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MOORER-RADFORD DISINTERRED

ARCHIBALD Cox had been fired, in part, for pursuing the probe of the Plumbers and indicting Bud Krogh, matters that threatened to expose the Moorer-Radford affair and the connections of Haig to the participants in it. Cox's departure did not end the problem.

On October 31, as Jaworski was being cajoled by Haig into accepting the job as Special Prosecutor, Bud Krogh's lawyers filed a broad discovery motion in federal court. This motion made clear how they planned to pursue Krogh's defense: on the basis that he had been told that his investigations had come under the umbrella of national security. They requested in support of that defense a variety of White House tapes and other materials involving the Plumbers. One specific request took direct aim at Moorer-Radford. Krogh's defense team asked for "certain tape recordings of conversations" between Ehrlichman, Young, and Nixon "in December, 1971, and January through February, 1972, in which the work of the Special Investigations Unit [Plumbers] was discussed, the India-Pakistan leaks were discussed, and/or instructions were given on the necessity for absolute secrecy regarding the activities" of the Plumbers. Backing up that request was another for "all files of the Special Investigations Unit ... pres-

ently held in the White House as Presidential documents." (No wonder that Haig and Buzhardt had adamantly refused to allow Cox to ask for more tapes and papers.)

Krogh knew perfectly well that the requested materials included the transcript of the Welander interrogation, the notes of Ehrlichman and Young, as well as Young's overall report on the Moorer-Radford matter. He probably didn't want to bring these to light either, and asked for them only because they would show clearly that his work had been done for national security reasons, and that for those same reasons he had been told by superiors to lie to the grand jury on the matter of knowledge of the Liddy-Hunt California trip. He may even have hoped that the White House would refuse to provide the documents, an act that would allow Krogh's lawyers to move for a dismissal on the grounds that they were denied evidence essential to Krogh's defense.

After Jaworski took over on November 5, one of his first acts was to sign the prosecution's reply to Krogh's brief. James Doyle recalled in his memoir of the prosecutor's office during Watergate that this reply had been drafted by Assistant Prosecutor Philip A. Lacovara and others who had worked on the matter during Cox's tenure, but that Jaworski endorsed its strong language and signed it. The reply stated:

> In the recent past, national security has become a kind of talisman, invoked by officials at widely disparate levels of government service to justify a wide range of apparently illegal activities. No government office, not even the highest office in the land, carries with it the right to ignore the law's command any more than the orders of a superior can be used by government officers to justify illegal behavior.

This reply brief was front-page news, and Doyle writes that it "sent shudders through White House aides." Here was Jaworski, taking the same position for which Cox had been fired. Haig, who had been "exultant" when Jaworski had accepted the Special Prosecutor assignment only a week earlier, now realized that he hadn't properly told Jaworski why he had been so insistent on retaining "national security" as a shield for certain matters.

On November 13, Jaworski was summoned to the White House for a late afternoon meeting with Haig and Buzhardt. According to Jaworski's handwritten notes of the meeting, now in the National Archives, the Special Prosecutor was told that "Krogh's demands" were "trouble," and threatened to expose a sensitive national security case. The notes continue: "Yeoman used as secretary by Haig ... tremendously sensitive conversa-

tions and agreements with heads of state ... dictated memos ... copy to Chm. Joint C ... Further, the yeoman had been "recommended by Haig" to travel with Kissinger, whose papers had also been copied and passed to the JCS chairman. Jaworski was told that a January 10, 1972, report had been written and contained logs of the investigation. This was the report that Buzhardt had prepared for Melvin Laird.

The notes also reveal that in telling Jaworski about Moorer-Radford, Haig and Buzhardt gave him not only the outline of the case, but also enough information to make Jaworski understand that Haig himself had a personal stake in it.

Upon Jaworski's return to his office, Doyle wrote in his memoir, the Special Prosecutor downplayed what had happened and told his staff that what Haig had said was "so much bullshit. I didn't pay any attention to it and you don't have to, either."

That may or may not have been true. In his memoir, Jaworski wrote that he went to the White House on his own initiative, "to jog Haig's memory about his promises of cooperation ... and ... to satisfy myself about the 'grave national security matters' the Plumbers had handled.... The national security matters [Haig] described didn't appear to be very grave to me. I concluded that if most of them were made public at that very moment the country would not be endangered." So: Jaworski claimed he didn't take the matters seriously.

