

Verdict on Richard Nixon

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Even before it began three months ago, the Watergate coverup trial was haunted by the man who wasn't there, former president and unindicted co-conspirator Richard M. Nixon.

Shielded from prosecution by President Ford's pardon and excused from testifying on medical grounds, Mr. Nixon seemed for a time to have left only his friends and principal aides to face punishment.

In the end, however, Mr. Nixon does not appear to have escaped.

The evidence forced into the open by the coverup prosecution, more than any other element in the long Watergate drama, established his guilt in the last court left to him, the court of history.

It was the effort by the special prosecutor in the coverup case that brought forth the unanimous Supreme Court order to surrender relevant White House tapes.

And it was those tapes, played publicly for the first time at the trial, that established Mr. Nixon's role in the coverup beyond quibble.

Loyalists might challenge the Senate Watergate Committee as partisan. News reports could be derided and the House Judiciary Committee defied.

But for the tapes, a Nixon rebuttal has been offered.

Partial transcripts of some of the tapes, often in disputed form and with important snippets missing, had been released before the trial, but nothing else matches its torrent of direct evidence on Mr. Nixon's activities.

Even the so-called "smoking gun tape," in which Mr. Nixon discussed ways to

thwart the Watergate investigation just six days after the original burglary, was made public by Mr. Nixon only after he had been

forced to hand it over to the special prosecutor.

On that June 23, 1972, tape, played publicly for the first time at the trial last November and played again Tuesday at the juror's request while they were deliberating, then-White House chief of staff H. R. Haldeman recommended using the CIA as an excuse for fencing in the FBI investigation of the break-in.

"The way to handle this now is for us to have (General Vernon A.) Walters (then deputy director of the CIA) call Pat Gray (then acting head of the FBI) and just say, 'Stay the hell out of this . . . we don't want you to go any further on it,'" Haldeman recommended.

Mr. Nixon, after receiving assurances from Haldeman that the "CIA turnoff" would work, repeatedly agreed. "All right, fine," the tape showed him saying. "Play it tough."

Until that tape was released to the special prosecutor, Mr. Nixon had insisted he did not learn of the Watergate coverup until March 21, 1973, when he said he had been informed by then-White House counsel John W. Dean III.

With the foundation of his defense about to be destroyed at the forthcoming trial, Mr. Nixon decided to make the tape public himself.

Within days, he was out of office.

As the trial was to demonstrate, the June 22, 1972, tape did not stand alone. Other tapes contained abundant evidence that Mr. Nixon had been actively involved in the coverup at almost every step.

On Sept. 15, 1972, a tape played for the first time at the trial showed, then-President Nixon praised Dean for the way he had dealt with Watergate: "the way you, you've handled it, it seems to me, has been

very skillful, because you — putting your fingers in the dikes every time that leaks have sprung here and sprung there."

If Mr. Nixon's meaning on that tape is open to different interpretations, his Jan. 8, 1973, conversation with then-White House aide Charles W. Colson is explicit.

Colson remarked that the Watergate burglars had been acting under orders from former attorney general and then campaign chief John N. Mitchell "and others." The burglars had acted "knowing the risks," the President replied.

Mr. Nixon then discussed clemency, agreeing it would have to be given to E. Howard Hunt, who was about to go on trial for his role in the break-in. "Hunt is a simple case" because his wife had just been killed in a plane crash, the President said, after Colson warned him that Hunt had information "very incriminating to us."

"We'll build that son of a bitch up like nobody's business," Mr. Nixon declared, suggesting how to mount a public relations campaign to justify giving the clemency.

At that time, and for more than a year later, Mr. Nixon steadfastly insisted in public that no such clemency discussion had taken place.

On March 17, 1973, four days before the now-famous conversation with Dean that Mr. Nixon maintained was his first glimpse of the coverup, the President told Dean to have aides "make self-serving goddamn statements" when called before the Senate Watergate committee, a tape shows.

"What you've got to do, to the extent that you can, John, is cut her off at the pass," Mr. Nixon told Dean, advising him to prepare a statement "that basically clears the President, frankly."

On March 20, 1973, according to a trial tape, Mr. Nixon indicated prior knowledge that some aides had perjured themselves in the coverup and, on another tape the same day, he told Haldeman they would have to claim executive privilege to keep aides from testifying fully at the Senate Watergate hearings.

"Obviously no, we're just not going to allow it mainly because we can't, can't allow that sort of thing to come out . . . you gotta fight it through the god-damned courts (unintelligible) for a long time. You've got the story of the coverup, that's, that's involved," Mr. Nixon told Haldeman.

"Yeah," said Haldeman.

"Right," the President added.

And the tape of the March 21, 1973, meeting with Dean appears to make it clear the President authorized money for Hunt to insure his silence, not test Dean's motives as Mr. Nixon later claimed.

"Don't you, just looking at the immediate problem, don't you have to have —

handle Hunt's financial situation damn soon?" he asked Dean, emphasizing the last two words. Mr. Nixon knew Hunt was threatening to talk unless given money and he told Dean, "Well for Christ's sake, get it . . ."

At lengthy meetings later that day and the next with top aides, including Haldeman and then-White House domestic affairs chief John D. Ehrlichman, Mr. Nixon joined in discussions of the options for covering up and avoiding prosecution.

"I want you all to stone-wall it, let them plead the Fifth Amendment, cover up or anything else if it'll save it, save the plan. That's the whole point," Mr. Nixon told Mitchell March 22, 1973.

at the Bar of History