



Lawrence McIntosh

Jaworski: Would the star Watergate witness turn out to be Mr. Nixon?



Ranan R. Lurie

Stepping Up the Pressure

The walls were closing in again on Richard Nixon. His ill-fated Operation Candor, its promises of full disclosure as tattered as the holiday tinsel, sputtered to an official end with the release of two skimpy "white papers" on the ITT affair and the milk-fund scandal. As so often before in the long history of Watergate, the few new facts disclosed were nearly as damaging as the influence-peddling allegations being denied. The best-case interpretation portrayed a President trading political favors and jeopardizing loyal aides to stay in office—and an excerpt from a White House tape promptly turned up to cause further embarrassment. What's more, Watergate prosecutor Leon Jaworski, in his first press briefings, refused to rule out the possibility that a sitting President could be indicted—and said that it was conceivable Mr. Nixon might be called as a witness in Watergate trials. The machinery of impeachment was grinding

with new momentum, and Mr. Nixon's own 61st birthday wish for "a better year" sounded both wistful and hollow.

The President spent that birthday in the privacy of San Clemente, a continent away from the White House he has come to shun, and then went on to even greater seclusion at a friend's estate in the desert. But neither distance nor solitude could shut off the bad news.

There was a report that his onetime mainstay, John Ehrlichman, was pleabargaining with the special prosecutor. Even when all sides denied it, the report only underlined the kind of pressure being applied to the remaining loyalists who might still have damaging tales to tell. An old scandal about intramural spying in the government resurfaced (page 30), a deposition turned up from campaign secretary Sally Harmony stating she had filled in \$50,000 worth of blank checks from Howard Hughes, and word leaked that the IRS and the Con-

gressional staff looking into Mr. Nixon's tax returns had already decided he had underpaid by sizable amounts.

Another new ally sounded suddenly remote: Attorney General William Saxbe said the Justice Department would not help defend the President from impeachment charges unless they involved clearly political, as opposed to criminal, accusations. If it came to an impeachment trial in the Senate, Saxbe said, Mr. Nixon would have to hire his own lawyers.

Platter? Prosecutor Jaworski's stern tone seemed an effort to keep a distance both from the President and from the active staff looking into impeachment for the House Judiciary Committee. The White House, he said, had turned over "a substantial amount of material," including both tapes and documents—but not without quibbling: "Don't let the conclusion be drawn that these things are handed over on a silver platter."

Jaworski said he believes the two most

celebrated missing tapes—John Dean's April 15 meeting and John Mitchell's June 20 phone call—still exist somewhere, and an "exhaustive" search is under way to turn them up. He would be glad, he said, to cooperate with the House committee wherever proper, but only a court could release material that had been given to a grand jury. And Jaworski was clearly concerned that any wholesale release of grand jury evidence could jeopardize his own cases.

When a reporter asked whether the President might himself be called to testify, Jaworski said, after a long pause: "It could conceivably be so—that we would need the testimony of the President in explanation. His voice is on many of the tapes, you know." Later he said he "will not be bound" by ex-Attorney General Elliot Richardson's ruling that a President can't be indicted until he has been impeached. Jaworski cited no evidence from his investigation that might lead to a Presidential indictment, but he said one of his aides was studying the constitutional question and that he himself has reached no conclusion.

Confrontation: Jaworski's words could be a signal that he sees Mr. Nixon involved in the scandal at least enough to call for explanations under oath. Any such move, of course, would touch off yet another constitutional confrontation, with the outcome uncertain at best. But at latest polling, 79 per cent of the country wasn't satisfied with Mr. Nixon's prior explanations—and last week's installment wasn't much help.

As he has in past disclosures, Mr. Nixon chose to deny wrongdoing in the ITT and milk-fund cases by conceding most of the disputed facts and then insisting that his motives were pure. He had indeed known of the dairy industry's promise of \$2 million in campaign contributions when he approved a 1971 increase in milk subsidies, the White House statement said, and he had taken into ac-

count "traditional political considerations" as well as economic facts. But he had never discussed campaign funds with the dairymen, and it was coincidence that his long-scheduled meeting with them came on the same day he approved the increased subsidies. Similarly, the President had ordered his Justice Department not to pursue an ITT anti-trust case—but only because of his deep conviction that corporations shouldn't be prosecuted merely for being big. He had not known of ITT's promise to bankroll the GOP convention with as much as \$400,000. "His actions," the White House concluded, "were totally proper."