At that meeting with Haig, also attended by Buzhardt, the Special Prosecutor discussed the Dr. Fielding break-in, and later wrote that the two aides agreed to surrender the material they had previously refused to give to Cox. Jaworski later testified that "there was no resistance from Haig and Buzhardt when I indicated that some indictments could be brought and that I was going to pursue them" in regard to the Dr. Fielding break-in. Subsequently, he filed charges against Ehrlichman and Colson on the matter.

Since Haig and Buzhardt so easily gave to Jaworski materials they had vehemently denied to Cox only a short time earlier, it seems likely that during their meeting in the White House a deal was made: Jaworski received Plumbers documents pertinent to the Dr. Fielding matter, but in return probably agreed to stay away from Moorer-Radford. Buttressing this supposition is the fact that among the Plumbers documents eventually turned over to Jaworski's office, none mentioned the JCS spying probe.

In mid-November U.S. District Judge Gerhard Gesell denied Krogh's motion to dismiss his indictment, and in the process also denied the discovery motion that requested the December 1971 and early 1972 tapes

and document. That was a relief to Haig and Buzhardt. Krogh's major line of defense gone, he was pushed toward a plea bargain. On November 30, Krogh plead guilty to conspiracy to violate Daniel Ellsberg's civil rights; in exchange, Jaworski dropped the perjury charge.

During Cox's tenure, LaRue, Magruder, and Dean had all pleaded guilty and started serving sentences that were relatively short, measured in months. Krogh was the first official of the former administration to plead guilty in the Jaworski era, and Krogh received an effective sentence of six months. With his guilty plea, the threat to Haig receded significantly.

Moorer-Radford wouldn't stay buried. Back in July, when Ehrlichman and Baker had had their public exchanges about the JCS spying without naming it, many people had been intrigued by what Ehrlichman said and what he had been obviously constrained from saying. Listening at the press tables were two enterprising reporters. Dan Thomasson was a Washington bureau man for the Scripps-Howard chain of newspapers, and Jim Squires was a Washington correspondent for the *Chicago Tribune*. Though they worked for different news organizations, their separate bosses allowed them to collaborate in their reporting. Intrigued by the exchanges, the two reporters began digging, and tried to learn about the mysterious Plumbers investigation cited by Ehrlichman and his lawyer, John Wilson.

On October 10, 1973, the Watergate reporting team Woodward and Bernstein entered the ranks of investigators chasing Moorer-Radford with a story buried on page A27 of the *Washington Post* that said "a low-level assistant to the National Security Council had his phone tapped in an investigation of news leaks in late 1971." An unnamed source suggested that the tap was "in connection with a 1971 probe of the leak of secret documents to syndicated columnist Jack Anderson about U.S. policy in the India-Pakistan war." The unidentified "low level assistant" was Yeoman Charles Radford.

Woodward had been sitting on the Moorer-Radford story since June. This October 10 story has the earmarks of a trial balloon, or of a deliberate leak sent out to see if Thomasson and Squires—who were known to be chasing the military espionage matter—could be forced into print with what they had, and before their investigation was complete.

Thomasson and Squires weren't pushed any faster into print, but did note as they continued to get closer to the story that Nixon was beginning to refer in speeches to an investigation that Baker and Ervin had "wisely declined" to make public. Senator Baker, too, kept on the matter, perhaps

annoyed that Nixon was now using as part of his own defense the idea that Baker and Ervin had agreed to keep certain matters under wraps. Baker could do little more than hint to the public that the national security issue might be the "missing link" that could explain the entire Watergate story. Behind the scenes, Buzhardt and Haig would tell him nothing.

On November 29, Thomasson and Squires hit print with a story that in 1971 the Plumbers had tried to stop a leak of highly sensitive information about the Soviet Union. They had few details, only that it involved the Russians. Those in the know could guess that what they were referring to was an investigation of Jack Anderson for a 1971 column that discussed the capacity of the United States to listen in on conversations in certain Soviet limousines. "Some who know about the matter," Thomasson wrote, "believe disclosure of its details ultimately would endanger the life of a U.S. intelligence source close to the highest Russian official circles." The two reporters now thought they'd pinned down the 1971 secret investigation that had been guarded so tenaciously in Ehrlichman's testimony.

They soon discovered that the secret was something larger. A big hint came when Fred Buzhardt asked them to come to the White House in late 1973. Thomasson recently told us that Buzhardt seemed to have assumed that the reporters had learned quite a bit about Moorer-Radford. During this meeting, Buzhardt made cryptic statements and tried to learn what the reporters knew. "I think he was trying to play poker with us, and I think sometimes we played a better game than he did. I really believe that he thought we knew at that juncture one hell of a lot more than we did know." Thomasson reports that Buzhardt made reference to "babysitting people," a reference the reporters did not understand at the time. Later it became clear to them that Buzhardt had been referring to the tap placed on Radford's home phone in Washington, and, after he was transferred, on his phone in the Pacific Northwest, the same tap Woodward and Bernstein wrote of in their October 10 story.

