

The Second Cover-up

The initial Watergate cover-up aimed to conceal the involvement of — and thus protect from criminal prosecution — White House aides and Nixon campaign officials such as John Mitchell and his deputy, Jeb Stuart Magruder, who planned, directed or funded the original bugging and burglary. Now, thanks to the White House tapes played at the Watergate trial, we know that a second cover-up was carried out, this one designed to hide former President Nixon's knowledge and participation in the first cover-up and thus protect him from impeachment.

As part of the second cover-up, key White House tapes were kept from the

Mr. Pincus is executive editor of The New Republic.

Watergate Special Prosecutor and House Judiciary Committee while other tapes were released publicly with incriminating passages deleted under false pretenses.

On Jan. 8, 1973, former White House aide Charles Colson met with Mr. Nixon in the President's office in the Executive Office Building. At that time the first cover-up was in operation, and Watergate conspirator E. Howard Hunt was seeking assurances that if he pled guilty and kept silent at the first Watergate trial, he would not face a long jail sentence. In their conversation, Mr. Nixon showed extensive prior knowledge of Hunt's personal situation — the injury suffered by Hunt's daughter and Hunt's friendship with columnist William Buckley. The former President suggested — the tape discloses — that public sympathy could be generated through a Buckley column about Hunt which, in turn, would make executive clemency for Hunt "a simple case," in Mr. Nixon's words. The purpose of clemency — to keep Hunt quiet on Watergate and other illegal or embarrassing White House matters — was clearly understood by Mr. Nixon and Colson. "Well," says Colson, "the others (Watergate defendants) aren't going to get the same . . . the vulnerabilities are different." Why? Because Hunt and his partner G. Gordon Liddy, who agreed to remain silent, had direct information on meetings, discussions "very incriminating to us," says Colson.

In December 1973 and January 1974, Special Prosecutor Leon Jaworski went to the White House and listened to tapes of January 1973 conversations between the former President and Colson looking for the one that we now

know took place on January 8. Both Colson and John Dean had told Jaworski's men about it but none of the tapes made available to him by the White House contained the passages quoted above. Jaworski later subpoenaed all January 1973 Nixon-Colson conversations, and White House officials, particularly J. Fred Buzhardt, maintained no such conversation had taken place in one of the former President's bugged offices. Even after Mr. Nixon's resignation, the January 8 tape still was mysteriously missing. It was only "discovered" and delivered to the special prosecutor as the last of the subpoenaed tapes.

The January 8 tape is more incriminating of Mr. Nixon than the highly publicized June 23, 1972 tape, release of which supposedly triggered the former President's resignation. Though the

latter tape could conceivably be said to imply some national security factor, the Colson clemency talk was pure cover-up.

It remains to be determined whether the January 8 tape was hidden on purpose, but there can be no such question about the intent to hide incriminating matters deleted from the White House tapes made public by Mr. Nixon last April 30. On that date in response to pressure from the House Judiciary Committee, Mr. Nixon released the transcripts of 46 conversations. By so doing, the former President wanted to make it appear he was exceeding the committee's requests. He said the transcripts, "represent the best efforts accurately to transcribe the material contained on the recording tapes." It was added that "material not relating to the President's conduct has been omitted, except where inclusion is relevant and material as bearing on the President's conduct."

I remembered that criterion as I listened in Judge Sirica's courtroom the other day to the April 14, 1973, conversation between Mr. Nixon and his then chief aides, H. R. Haldeman and John Ehrlichman. I heard the former President declare in calm, clear tones in reference to Hunt, Liddy and the Cuban-Americans who participated in the Watergate burglary ". . . and before I leave office and they'll get off. You get them full pardons. That's what they

19 Nov 74

"Should it be any less reprehensible to be part of a conspiracy to obstruct a presidential impeachment than it is to obstruct a criminal prosecution?"

have to have, John." And Ehrlichman answers, "Right." That does not satisfy Mr. Nixon. He goes on to ask, "Do you agree?" To which Ehrlichman replies, "Yep, I sure do."

That exchange was not in the transcript of that conversation released last April by the White House — transcripts the public was told gave the whole Watergate story. In its place was the notation: "material unrelated to presidential actions."

At a later point in that same April 14, 1973 conversation as heard in court, the former President asks, "Who was it, Tom Pappas they had to see?" Mr. Nixon was recalling for Ehrlichman and Haldeman the raising of money for Watergate defendants. "You told me to see him [Pappas, a rich Republican donor]," Mr. Nixon tells Haldeman. "In fact you said he was helping. . . ." The April 1974 White House version of that conversation does not include the Pappas reference; it, too, was replaced by the "unrelated material" notation.

Who covered up these passages and others that resulted in distorting the substance of those White House tapes released earlier this year? How many more are there? Mr. Nixon's chief defense counsel, James St. Clair, said at the time of the April 1974 release that the former President personally supervised the deletions. Did he alone also misplace the January 8 tape?

There is no law that requires a President to tell the truth when speaking to the American people. But should it be any less reprehensible to be part of a conspiracy to obstruct a presidential impeachment than it is to obstruct a criminal prosecution? At Mr. Nixon's behest, Ehrlichman, Haldeman, Mitchell and Dean, according to filed charges, supervised or were involved in the initial cover-up. Dean is in jail and the others are now before the bar of justice. Buzhardt, St. Clair and former White House chief of staff Alexander Haig each served Mr. Nixon during the second cover-up. But not one has ever been asked to account for his actions during that period.

"The January 8 tape is more incriminating of Mr. Nixon than the highly publicized June 23, 1972, tape, which supposedly triggered his resignation."

know took place on January 8. Both Colson and John Dean had told Jaworski's men about it but none of the tapes made available to him by the White House contained the passages quoted above. Jaworski later subpoenaed all January 1973 Nixon-Colson conversations, and White House offi-