

10/5/72 The Watergate Whitewash

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The more unabashed government is about dishonesty and corruption (and society with it) the easier to get to forecast small details of events before they happen. The action of Sirica in his yesterday's decision is the kind of reason for which he took the case out of turn, actually keeping it from going to the judge next in the regular rotation. So he could do as he did is one of the reasons I felt he would take the case before he did... The interview quoted in today's Post, a phone interview, leaves little hidden about his intent and excessiveness, therefore he has to make the restrictions less complete and give them the appearance of legitimacy... This whole part of the affair is, I think, another sign of official desparation despite the outer calm and the pretense there is nothing to it, nothing hidden... NBC's net TV news did not report it this evening but CBS did: Larry O'Brien scheduled an immediate press conference to challenge Sirica's decision in a dramatic way. He is holding his press conference tomorrow. He is forbidden by Sirica's order from making any comment on the case. If the press descriptions are correct, he might be in contempt by just saying "Watergate". He seems to have made it specifif that he intends to discuss the case in a substantive manner. This would be contemptuous and would be laying his head on the block, daring Sirica to charge him. That would get an immediate hearing and neither Sirica nor the administration can stand that. There is little doubt that Sirica would have to back down and none that he would be overturned... I find myself wondering about my letter to O'Brien in which I encouraged him to risk himself, as in demanding an immediate trial on the "Republican countersuit. Philosophically, he is now taking that advice. There is nothing he is likely to say in even a strong statement that will tempt Sirica to cite him because someone with more sense will see to it that he cites nobody.

Example of how these things work out in the dirty-politics part of the White House, also today. Nixon held an unannounced news conference, no sound cameras, no taping. But he seems to have liked it, so he later, a ter he knew he wasn't going to be embarrassed, released copies of a tape said to have been made for "historical" purposes only. No, he's not afraid. Just history-minded! It will be interesting to see whether papers and the nets editorialize about this unhidden censorship.