



COMMITTEE CHAIRMAN PETER RODINO (LEFT) & RANKING REPUBLICAN EDWARD HUTCHINSON DURING BREAK IN JUDICIARY COMMITTEE HEARINGS

**THE NATION**

**WATERGATE**

**Facing the Court and Counting the House**

As Richard Nixon came home from the limited accomplishments of the Moscow summit last week, he found little comfort in the news that awaited him. A Gallup poll taken two weeks ago, after his Middle East tour, showed that his approval rating in the nation stood at 26%—two percentage points lower than in the most recent poll a month earlier and only one point above his all-time low last April.

The President's physician, Dr. Walter Tkach, underscored the importance that Nixon had attached to his foreign trips, and the determined—even incautious—way in which he had declined to delay them. Contrary to previous White House reports, said Tkach last week, the blood clot loose in the President's left leg "could have killed him." Tkach, who has been criticized for allowing the President to travel while suffering from phlebitis, had urged Nixon to go into a hospital in Salzburg, Austria, during the early stages of his first trip. The President refused, saying that he had an "obligation" to proceed to the Middle East. Later, said Tkach, the clot became "fixed"—attached to the wall of the vein—and the danger to the President's life was now "pretty much gone."

**Test and Trial.** This week, after four days' rest in Key Biscayne, the President will return to the sweltering capital to face a test that may well prove crucial to his—and the nation's—future. The U.S. Supreme Court, after hearing two hours of oral arguments, will decide whether the President must release 64 White House tape recordings (*see sto-*

*ry next page*). The court's decision could come as early as this week, but might drag on for several weeks.

A victory for the President would give his cause a tremendous lift. But in the more likely event that the court orders public disclosure of the tapes—and if they provide further damaging evidence—the pressure to remove the President from office would be greatly increased. Any refusal by Nixon to obey the court's order would lead to impeachment and very likely to conviction by the Senate.

In the meantime, the trial of John Ehrlichman, Nixon's former top aide for domestic affairs, and three erstwhile White House "plumbers" was continuing in Washington. Ehrlichman is charged with one count of conspiracy and four counts of perjury: authorizing the plumbers' burglary of Daniel Ellsberg's psychiatrist in September 1971 and then lying about his involvement in the affair to the FBI and to a Watergate grand jury. Ehrlichman maintains that he knew nothing about the break-in until after it had occurred.

Some of the testimony most damaging to Ehrlichman was given last week by Egil Krogh, former head of the plumbers unit. He told the court that Ehrlichman admitted to him that he had been forced to "dissemble" in discussing the break-in with the FBI. Assistant Special Prosecutor William Merrill asked Krogh to define "dissemble." Said Krogh: "To be less than candid."

In mid-April 1973, said Krogh, Ehrlichman phoned him to say that Pres-

ident Nixon was aware of the burglary and considered it a matter of national security; Nixon did not want Krogh to discuss it with anyone. About a week later, shortly before Ehrlichman resigned, he called once again to reaffirm the message. According to Krogh, Ehrlichman said that the President wanted to "tell you that personally."

**"Seamy Things."** While Watergate cases were being played out in the courts, the impeachment of the President was proceeding in the House of Representatives with growing partisan bitterness. Two weeks ago, the chairman of the House Judiciary Committee, New Jersey Democrat Peter Rodino, announced that the committee would attempt to speed its impeachment hearings by calling only two of the six witnesses requested by the President's defense lawyer, James St. Clair. Last week Rodino reversed himself and said that all six would be called. He made this conciliatory gesture in return for a concession from House Republicans: their support in suspending a House rule that gives each of the committee's members the right to question witnesses.

The procedural change seemed eminently reasonable. Congressman Edward Hutchinson, senior Republican on the Judiciary Committee, gave it strong support—though he has disagreed with Rodino on some other matters. "I never heard of a judicial or even a quasi-judicial proceeding," he said, "where witnesses under oath would be questioned by 38 or 40 people." But many other House Republicans were angry at Ro-