December 21, 1973, was a snowy day in Washington. Leon Jaworski, the Special Prosecutor, was scheduled to fly home to Texas in a few hours, but before he did, he was to have a private meeting with Al Haig.

"The two men had been cultivating their relationship," James Doyle wrote. "Jaworski believed he could use Haig, Haig believed he could use Jaworski. Haig would tell Nixon and Buzhardt and others that Jaworski was sympathetic to the President's problems but was a captive of the old Cox

staff of zealots." Doyle reports that one member of the Special Prosecutor's staff told Jaworski to his face that he was "too cozy with Al Haig," but that Jaworski had "rejected the criticism."

Jaworski and Haig had worked out a way to keep their meetings from the public eye—the Special Prosecutor made his way into and out of the White House complex through the Diplomatic Entrance, one that had been established to shield diplomats who did not want their visits to be known. The two men met in an historic setting, the first-floor Map Room, a parlor to which Franklin Roosevelt had often retired to study battle maps during World War II. The subject of this discussion was the March 21, 1973, tape, that of "the cancer within the presidency." Sirica had recently turned it over to Jaworski's office. The prosecutor and his assistants had listened to it and considered it devastating to the president. That conclusion had been conveyed to Haig, and Haig had summoned Jaworski to hear the White House's position in response.

According to Jaworski's memoir, the conversation was pleasant but adversarial. The White House lawyers, Haig said, had decided that the tape did not show criminal conduct by the president. Hearing this, Jaworski said, "Al, I want to tell you something. I think you should get the finest criminal lawyer you can find—someone not concerned with the White House in any way—and let him study the tapes."

That was the entire message of the conversation. Jaworski was clearly implying that the White House's current analysis was dead wrong, and that a good independent lawyer would tell Haig just that, an opinion that could only hasten Nixon's resignation. As the two men walked to the Diplomatic Entrance, Haig was "silent, thoughtful," Jaworski later wrote. And then the chief of staff "looked up at me and tears were glistening in his fine eyes. I left him that way, and went to my car."

After his trip to Texas for Christmas, Jaworski returned to the Map Room with Haig on December 27, and learned that Haig had been in touch with James St. Clair, a highly regarded Boston trial attorney, whose name he had gotten—as he had Jaworski's—from Morris Liebman. Among the particulars that recommended St. Clair was that he had defended the Army at the infamous hearings held by Senator Joseph McCarthy in the 1950s; Haig liked defenders of the Army.

On January 4, 1974, James St. Clair came aboard. As he did, two other shifts on the White House staff were announced. Buzhardt was appointed sole counsel to the president, and it was announced that he was giving up his other hat, that of counsel to the Department of Defense. Moving over

from the job of counsel to the president to the position of special assistant to the president on domestic affairs was Len Garment.

Two explanations for the shifts were put out by the White House. Nixon was reported as angered at Buzhardt's performance in the matter of the missing and erased tapes, and so had hired St. Clair. That made little sense, if Buzhardt was being elevated to sole counsel to the president, but no one remarked on it. The other explanation was that Buzhardt and Garment had simply become fed up with defending Nixon, and were making way for a more vigorous defense.

Neither explanation held much water. The greater likelihood had to do with Moorer-Radford. Reporters were getting closer and closer to the real story, and there was some agitation for congressional hearings on the matter. For instance, at the turn of the year on a televised interview, Senator Baker urged Nixon "to provide some security information which he has been withholding and to more or less take the repercussions it would have domestically and let it be done and over." The real reason Buzhardt moved out of his Defense Department job entirely was so he could concentrate on containing Moorer-Radford while at the same time appearing to have no further connection to the Defense Department position he had held in 1971-72, when he had done his best to conceal the affair. In the weeks ahead, there would be some comment that Buzhardt had quite precipitously dropped from public view.

