

FORMER ATTORNEY GENERAL KLEINDIENST



FORMER APPOINTMENTS SECRETARY CHAPIN WITH WIFE AFTER HIS SENTENCING

WATERGATE

The President Resolves to Fight

"I am not guilty of any offense under the Constitution that is called an impeachable offense."

So said Richard Nixon last week as both he and the U.S. Congress dug in for a long and fierce struggle over whether the President should be removed from office. At the White House, Nixon told Conservative Columnist James J. Kilpatrick in a rare interview that after "long thought," he had resolved not to resign "under any circumstances." Moreover, he ruled out "the rather fatuous suggestion that I take the 25th Amendment and just step out and have Vice President Ford step in for a while."

If impeached by the House, Nixon said he would "accept the verdict in good grace." But he promised a vigorous defense during the Senate trial that would follow. He explained: "I would do it for the reasons that are not—what do you call it—those of the torador in the ring trying to prove himself; but I would do it because I have given long thought to what is best for the country, our system of Government and the constitutional process." Nixon believes that the removal of an innocent President through either "resignation or impeachment would have the traumatic effect of destroying [the nation's] sense of stability and leadership . . . I will not be a party under any circumstances to any action which would set that kind of precedent."

Resignation Benefits. The interview, which was requested by Nixon, was the first he has permitted in his second term as President (see story page 16). The unusual way that he chose to declare his determination signified the urgency he placed on stilling the rumors of his imminent resignation. They have whirled about the White House since he released edited transcripts of 46 tape-

recorded Watergate conversations with his aides.

Similarly, on Capitol Hill last week, Democratic and Republican leaders alike tried to quell rank-and-file congressional demands that Nixon step down and save the nation the trauma of impeachment and trial. Senate Democratic Whip Robert C. Byrd of West Virginia warned that a forced resignation would polarize the nation. "A significant portion of our citizens would feel that the President had been driven from office by his political enemies," he said. "The question of guilt or innocence would never be fully resolved." Senate Majority Leader Mike Mansfield declared that "resignation is not the answer." House Speaker Carl Albert advised that it was preferable "for the constitutional process to run its course."

The Democratic leaders may well have been sincere in their statements against resignation, though in private they did not convincingly deny that they would be greatly relieved if Nixon did step down. In fact, House leaders even ordered staff members to examine resignation's possible financial benefits to Nixon. They found that if he were removed from office by conviction in the Senate, he would get a pension of only about \$12,000 a year, due to him because of his 18 years' Government service as a Naval officer, Congressman and Vice President. If he left voluntarily, he would also get the normal presidential pension of \$60,000 a year, plus up to \$96,000 annually to maintain a staff and office. But the overt Democratic strategy has been to act as statesmen, avoid obvious partisanship and leave talk of resignation to the Republicans.

G.O.P. leaders, however, were having no part of it. Although none defended Nixon's conduct, they clearly had de-

cided against asking Nixon to resign despite their outrage over the tawdry portrait of his presidency revealed by the transcripts. Tennessee Senator William Brock, chairman of the Republican Senate Campaign Committee, said that Nixon has a right to a Senate trial "if he wants it, which he seems to." Senate Minority Leader Hugh Scott of Pennsylvania added: "I think our nation is strong enough to withstand the functioning of its own Constitution." The Republican leaders doubtless also had in mind the possibility that Nixon could be acquitted. White House Speechwriter Patrick Buchanan warned that if Republicans forced Nixon out of office and he were later found to be innocent of wrongdoing, it "would be close to fatal for the Republican Party."

Pleading Guilty. As the pressure for resignation eased, Nixon's men kept walking into Washington courtrooms to face justice. Dwight L. Chapin, 33, once the President's appointments secretary, was given a term of 10 to 30 months for lying to a federal grand jury about his role in directing Donald Segretti, the political dirty trickster of Nixon's 1972 campaign. Chapin said that he would appeal his case to the Supreme Court if need be. (Chapin is the fifth former White House aide or consultant to be sentenced to jail. Three others—John W. Dean III, Frederick LaRue and Jeb Stuart Magruder—have pleaded guilty to taking part in the Watergate cover-up and are awaiting sentencing.)