But the much-promised documentation of the two white papers was conspicuously missing, on the argument that the tapes and the papers in question were being turned over to Jaworski's shop, and

fuller inspection showed both defenses to be shot with contradictions of previous White House statements. "There is absolutely no way to resolve the conflicting versions," said Indiana Sen. Birch Bayh. "Either two Attorneys General committed perjury or the White House has once again misrepresented the facts." Both John Mitchell and Richard Kleindienst had indeed sworn that the President had never discussed the ITT case with them. In addition, the new White House position seemingly contradicted sworn testimony by both former Solicitor General Erwin Griswold and former Agriculture Secretary Clifford Hardin.

Mr. Nixon's admission that he had been aware of the dairymen's campaign pledge also contradicted his own proclaimed scrupulousness about not wanting to know such things. And his assertion that he didn't talk money with his visitors brought the best proof yet that he was right in believing that his White House tapes might be interpreted ambiguously. Pursuing a Ralph Nader lawsuit challenging the legality of the subsidy increase, attorneys who had been granted access to the tape of the key meeting filed with the court a partial transcript containing these Presidential remarks: "I am very grateful for the support that we have had [inaudible word] from this group . . . I must say a lot of businessmen and others I get around this table, they yammer and talk a lot but they don't do anything about it. But you do, and I appreciate that. I don't need to spell it out. Friends talk [?] and others keep me posted as to what you do."

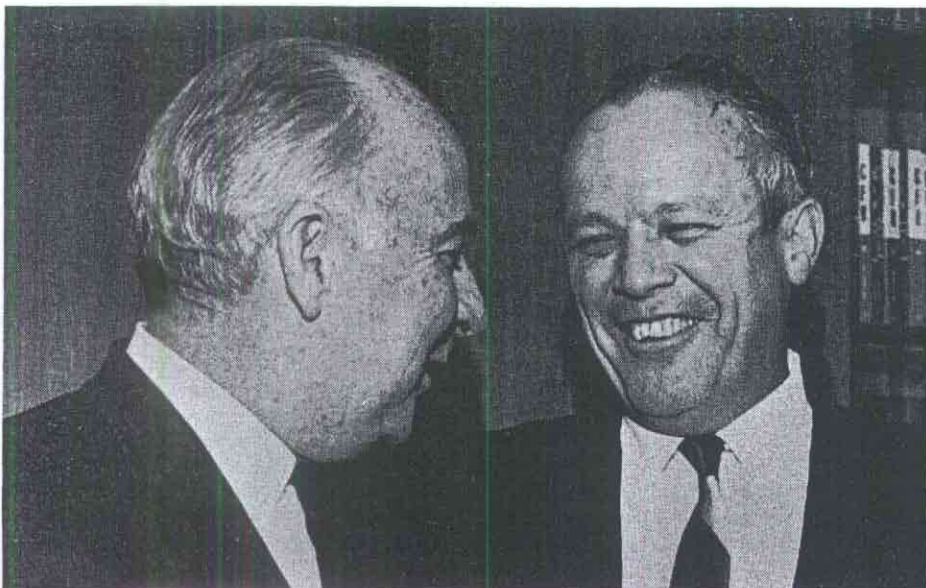
Spectacle: Even without new discrepancies, the white papers touched off no enthusiasm, even among loyal Nixonians. "I'll tell you one thing," said a former Republican National Committee aide in Washington. "No one is running around saying, 'Oh boy, he's finally cleared himself.'" The spectacle of Mitchell, Kleindienst, Griswold and Hardin twisting in the wind was chilling; another former GOP official said bleakly: "Somebody apparently decided the white paper would help save the President, and to hell with whoever else it hurts." Even White House aides showed more relief than elation at the finale of Operation Candor. "Why should we keep pouring this stuff out," asked one, "when people keep beating us over the head with it?"

Whether Mr. Nixon had any other strategy remained unclear. At the weekend, he ended his California sojourn; hours after the press was told the President was staying on, he flew by government jet back to Washington. There, the rain of indictments was to start within weeks, and insiders were predicting that Ehrlichman, H.R. Haldeman, Mitchell and Charles Colson were surely among the targets—speculation that could only increase pressure on them. "Those are the guys," said a lawyer close to the case, "who would know what there is to know about the President's involvement—if they choose to tell."



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Harmony: A passel of blank checks



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Mitchell, Kleindienst after confirmation: A suggestion of perjury