It took Thomasson and Squires the remainder of December and the first week in January to nail down the Moorer-Radford story. "Finally it all came together.... There was no hesitancy on our part when we found the missing pieces," Thomasson says. Before going to print, they wanted a comment from Haig, and sent Aldo Beckman, White House correspondent for the *Chicago Tribune*, to see the chief of staff. As Thomasson recalls the event, "He goes to Haig and says, 'Thomasson and Squires have this story saying thus and such.' And Haig said, 'Oh, shit, I knew it was going to get out,' and he turned white and said, 'I'll get back to you.' And he came back and said, 'There's not a word of truth in it.' "

Around January 7, Bob Woodward called Yeoman Chuck Radford in Oregon and told him that the story of his 1971 ordeal was no longer going to continue to be a secret, that newspapers would shortly be revealing it. Radford was shocked to learn this. "When I realized it was all going to come out in the newspaper, I was sick to my stomach," he recalls. Woodward "asked me questions but I told him it was something I would not discuss."

That same day, Don Stewart was at the Pentagon when Bob Woodward telephoned him and asked, "What do you know about a telephone tap on Charles Edward Radford?" Stewart referred Woodward to the Pentagon press office for an answer, but he started taking notes because the questions kept coming. Woodward next wanted to know what Stewart knew about "information being leaked from cables on the India-Pakistan War," and about "Radford feeding information from the White House to the Joint Chiefs of Staff and also to them from Kissinger and General Haig." Woodward also asked Stewart if he had been interviewed by the Senate Armed Services and Watergate committees, and "What do you know about Admiral Welander?" Stewart then referred him again to the Pentagon press office, hung up, and wrote his memo of the conversation for his bosses. Stewart concluded in that memo that Woodward had gotten his information thus far from Capitol Hill, and that "My personal feeling is that Democrats are trying to shoot the Republicans down."

Woodward also called Admiral Welander that week. Back in June 1973, the two had had a conversation in which Woodward had tried to learn what Welander might say about Moorer-Radford, and had found out that Welander wouldn't say anything. In January 1974, Welander recalls, Woodward got him on the phone. "He said the story is going to break and I have to write it, and what can you tell me about it?" Welander says he told Woodward very little, and denied any wrongdoing.

While Welander declines to say what he actually told Woodward he does exhibit a sense of having been betrayed by his former subordinate. "I thought he was a friend," Welander says. The reason for We lander's distress will shortly become clear. At the moment it is necessary to note that before Thomasson and Squires published on January 11, Woodward had information on Moorer-Radford that other reporters did not. But he and Bernstein did not publish until after Thomasson's and Squires's stories broke.

Thomasson's and Squires's stories were each printed on January 11, 1974. Thomasson's began: "A secret White House investigation of leaks of classified information in late 1971 produced evidence that high Pentagon officials were spying on the office of Henry A. Kissinger.' The outline of the espionage was brief, but included mention of Moorer and the JCS as recipients of the information, and included a denial by Moorer, through a spokesman. However, the article said, "at least four sources independently confirmed that the military tried to get from Kissinger's office information that had been denied it."

A similar Squires account, published the same day under a banner headline across the *Chicago Tribune*'s front page, also reported Haig's assertion to Beckman that the story was false—and something more. Haig, quoted only as a senior White House official, mentioned the possibility of "lawsuits" and said that any newspaper that printed the story "would have to be responsible for it."

Thomasson and Squires did not yet know the names of those who had been passing material to Moorer—but the names Welander and Radford came out the next day, January 12, in an article by Woodward and Bernstein.

What upset Welander was immediately apparent: The *Post* story prominently displayed his picture next to the text of the article, "Pentagon Got Secret Data of Kissinger's." The article itself was curious in what it said and did not say. It began by saying flatly that "Military liaison aides in the White House passed information" to the Pentagon in 1971, but avoided mention that the material had gone to Moorer or to the Joint Chiefs. The information from Kissinger's files, the article said, "was sought by high Pentagon officers who were uncertain about radically shifting U.S. foreign policy toward Russia, China, and other countries." Beyond this lead, however, the bulk of the article concerned Chuck Radford, the tap on his phone, and the India-Pakistan leak to Jack Anderson. Radford was characterized as "the central figure in the matter," and the article said that Welander had been transferred "only because Radford had worked for him." In a clue about the sources Woodward and Bernstein had tapped, the article stated that the investigation of the leak of Anderson had been "directed by J. Fred Buzhardt," and that Buzhardt's investigation "never established that Welander or Radford did anything wrong." No mention was made in the article of the Ehrlichman or Young probes.