A day later Richard Kleindienst, 50, the former U.S. Attorney General, pleaded guilty to the charge of a misdemeanor stemming from his confirmation hearings, which were conducted by the Senate Judiciary Committee. In effect Kleindienst admitted that he had not been completely candid when he testified that as Deputy Attorney General, he had not been pressured by the White House to drop an antitrust case against the International Telephone and Telegraph Corp., which was to pledge up to

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\$400,000 to the G.O.P. In fact, the President himself had given Kleindienst such an order (which Kleindienst refused to carry out), saying: "You son of a bitch, don't you understand the English language?"

Kleindienst, who could be sent to jail for as long as a year but may get a suspended sentence, is only the second former Cabinet officer in history to be convicted of a crime. (In 1929 Albert Fall, President Warren G. Harding's Secretary of the Interior, was given one year for bribery in the Teapot Dome scandal.) Watergate Special Prosecutor Leon Jaworski agreed to let Kleindienst plead guilty to a misdemeanor, in part because the former Attorney General had cooperated with the investigation of the ITT affair.

In the House, the Judiciary Committee's impeachment inquiry seemed to be moving more slowly last week than

originally expected. Chairman Peter Rodino planned to hold the first televised public session this week. But it appears the week will again be spent behind closed doors as the committee continues to hear evidence accumulated by the staff in its investigation of 41 allegations of wrongdoing by the President. Last week the staff presented evidence on the Watergate cover-up and how \$450,000 in funds from Nixon's reelection campaign was paid as "hush money" to the seven original Watergate conspirators. This week the committee will hear about Nixon's taxes, campaign financing and campaign "dirty tricks." At the earliest, the public phase of the hearings may not begin until next week.

Even though the committee members had promised to keep the staff evidence confidential, excerpts of its transcript of a Sept. 15, 1972 conversation between Nixon and two top aides

leaked. In a letter to Rodino, Presidential Attorney James St. Clair protested that the leaks were "prejudicing the basic right of the President to an impartial inquiry on the evidence." St. Clair demanded that all further proceedings be conducted in public "so that the American people can be fully informed with regard to all the evidence presented." Rodino recommended instead that Nixon release all the Watergate-related tapes and other documents that he has refused to yield to the committee and Jaworski.

The leaked excerpts contained material deleted as irrelevant from the White House transcript of the Sept. 15 meeting. Although the omitted passages offered no new evidence of Nixon's guilt or innocence, one of them did provide a fresh example of his vindictiveness. In it the President said that the *Washington Post*, which was vigorously investigating the Watergate scandal, would have "damnable, damnable problems" in renewing the licenses of two television stations that it controls. Nixon also said of Attorney Edward Bennett Williams, who was representing both the *Post* and the Democratic National Committee at the time: "We're going to fix that son of a bitch."

Relevant Conversations. The committee sent two new subpoenas to the President. One demanded eleven tapes of his conversations with aides on April 4, June 20 and June 23, 1972. Special Counsel John Doar said the tapes are needed to determine if Nixon had prior knowledge of the break-in at the Democratic National Headquarters on June 17, 1972, and if he participated in the beginning of the cover-up the following week.

The second subpoena demanded the President's daily schedules from April to July 1972, when the break-in was planned and executed; from February to April 1973, when the cover-up was unraveling; from July 12 to July 31, 1973, when it was disclosed that presidential conversations were taped; and from October 1973, when Nixon fired Watergate Special Prosecutor Archibald Cox. Doar said the committee needed the logs to determine whether there were other conversations relevant to Watergate that should be requested. Nixon seemed unlikely to comply with the subpoenas; the deadlines are this Wednesday. St. Clair once more contended that Nixon's already released transcripts provided all the evidence needed to establish his role in Watergate.

Many constitutional experts believe that Nixon has no right to refuse the Judiciary Committee's subpoenas. In an article published by the *Yale Law Journal* last week, Harvard Law Fellow Raoul Berger called the President's claim that the material is protected by Executive privilege an "extraordinary spectacle . . . [that] stands history on its head." He also attacked St. Clair's argument to the Judiciary Committee that Nixon can be impeached only for in-

An Error of Transcription: "Bah" or "ACT"?

