Watergate Task Force

Prosecutive Report

Frampton Draft of 1/7/74

1. Introduction and Summary
2. Summary and Analysis of the Evidence

The evidence before the Grand Jury clearly demonstrates that President Nixon knew prior to March 21, 1973, about the existence of a conspiracy to obstruct justice on the part of his closest White House aides and high officials of his Re-election Committee, and that on March 21, when the President learned many of the material details of the cover-up and the potential criminal liability of those involved, he joined the conspiracy (1) by urging that a cash payment be made to Howard Hunt to “buy time” and (2) by approving a new strategy to continue the cover-up which contemplated limited disclosure of some information together with continued concealment of the most damaging evidence.

Evidence that the President knew about some of the facts of the cover-up prior to March 21 include: the tape recording of the President’s meeting with John Dean on February 28 (when the President asked whether the defendants were expecting clemency, and indicated that Watergate was a CRP operation); the recording of his meeting with Dean on March 13 (when the President learned that Strachan, Magruder, and Mitchell probably had prior knowledge of Watergate, that Strachan had falsely denied this and would continue to do so, and that others in the White House, including Haldeman, may have seen fruits of the first break-in; and the recording of March 21 morning meeting (from which it is clear that the President already knew money had been channeled to the defendants under the “cover” of a “Cuban Committee” and that Colson had talked indirectly to Hunt about clemency.

Evidence that the President joined the conspiracy on March 21 includes (a) the recordings of the March 21 meetings, during which various strategies for continuing the cover-up were discussed and the President urged that Hunt be paid more cash in order to “buy time” for formulating a new cover-up strategy, (b) the payment to Hunt’s attorney of $75,000 in cash on March 21, (c) the passage of a message by Mitchell to Haldeman and Ehrlichman on March 22 that Hunt’s “problem had been solved,” and the passage of this message by Haldeman to the President and by Ehrlichman to Krogh, (d) the recording of the March 22 meeting where it was decided to prepare a false “Dean report” on Watergate in order to narrow the Senate’s inquiries and provide the President with a later excuse of “reliance” on the report should the cover-up collapse, (e) the President’s failure to communicate information incriminating his highest aides to prosecutorial authorities, (f) the President’s post-April 16 strategy of allying himself with Haldeman and Ehrlichman and insisting on their innocence while attempting to discredit Dean and to prevent Dean from giving testimony damaging to the President.

While the President’s persistent refusal fully to cooperate with a legitimate investigation of the conspiracy to obstruct justice, and the intentional destruction of evidence by a person or persons close to the President are outside the scope of this memorandum, and are not further considered here, this evidence must also be taken into account in interpreting the President’s past actions and assessing his criminal intent.

There is also considerable evidence, summarized rather briefly in a latter part of this memorandum, that the President knew about a conspiracy to obstruct justice and acquiesced in its aims as early as June 1972. Although much of this evidence is circumstantial, it includes both actions taken by the President himself and participation in the conspiracy by his closest aides in the Watergate matter (Haldeman, Ehrlichman, Mitchell, and Dean), and it strongly supports an inference that the President knew that a cover-up was in progress and approved of it prior to September 15, 1972. The inference is strengthened by remarks made by Dean and the President in their meeting on September 15. However, because the evidence of the President’s knowledge and affirmative action to advance the conspiracy in March and April 1973 is so clear and unmistakable, we believe evidence of his earlier participation is less critical to the problem of assessing his criminal liability.

In short, the later evidence of unlawful acts by the President conclusively demonstrates in any event that the President joined a conspiracy to obstruct justice (and possibly to further other illegal aims) no later than March 21, 1973.

[This is the section’s full text, appearing at pp. 1-4]