The effect of the Woodward and Bernstein article was to knock down what Thomasson and Squires had revealed—namely, that Moorer and the JCS had been involved. For instance, the Woodward and Bernstein article asserts that four of their sources insisted "that news accounts characterizing this information distribution as spying on or surveillance of Kissinger are wrong," and went on to assert that their sources said, "It was never clear who in the Pentagon set up or benefitted from the unauthorized pipeline of information." The military liaison office had been closed, Woodward and Bernstein quoted some sources as saying, because Kissinger had wanted it closed for some time, and the leak to Jack Anderson "gave him a reason." Finally, Welander's current post, assistant deputy chief of naval operations, was "an important job in the Navy hierarchy that Pentagon officials said

would not have been given to anyone suspected of unauthorized distribution of classified material."

The Woodward and Bernstein story, heavily favorable to the White House, suggested that the espionage had done no harm, that it was all Radford's fault, and that the purloined material had never been important and was of no interest to the JCS. Moorer was not named as a recipient, although he was quoted through a spokesman as denying any involvement in the matter, Welander was rehabilitated, and no mention was made of investigations by Ehrlichman or Young—the investigations that turned up the name of Alexander Haig. Just how far off the mark and slanted the *Post* story was could be seen from a competing story by Seymour Hersh in that morning's *New York Times*.

Hersh's reporting focused on David Young and the Plumbers' discovery in late 1971 "that a 'ring' of military officers was attempting to relay highly classified information on the China talks and other matters to officials in the Pentagon," and that while Young's investigation had first focused on leaks to Anderson, it "quickly spread into a broad investigation of possible widespread military spying." Both Kissinger and Young, Hersh wrote, "suspected that reports on the White House's negotiations with China, North Vietnam and the Soviet Union were being leaked to Secretary of Defense Melvin R. Laird and Adm. Thomas Moorer, chairman of the Joint Chiefs of Staff." Hersh's sources all agreed that Kissinger "shared Young's belief that Pentagon officials were eager to obtain—by covert methods if necessary—details of ... secret deliberations with nations usually considered America's enemies by military men." Moreover, other sources said that the Young investigation "really did uncover a ring of some sort inside the NSC." Hersh reported that Welander had been reassigned after the investigation, but the *Times* reporter apparently had not yet learned about Radford's role.

Hersh cut much closer to the bone than Woodward and Bernstein on the White House's effort to suppress Moorer-Radford, and commented on the meeting at the White House in which Ervin had agreed to keep the Watergate committee away from this matter. He wrote that though within the White House some people had pressed for disclosure in the hope of bolstering the argument that the Plumbers had indeed investigated serious national security matters, "the advocates of disclosure were overruled by a faction headed by J. Fred Buzhardt." There were still unanswered questions, Hersh reported a source as saying; that source added that if there had been misconduct by the military, "then we had the rudiments of the kind of thing that leads to a military takeover."

Woodward tells us that he cannot remember any contact with Welander in the spring of 1973, but asserts, "As you know and as a matter of record, I think Carl and I wrote the first story identifying [Welander] as the Kissinger aide who was fired, or relieved or transferred, depending on how you look at it." How did he feel writing such a story about his former commanding officer? "I guess I would cite it as an example of the newspaper's and my independence. He was a former skipper and somebody I knew, but names were being taken and we went ahead and did it."

The day following their big Moorer-Radford story, Woodward and Bernstein wrote one more article that mentioned Moorer-Radford, again naming Radford as "the central figure" and quoting a White House source complaining that "someone is trying to make the Pentagon-Kissinger affair look like *Seven Days in May*. It's nothing of the kind." After that, responsibility for this important story was handed to Michael Getler, the *Post*'s beat reporter at the Pentagon, and to Laurence Stern. "Frankly," Getler tells us, "I don't remember the details, [but] it may have gone from an investigative story to a running story in which the beat reporter takes it over." Did Getler, now the *Post*'s assistant managing editor for foreign news, know of Woodward's past relationships with Welander and Moorer, two key figures in the affair? "I honestly don't remember that. It's quite possible, maybe that's why he [Woodward] bowed out of the story. I just don't remember. It's not inconceivable that he told me."

Hersh continued to pursue the story, but made a mistake in an article published on January 13. He said that an unidentified government official involved in the spying probe had tried to "blackmail" President Nixon into giving him a more important job by threatening to expose the secret investigation. Moreover, the "White House told the Senate Watergate committee last summer" of the blackmail threat, as part of the conference between Baker, Ervin, and the White House.