While recovering from a slipped disc, Municipal Bond Trader John B. Northrop (right) of Huntington, N.Y., spent four days carefully reading President Nixon's Watergate transcripts—and discovered a rather sloppy error. His find drew an admission from the White House last week that two typists had independently transcribed the same portion of a meeting between the President (P) and Assistant Attorney General Henry E. Petersen (HP) on April 16, 1973. The overlap slipped by, and the two versions appeared in tandem in the published transcript as separate conversations. The error was not caught sooner because the versions differ so markedly, underscoring the House Judiciary Committee's argument that only the tapes will suffice as evidence in its impeachment inquiry. Comparisons of parts of the two versions:

FIRST VERSION

HP: Personally [inaudible], well, I've been [inaudible] and have advised the Jury of that fact and two that [Acting FBI Director L. Patrick] Gray, from what [former U.S. Attorney Harold H.] Titus who has [inaudible] of the [inaudible] over there has to go to see Sirica.

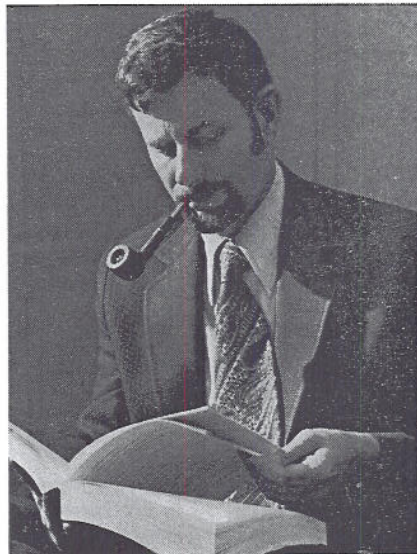
P: I don't think [inaudible] that's [inaudible].

HP: That's [inaudible]. I don't think he will do anything unless it's in the current [inaudible] of proceeding he's in [inaudible]. I can't conceive a point which of Titus and—if there.

P: This timing thing I think is terribly important—you know.

HP: I think it is.

P: Can't have the President—after all—after all these months and what we've gone through and now once I have learned something of it I say "bah."



SECOND VERSION

HP: [Inaudible] question. [inaudible] I told him one, I would be willing to go [inaudible] and advise his lawyers of that fact and, two, that they—and by that I mean Titus who has the best relationship with Sirica over there—is going to have to wait and see Sirica, ah—

P: [Inaudible].

HP: That's a problem. That's a risk we would have to take. I don't think he will. I don't think he will do anything unless it is the context of a proceeding in his court. I can't conceive of him urging the [inaudible] of Titus and [inaudible].

P: [Inaudible] timing on this is terribly important you know, because

HP: I understand it is.

P: You can't have the press—after all these months and what we have gone through and all. Once, I find something out—I say—ACT!

dictable offenses. Berger called it "a pastiche of selected snippets and half-truths, exhibiting a resolute disregard of adverse facts." He went on to say that both Nixon and St. Clair disregard the fact that the framers of the Constitution saw impeachment as an exception to the doctrine of separation of powers and carefully made impeachment "both limited and noncriminal." Of St. Clair, Berger concluded: "He is not so much engaged in honest reconstruction of history as in propaganda whose sole purpose is to influence public opinion."

Timetable for Trial. In another dispute over Watergate evidence, Federal Judge John J. Sirica took under advisement White House lawyers' pleas against surrendering 64 presidential tapes to Prosecutor Jaworski. The President contends that Jaworski has not demonstrated that he needs the material. Among the tapes sought are three of conversations between Nixon and former Special Counsel Charles Colson on June 20, 1972, just three days after the Watergate break-in. The prosecutors hope that tapes of the conversations will shed some light on two other presidential conversations held the same day: one with former Chief of Staff H.R. Halde- man, which was partially obliterated by an 18½-minute mysterious buzz; the other with former Attorney General and Campaign Director John Mitchell, which presidential aides claim was never taped. The prosecutors believe the tapes may also explain why Nixon could not shake the fear, as he put it on April 15, 1973, that Colson was "up to his navel" in the Watergate affair. Colson has specifically denied any involvement in the break-in.

With a presidential resignation no longer a serious option, many in the Congress and elsewhere in Washington figure that impeachment by the House is a foregone conclusion, though it is far too early to predict the outcome of the Senate trial. To speed up the process, Democratic House leaders plan to pass the remaining appropriations bills before July 1, thus allowing the Representatives to give complete attention to impeachment. The leaders' current timetable calls for the House Judiciary Committee to finish its investigation by the end of June and if it votes an impeachment resolution as expected, for the full House to vote on the matter by July 31. If articles of impeachment are approved, Nixon will be given a month to plan his defense, enabling the Senate to begin the trial by Sept. 3—the day after Labor Day. Although the Senators will meet six days a week with no recess for the fall campaigns, the leaders are not certain a verdict can be reached by Election Day, Nov. 5. At all costs, they want to keep the trial from going on into next year, when the 93rd Congress expires and the 94th begins. If that happens, some congressional experts believe that the impeachment process might have to start all over again, an unthinkable prospect.

