

Dean: And say that this was —

Haldeman: (unintelligible) — CIA —

Dean: Ah —

Haldeman: Seriously,

President: National security, we had to get information for national security grounds.

Dean: Then the question is, why didn't the CIA do it or why didn't the FBI do it?

President: Because we had to do it on a confidential basis.

Haldeman: Because we were checking them.

Couldn't Trust CIA, FBI

President: Neither could be trusted.

Haldeman: It has basically never been proven. There was reason to question their position.

President: With the bombing thing coming out and everything coming out, the whole thing was national security.

Dean: I think we could get by on that

President: On that one I think we should simply say this was a national security investigation that was conducted. And on that basis, I think the same in the drug field with (head of the plumbers Egil "Bud") Krogh. Krogh could say he feels he did not perjure himself. He could say it was a national security matter. That is why —

Dean: That is the way Bud rests easy, because he is convinced that he was doing. He said there was treason about the country, and it could have threatened the way the war was handled and (expletive deleted)

President: Bud should just say it was a question of national security, and I was not in a position to divulge it. Anyway, let's don't go beyond that.

The use of national security also was discussed at a March 27 meeting of the President, aides Haldeman, Ehrlichman and Ronald Ziegler. Mr. Ehrlichman warned that Krogh was, if asked, going to admit his involvement in the Ellsberg break-in.

President: Should he?

Ehrlichman: I don't think he will have to. Number one, I don't think Hunt will strike him. If he did, I would put the national security tent over the whole operation.

President: I sure would.

Ehrlichman: And say there are a lot of things that went on in the national security interest where they involved taps, they involved entry, they involved interrogation, they involved a lot of things and I don't propose to open that up to (unintelligible) just hard line it.

President: I think that is what you have to do there. But I wanted to get that one out. O.K. go ahead.

At another point in the March 21 meeting, Mr. Nixon, who had just been told by Dean that Jeb Magruder, a Nixon reelection campaign official, had committed perjury before a grand jury, sought to find an excuse. He apparently didn't quite succeed:

President: He might be able to — I am just trying to think. Perjury is an awful hard rap to prove. If he could just say that — well, go ahead.

On April 14, in a late-night telephone conversation, the President and then-White House Chief of Staff Haldeman discussed

how they would handle the issue of money paid to the Watergate defendants.

President: I just don't know how it's going to come out. That is the whole point, and I just don't know. And I was serious when I said to John at the end there, damn it all, these guys that participated in raising money, etc. have got to stick to their line — that they did not raise this money to obstruct justice.

Haldeman: Well, I sure didn't think they were.

President: Huh?

Haldeman: I didn't think they were and I don't think they did.

President: Well —

Haldeman: With maybe some exceptions.

President: Right, right. Of course, I suppose there they will say, like (confessed Watergate burglar James) McCord has said, that that was the purpose. That somebody told him that. That doesn't mean anything.

Haldeman: Yeah.

President: The question, of course, is (convicted Watergate conspirator G. Gordon) Liddy and the others. But we shall see. It is the word of the felons against the word of the men that raised the money, huh?

Mitchell's Responsibility

Much of a long April 14 meeting between the President and aides Haldeman and Ehrlichman was devoted to how to get former Attorney General John Mitchell to accept some responsibility for the break-in at the Democratic National Committee offices. The President was discussing who should go to New York and deliver this message to Mr. Mitchell:

President: Why did you suggest Secretary of State William Rogers?

Ehrlichman: Well, I suggested Rogers because —

President: First let me tell you — the purpose of the mission and tell me what it is.

Ehrlichman: The purpose of the mission is to go up and bring him to a focus on this: The jig is up. And the President strongly feels that the only way that this thing can end up being even a little net plus for the administration and for the Presidency and preserve some thread is for you to go in and voluntarily make a statement.

President: A statement (unintelligible)

Ehrlichman: A statement that basically says —

Haldeman: He's got to go beyond that.

Ehrlichman: "I am both morally and legally responsible."

President: Yeah.

Ehrlichman: Now, the reason for Rogers is that he is clean, number one. He has been both Attorney General and has this other investigatory and senatorial background. And there isn't anybody that Mitchell trusts, except Haldeman.

President: He hates Rogers.

Another instance of reconstructing the reasons for a controversial action doesn't relate to Watergate itself, but to allegations that a government antitrust case against International Telephone & Telegraph Corp. was settled in exchange for a pledge of funds for the 1972 Republican convention. It was disclosed late last year that on April 19, 1971, President Nixon ordered then-deputy Attorney General Richard Kleindienst to drop plans to appeal the ITT matter to the Supreme Court. Mr. Nixon since has said that he wasn't even aware of ITT's financial pledge at that time and that his order was based solely on policy grounds.

Motivation Somewhat Uncertain.