This was a reference to what we now know—but Hersh did not then know—to have been Don Stewart's job request to the White House and the Buzhardt-Haig-Richardson attempt to prosecute Stewart. Hersh wrote that Baker had continued to investigate the espionage on his own, and had recently met with Young. The article also quoted some sources as saying that what Moorer had done was "not in the operational manual for his office," and other sources who labeled the pilfering as reasonable under the circumstances. These latter sources argued that because Kissinger had not shared his information with the military, it was "not so impossible to

understand that a liaison man in the Security Council would do what he could to get information back to his boss."

In the *Chicago Tribune* and the *New York Times* that weekend, the competing reporters continued to point at Moorer. Squires's sources had told him that when Nixon had found out about the espionage he'd been so angry that he had considered firing Moorer; Hersh wrote that his sources "wondered why, in the face of the reported evidence amassed by Mr. Young, Mr. Nixon reappointed the admiral [Moorer] to a second two-year term" in mid-197 2. The White House continued to deny that Moorer had been involved, but those denials no longer held water. Secretary of Defense James Schlesinger said through a spokesman that he had interviewed Moorer, who had denied any involvement in the spying. A later statement issued by Schlesinger put the blame for the espionage on the "overzealousness" of people in the liaison office.

That weekend, there was one headline that was good news for Haig and Buzhardt. Senator Stennis announced that the Armed Services Committee, which he chaired, would hold hearings on the espionage next month, and that "As far as the published implications that Admiral Moorer was spying on Kissinger, it'd take hard substantial facts to prove it."

Curiously, Jaworski's office had very little to say on the subject, issuing to reporters only a terse "no comment." And, reflecting Sam Ervin's viewpoint, Watergate Committee Chief Counsel Dash flatly ruled out any inquiry into the spying charges. This isolated Senator Baker even more, and forced him to continue his inquiries behind the scenes.

On January 18, the *Post* got into the military espionage matter in a story that deprecated the way others were pursuing it. Under Stern's byline was an analysis designed to bury, not to disinter, Moorer- Radford: "The tale of the alleged Pentagon spy ring opened with dark overtones of 'Seven Days in May.' But as the story evolved it was veering toward 'Catch-22' with accents of 'M*A*S*H.' " Citing the confusion surrounding the story, Stern asked, "Was the file-snitching operation the handiwork of a full-fledged 'military spy network' (*New York Times*) or of principally two officers (*Washington Post*)?" He crowed that the *Times* had eventually reached the same conclusion as the *Post* when it quoted sources on January 16 as saying "the spying episode had been blown out of proportion."

That was not the entire truth. Hersh also had written that while some officials disparaged Young's work, others took Young's findings very, very seriously. Later, Hersh clarified this by writing that the "high White House

officials" who attacked the Young inquiry reflected the thinking of presidential counsel J. Fred Buzhardt.

Jack Anderson weighed into the reportorial battle with a new detail—that Moorer's assistant, Captain Arthur K. Knoizen, had received some of the purloined papers from Welander. Now Moorer decided it was time for him to say something in public. In an interview on NBC's "Today" show on January 18, the day of the *Post*'s analysis debunking the seriousness of the espionage charges, Moorer made a categorical denial: "The mere thought that the Joint Chiefs of Staff were cut off from sources of information and then set about to establish a system of acquiring this information in an unauthorized way is ludicrous, ridiculous and a lie." He did acknowledge that Welander had shown him "a file" of documents improperly obtained by Radford, but contended the papers were "essentially useless" and that he had told Welander to put them back when he learned that they had been taken without permission.

At that very moment, the materials that controverted Moorer's assertions, the transcript of the Ehrlichman-Young interview with Welander of December 22, 1971, and the transcript of the Buzhardt- Stewart interview with Welander of January 7, 1972, both sat in the White House files under the control of Haig and Buzhardt. But nobody else could then get at those buried documents.

On the basis of Moorer's public denial, Secretary of Defense Schlesinger announced on Monday, January 21, that he was effectively ending the Pentagon's investigation of the alleged espionage. Four days later, Schlesinger told reporters that Moorer had been exonerated even though there were "clearly improprieties" in the way documents had been funneled from the White House to the Pentagon. What improprieties? Schlesinger admitted they had included breaking into Kissinger's briefcase and the pilfering of documents that were to have been burned.

Even more important for our concerns, Schlesinger admitted to reporters that Buzhardt had refused to turn over to one of his aides the Ehrlichman-Young taped interrogation of Welander. He appeared to accept with equanimity the remarkable spectacle of a man who had been one of his nominal subordinates—counsel to the department— refusing to turn over something to his office. But he did attack the David Young investigation of the matter. Schlesinger said he had never been allowed to read Young's report, but he asserted he had no confidence that it was correct.