THE PRESIDENCY/HUGH SIDNEY

Nixon: Steady as He Goes

He is Richard Nixon the Durable.

Ohio Republican Congressman Sam Devine, a former Columbus prosecutor, was on the yacht *Sequoia* with the President and eight other conservative congressional friends last week. Devine cast his courtroom eye over the man, looking for the signs of pressure. A little older all over, thought Devine. The crow's-feet around the eyes were deeper. Gray in the presidential eyebrows. He watched Nixon's hands, an old courtroom tactic. "No tremors at all," said Devine later. "His gestures were good. When the President talked, he looked me directly in the eye."

Nor did Devine see any diminished appetite. Nixon ate his crab claws with gusto as the *Sequoia* plied the waters of the Potomac. He chewed through a good slice of roast beef, ate carrots and beans, polished the meal off with ice cream. "The only thing I saw him turn down was a second cup of coffee," said Devine.

Illinois Republican Congressman Robert Michel, also on board that evening, had anticipated that there might be a little tenseness, given the events of the past days in Washington. "It was," he reported later, "the most open kind of uninhibited meeting that I have had with him since he was Vice President." Michel was at the President's side. The first thing he noted was that Nixon was in a checked sports coat. The President obviously had considered the occasion, and since he was going out on a boat, decided to be a little sporty. Good, thought Michel, as he watched the way the President sat, how he crossed his legs. Nixon was a relaxed man that evening.

Usually on such cruises, a burdened President has confined himself to ginger ale. Michel, on a liquor-free diet, thought he would have a companion again. "Oh, now, come on," Nixon urged the Congressman, who heads the Republican Congressional Campaign Committee, "break down a bit." Nixon did. He had a couple of Scotches and water. Then there was a nip of light white Bordeaux with the crab claws and some hearty California Cabernet Sauvignon with the beef. Michel unlimbered his camera and took some snaps of the men on this special excursion into history.

Glenn Davis, Wisconsin Republican, catalogued Nixon too. Steady voice, emotions under control, he thought, but always tough. When talk of resignation came up, the President hammered it home. Never, never, never. When Nixon found out that Michigan's Elford Cederberg had a daughter in the hospital, he insisted that the Republican Congressman take the floral centerpiece out to her. "I wish that we could do more," he said. Cederberg felt that the Nixonian sense of humor was sound, and so was the President's mental condition. Nixon was ready to talk about problems from the Soviet Union to congressional politics. "What stamina," Cederberg said later in the week.

That also was the report of Conservative Columnist James J. Kilpatrick, who had been invited into the Oval Office a few hours before for an exclusive hour-and-20-minute interview, the first of its kind for more than a year. Kilpatrick looked at the long Nixon fingers for tremors of the kind Kilpatrick sometimes gets himself. "Not a single quiver," he said. The President displayed good humor. He mentioned his fear of a "gap" in foreign policy leadership, halted, then grinned: "You understand this gap would be longer than 18½ minutes."

Nixon was up on Kilpatrick. One recent column suggested Nixon was innocent of criminal acts. But after a more thorough reading of the transcripts, Kilpatrick wrote another column deploring the White House squalor. When the writer hit the President with a question about the tapes, Nixon said, "I suppose that is some of that amorality you were talking about yesterday."

Once Kilpatrick mentioned Julie, who had faced a crowd of reporters in defense of her father. Nixon raised both arms, doubled his fists and then, after a few seconds of poignant silence, said one word: "Julie." It was as if she were a part of what keeps him going.