However, the transcripts indicate that on April 15, 1973, when President Nixon was preparing to meet with then-Attorney General Kleindienst, he wasn't so sure of his motivation:

President: Well I (unintelligible) down. I want to see what Kleindienst told (unintelligible) and since he's asked I will.

Ehrlichman: I'll be here and if you want me for anything why just holler.

President: Well look, I'm just listen to him. He has come in so often. I can say on ITT, of course, we didn't — my basic responsibility (unintelligible) McLaren (Richard McLaren, then Assistant Attorney General in charge of antitrust) settled this case or something like that, and a —

Ehrlichman: Yeah.

President: (unintelligible)

Ehrlichman: No, that wasn't to settle a case.

President: No, not settle.

Ehrlichman: That was not to file an ac-

tion. You remember they were about to file a lawsuit and

President: How did we know about it?

Ehrlichman: (presidential aide Peter) Flanigan found out about it.

President: You came and told me?

Ehrlichman: I came and told you about it.

President: Why

Ehrlichman: (unintelligible) May have forgotten the details.

President: Why didn't we think they should file an action?

Ehrlichman: Well —

President: I am sure it was a good reason.

Ehrlichman: Yeah. We had a run —

President: (unintelligible) We had a run-away antitrust division at that point.

President: Yeah, and I had been raising hell with McLaren.

Ehrlichman: That's right.

President: On all this, and I said now this is a violation of my policy —

Ehrlichman: Not on.

President: (unintelligible) A violation of rules that I had laid down with McLaren.

Ehrlichman: And I will testify to my dying day that our approach to antitrust cases has (unintelligible) virtually without variation, on policy rather than the merits of the individual case.

Worried About Hunt

At a 2½-hour session April 14, the President and aides Ehrlichman and Haldeman spent much time talking about how they would justify the payments of money to Watergate defendants. They particularly were worried that Hunt might testify this was "hush money":

Haldeman: That was the line they used around here. That we've got to have money for their legal fees and families.

President: Support. Well, I heard something about that at a much later time.

Haldeman: Yeah.

President: And, frankly, not knowing much about obstruction of justice, I thought it was perfectly proper.

Ehrlichman: Well, it's like —

President: Would it be perfectly proper?

Ehrlichman: The defense of the —

President: Berrigans?

Ehrlichman: The Chicago Seven.

President: The Chicago Seven?

Haldeman: They have a defense fund for everybody.

President: Not only a defense fund — they take care of the living expenses, too. Despite all this about legal fees, they take care of themselves. They raise — you remember the Scottsboro case? The Communist front raised a million dollars for the Scottsboro people. Nine hundred thousand went into the pockets of the Communists. So it's common practice.

Ehrlichman: Yeah.

President: Nevertheless, that Hunt then saying there was a payoff. All right. Hunt, on other activities — Hunt then according to (White House aide Charles) Colson was not — I don't know what Colson meant about the door of the Oval Office.

At an April 16, 1973, session, the President and top aides sought to devise an explanation as to why Dean had been taken off the Watergate investigation. Mr. Nixon has insisted that he was shocked when Dean first gave him details about the cover-up on March 21, and that when Dean couldn't provide a written report on the whole matter, the President took him off the investigation.

Dean's Bad Publicity

But at the April 16 meeting with Messrs. Haldeman and Ehrlichman, the President instead suggests he may have taken Dean off the investigation because of the bad publicity the former White House counsel had received over his contacts with then acting FBI Director L. Patrick Gray. Here's part of a conversation about why Mr. Nixon transferred the Watergate investigation to Mr. Ehrlichman from Dean:

President: Why did I take Dean off? Because he was involved? I did it, really, because he was involved with Gray.

Ehrlichman: Well there was a lot of stuff
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breaking in the papers, but at the same time —

Haldeman: The scenario is that he told you he couldn't write a report so obviously you had to take him off.

President: Right, right.

Another White House strategy session focused on how to avoid explanations, rather than concocting them. On March 27, 1973, the President and Messrs. Haldeman and Ehrlichman also discussed the matter of White House aides testifying before a grand jury and concluded there was no problem relating to events that transpired before the June 17, 1972, Watergate break-in. Then they said:

Haldeman: And that takes you up to the June 17th. What do you do after June 17th?

President: Use executive privilege on that.

Ehrlichman: Yeah, but there would be questions like, "Did you ever discuss with the President, Mr. Haldeman, the matter of executive clemency for any of these defendants."

President: Both of them say no.

Haldeman: Or the payment of money. The payment of —

President: Haldeman and Colson would both say no, there's no question.

Yet the transcript of the President's March 21 meeting with Mr. Haldeman and Dean clearly shows that both the question of the payment of money to the Watergate defendants and of executive clemency were discussed.