The one question on everyone's mind during the period just after the matter broke through to public consciousness was what Kissinger would have to say about it. The secretary of state was on a ten-day mission to the

Middle East at the moment the headlines began. When Kissinger came back from that trip, he agreed to comment.

On January 22, Kissinger went before the press and said, "I have no reason to question the argument that has been made by Admiral Moorer, that this incident of the unauthorized transfer of papers from my office to his office reflected overzealousness on the part of subordinates and in any case gave him no information that he did not already possess."

Gone was Kissinger's "mood indigo" and his rage after learning of the espionage, a rage that included the demand that Moorer be fired as JCS chief. Now secretary of state, secure in his Foggy Bottom perch and keeping himself aloof from Watergate, Kissinger said he had known about the pilfering, but that it had been inconsequential. Yes, he told reporters, Ehrlichman had allowed him to listen to the Welander interview, and he had known that David Young was involved in Welander's interrogation—but he had not known that Young had been involved in his capacity as a member of the Plumbers. In fact, he pointed out, Nixon had ordered that he, Kissinger, be kept away from those matters.

With Kissinger joining Schlesinger, Moorer, Haig, and Buzhardt in a cover-up, the defenders of the secret of Moorer-Radford made quite a formidable array of guardians.

During one of their December 1973 meetings, Haig allowed Jaworski to listen to presidential tapes that had not been subpoenaed and to read some files. According to the Special Prosecutor's memoir, he found nothing relevant in what he listened to at that time. In January, Jaworski asked Haig for what was known as the "tape of tapes"—a June 4, 1973, recording of Nixon listening to some of his conversations with Dean, and which included Nixon's discussions that day with Haig and Ziegler about what he'd heard.

That "tape of tapes" was far from innocuous. It was a road map that showed what other tapes might be germane to any criminal inquiry—as Haig must have clearly understood. In Nixon's memoirs, he said that Haig came to him only once, in December 1973, with a Jaworski request for a group of additional tapes, and that Nixon granted the request based on Haig's report that "Jaworski had assured him [Haig] that this would be his [Jaworski's] last request for tapes."

That was the situation when Jaworski, in early January 1974, approached Haig with his request for the "tape of tapes." Jaworski told Haig that if he could listen to the tape, he might be able to judge which additional tapes, if any, he would need. In *The Final Days*, the authors claimed

that despite Jaworski's plain statement that he intended to seek additional tapes, Haig went to Nixon for permission to turn the tape over on the grounds that "this would probably be the last request from Jaworski." In this account, Nixon told Haig to have Buzhardt listen to the tape and Buzhardt then recommended that it not be turned over. But Haig "persuaded" Nixon to release it in order to "bring the special prosecutor's investigation to an end."

However inexplicable Haig's actions as depicted in *The Final Days* may appear, the reality may have been worse. There is a possibility that Haig himself made the decision to release the tape without asking Nixon for permission. Nixon's account of Jaworski's requests for tapes during this period and his reaction to these requests omits entirely any reference to a request by Haig for the "tape of tapes." Moreover, Jaworski wrote that when he asked Haig for the June 4 "tape of tapes," Haig responded "there would be no problem." Jaworski did report a subsequent problem with Buzhardt, but said this problem was resolved a short time later when Buzhardt phoned Haig.

In any event, the result was predictably disastrous. The day after Jaworski listened to the "tape of tapes," he submitted a letter to the White House seeking twenty-five additional Watergate tapes. That request Haig had to take to Nixon, whereupon, according to *The Final Days*, "Nixon ridiculed Haig for his trust in Jaworski."

An official letter from St. Clair to Jaworski turned down the request, and it was clear that the matter was heading for a court battle. Nonetheless, Haig and Jaworski continued to talk through their private backchannel.

Shortly, the Moorer-Radford inquiry would move into the hands of Senator Stennis, on whom Buzhardt and Haig believed they could rely for a quick series of closed-door hearings that would reseal the tomb. With Rear Admiral Rembrandt Robinson dead since the May 1972 helicopter accident, and Moorer, Schlesinger, Welander, and Kissinger all guarding the gates; those hearings should have presented very few difficulties for Haig and Buzhardt. Two problems still remained, however: Young and Stewart.

