

The 'Phantom Investigation'

The White House transcripts have unmasked President Nixon's phantom "investigation" of Watergate in the spring of 1973 as a belated and bungled public relations effort to grab some credit for cracking the scandal.

That the investigation claimed by Mr. Nixon never took place has long been obvious. What the voluminous transcript reveals is the White House at the eleventh hour trying to portray the President as a tenacious Watergate investigator after months of containing the scandal. Like much else in Watergate, the attempt was long on deceit and short on effectiveness.

This revelation demonstrates the gamble of Mr. Nixon's releasing the transcripts in hopes that their ambiguities will save his presidency. The glimpse into Oval Office privacy not only shatters what remains of Mr. Nixon's prestige and credibility but also provides the House impeachment proceedings with documentation of presidential deception.

Mr. Nixon has publicly claimed "my own investigation" of Watergate began on March 21, 1973, after White House counsel John W. Dean III told him there is "a cancer on the presidency." When Dean failed to write a Watergate report as ordered, the President has declared, he assigned senior aide John D. Ehrlichman on March 30 to conduct an "independent investigation"; Ehrlichman reported his findings on April 14 to the President, who directed them passed on to Atty. Gen. Richard Kleindienst.

The March 21 transcript, however, shows no startled President ordering any investigation. Rather, this and earlier meetings reveal Mr. Nixon

seeking to keep the lid on Watergate. On March 21, the President did instruct Dean to write a report, adding: "make it very general." The conversation soon revealed that the President and Ehrlichman wanted the report to demonstrate to the Senate Watergate Committee that Mr. Nixon was on top of the scandal.

On March 22, Ehrlichman suggests that the report be published, adding: "I am looking to the future. Assume that some corner of this thing comes unstuck. You are then in a position to say, 'look that document published is the . . . report I relied on'." In that case, adds the President, he could say "this is all we knew" — meaning he could then claim that any new developments were a surprise to him.

But Dean, on the verge of defecting, wrote no report. The transcripts released reveal neither presidential consternation over Dean's failure nor just why on March 30 Mr. Nixon substituted Ehrlichman for Dean as chief Watergate lieutenant.

The transcripts do show that Ehrlichman's "investigation" was mainly keeping track of how the unraveling scandal could hurt the President. By April 14, Ehrlichman is deeply worried that the imminent confessions of former campaign aide Jeb Magruder will implicate John Mitchell and others.

The old report idea is revived on April 14 by Ehrlichman. If he wrote a report, Ehrlichman says, the President could use it to force Mitchell to confess and take the whole blame for Watergate—and "it redounds to the administration's advantage." The President discards this ploy and instead decides to give the report to Klein-

dienst, in expectation it will be relayed to the Watergate prosecutors.

Ehrlichman called in Magruder late that afternoon to probe his intentions but learned Magruder had told everything to the prosecutors. Time was running out. At 6 p.m., Ehrlichman telephoned Kleindienst to inform him that the White House had been investigating Watergate. "My purpose and interest was to advise you of this when I got finished," he relates, adding: ". . . I find that we have very little to add to what Magruder has already given the U.S. attorney." With the scandal breaking wide open, Ehrlichman's little report has failed to give Mr. Nixon any credit for cracking the case.

Nevertheless, on April 16 the President and his top advisers try one last time to merchandise a bona fide White House investigation. Although the transcripts reveal the President disturbed by the prospect of Magruder's confession, he now asks: "How do I get credit for getting Magruder to the stand?"

It is decided that Ehrlichman's "report"—seven or eight pages of handwritten notes—will not be released. But for a year since, the President has talked much of his investigation.

"You don't impeach a President for lying about conducting an investigation," a Republican member of the House Judiciary Committee told us. What his committee must decide, however, is whether such tawdry deception is part of a broader scheme of concealment which could well be illegal, indictable and certainly impeachable.