NIXON BOARDING THE PRESIDENTIAL YACHT SEQUOIA



THE WHITE HOUSE

A Stout If Rambling Defense

Eager to talk about his presidency, Richard Nixon last week took the unusual step of inviting Columnist James J. Kilpatrick of the Washington Star-News Syndicate to drop by the Oval Office. A Virginia conservative with a waspish wit, Kilpatrick has supported Nixon for years, although he did admit to feeling "shame, embarrassment, disgust, chagrin" after reading the full text of the White House tapes. The interview turned into a rambling, often self-serving monologue that lasted 80 minutes. The President's main points:

WHY NOT RESIGN? Nixon gave two reasons to justify his refusal to resign. First, he felt he should stay in office to continue to deal with the great issues of foreign policy that confront the nation: China, détente and the Middle East.

how painful it had been for him to ask for the resignations of H.R. Haldeman, the White House chief of staff, and John Ehrlichman, the President's top domestic adviser. "I cut off one arm," said Nixon, "then the other arm, and [that] was about as rugged a period as anybody could be through."

VIEWS ON BUGGING. The President remarked that former Attorney General John Mitchell had been right in testifying that Nixon would have blown his top if he had known about the bugging of Democratic headquarters. Said Nixon: "I believe in hard, tough campaigning, but I believe it has to be fair."

Nixon recalled his own resentment when he learned that his office had been bugged during his losing campaign

after the system was put in, as the transcribed conversations clearly indicated, I wasn't talking with knowledge or with the feeling that the tapes were there. Otherwise I might have talked differently.

"My own view is that taping of conversations for historical purposes was a bad decision on the part of all the Presidents."*

Why had Nixon finally made public edited transcripts of some of the subpoenaed tapes? Admitting that he would have preferred not to, but an aroused electorate demanded it, the President said: "In this instance, we had no choice." He explained that he felt that the tapes would assure the public that he knew nothing of Watergate or the cover-up, and that he had taken action when he had learned the facts.

PERSONAL FITNESS. Kilpatrick judged that the President had lost "some of the edge of sharp incisiveness that he exhibited a few years ago. Mr. Nixon's

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COLUMNIST JAMES KILPATRICK INTERVIEWING PRESIDENT NIXON IN THE OVAL OFFICE
Surviving Watergate without "tingling nerves and a churning stomach."

Second, and more basic, Nixon said that he would weaken the institution of the presidency by resigning. A strong United States, he declared, requires a strong President. "I will never leave this office in a way . . . that would make it more difficult for future Presidents to make the tough decisions." Without resolute, independent Presidents, Nixon said, "the chance for peace and freedom to survive in the world is down the tube." Summed up Nixon: "I have to be here, and I intend to be here."

HOW DID WATERGATE HAPPEN? Nixon put the blame on himself for not supervising his 1972 campaign with the care he usually devoted to elections. But when Kilpatrick suggested that Nixon may have been "betrayed" by his aides, the President raised his voice in anger: "I'm not going to indulge in a conversation with you or anybody else condemning men who have given very great service to this country." Nixon recalled

to be elected Governor of California in 1962. During his campaign for the presidency in 1968, said Nixon, "there was not only surveillance by the FBI but bugging by the FBI, and [J. Edgar] Hoover told me that my plane in the last two weeks was bugged." (The President offered no reasons for the buggings.)

THE TAPES. According to Nixon, the celebrated White House tapes were made as the result of an offhand decision. Nixon recalled that Haldeman had walked in one day and reported that the officials of the library being organized for his presidential papers had said it was essential that tapes be made. When he asked why, Haldeman replied, related Nixon: "Well, Johnson had tapes—they're in his library at Austin—and these are invaluable records. Kennedy also had tapes," and he [Haldeman] said, "You ought to have some record that can be used years later for historical purposes." I said all right. I must say that

conversation tends to run off on tangents." But Kilpatrick also decided that Nixon remained firmly in command of his situation. Because he has successfully weathered other crises during his career, Nixon said, he was surviving Watergate without "tingling nerves and a churning stomach." At one point, he asserted: "I am a disciplined man."

If Nixon were to go on trial before the Senate, Kilpatrick asked, would he be able to defend himself while simultaneously managing the affairs of the country? "Yes," the President said grimly. "And I intend to."

*The Johnson library in Austin, Texas, contains some 500 transcripts of important phone conversations that President Lyndon Johnson made apparently without the knowledge of the participants. The archives for the Kennedy library, which is still to be built, hold 68 recordings of President John Kennedy's phone conversations, plus 125 tapes of his meetings. According to Dan H. Fenn Jr., the library's director, some of the tapes clearly show that the participants were aware that they were being recorded. But the full extent and nature of the taping done by Johnson and Kennedy are still not known.

What
a way
out!