Young was not really a threat because in May 1973 he had been granted immunity by federal prosecutors in exchange for his own testimony and the release of some documents. Stewart was another matter, and to neutralize him Haig and Buzhardt sprang into action in the latter part of January. On the twenty-fourth, Stewart was on sick leave, at home and in bed, when his secretary telephoned with the news that Bob Woodward had

been trying to reach him to discuss a matter "of vital concern," the phrase Stewart later used in a memorandum on the incident. Stewart called back and, according to the memorandum, Woodward "informed me that I was being accused of blackmailing The White House into giving me the job of Director of the FBI, and that failing, Deputy Director." Woodward mentioned to Stewart his June 25, 1973, letter to Baroody, and told him that Woodward's source had passed on the notion that Stewart had sought to use his knowledge of the Moorer-Radford case to secure the FBI post. Stewart denied pressuring the White House, and said that he felt he was qualified for a high post at the FBI and that the letter had only put forward his qualifications and ensured that he be considered as a candidate.

Clearly, Woodward had gotten this information from the White House. But so had Seymour Hersh. On January 25, both the *Washington Post* and the *New York Times* published stories saying that Stewart had tried to pressure his way into a high-ranking FBI job by threatening to disclose what he knew about Moorer-Radford. Hersh's article said that Haig had intercepted a Stewart threat intended for Nixon and had subsequently told Stewart personally to "go to hell. General Haig subsequently confirmed the incident without naming Mr. Stewart and said that he had not been discharged from the Pentagon post for fear that he would make the facts known publicly. Mr. Stewart could not be reached for comment. His telephone is unlisted."

Stewart denies Haig's claim, saying he and Haig had never talked about the matter. But there is one further interesting aspect to the story: by confirming to Hersh the report that he told Stewart to go to hell, Haig in essence corroborated that he had been part of the effort to discredit Stewart, though the article did not make that point.

Under the Woodward-Bernstein byline, the story of Stewart's attempted blackmail had quite a different slant. The *Post* reported the charge within the broader context of a story about additional FBI telephone taps on the phones of Radford and his friends in late 1971 and early 1972. Another revelation in this article said that Stewart's letter to Baroody had been forwarded to Justice by Buzhardt—something that very few people knew. The article did contain the fact that Justice had determined that Stewart had not violated the law, and included the denial that Stewart had given over the phone to Woodward.

Don Stewart was shaken by these twin front-page allegations, and about 10:30 a.m. on January 25 he reached Seymour Hersh and denied any attempt at blackmail. He told Hersh—as the story was printed on the following day—"I was looking for a job, no question about it. But I wasn't trying to put the muscle on them. I don't have a damn thing to hide and

I didn't shake anybody down." In that follow-up article, Hersh went on to report that "Stewart suggested that some officials in the White House or elsewhere might have acted improperly in their handling of the snooping investigation," and that Stewart said he would be "tickled to death" to testify before any congressional inquiry into the subject. Hersh also reported that Pentagon spokesman Jerry Friedheim had confirmed that Stewart still retained the top investigator's job at the Pentagon, and that Friedheim had commented, "The general feeling here is that he's a good investigator."

Hersh later admitted that he had not made a diligent enough effort to get in touch with Stewart for the original story. "It's my fault for not checking it farther," he now says, and recalls that he was pressed by a deadline and concerned about getting beat on the story by a competing newspaper. "There's no question I should have gone to him [Stewart] and got a comment and been balanced." The two men subsequently smoothed over their differences. Stewart was further bolstered on January 29, when one of Schlesinger's special assistants, Martin Hoffman, called Stewart to his office and shared with him all of the Justice documents that showed Stewart had been cleared of potential blackmail charges more than six months earlier. Stewart wrote a memorandum after he had looked at these documents, and noted that Garment and Buzhardt had told Baker and Ervin that Stewart was blackmailing the White House on July 27, when the White House lawyers had been informed on July 10 that there was no evidence for making a prosecution of Stewart on that claim.

In an important revelation buried deep in Hersh's follow-up story, one small paragraph suggested that Stewart had disclosed to Senator Baker's staff that the December 1971 investigation "had determined that many National Security Council documents had, in fact, been provided to Admiral Moorer." This was the first indication to those who were not members of the inner circle that Stewart could be a crucial witness about Moorer-Radford if asked to give sworn testimony.

On January 31, 1974, Don Stewart went to a meeting of former FBI agents accompanied by a large poster that he had prepared. He propped it up on an easel just outside the meeting room. It read:

> In recent articles in newspapers, I have been maligned—White House attorneys called me a "blackmailer" and stated I tried to pressure them for the FBI director and deputy director job. Not true! .... Senator Baker allegedly referred to me as a "crook or a nut." Believe me— breaking a good domestic espionage case has its problems when high people are involved. I would welcome a congressional hearing.