

Committee Report: What Makes Sam Dash

CHIEF COUNSEL: Inside the Ervin Committee—the Untold Story of Watergate. By Samuel Dash. Random House. 275 pp. \$10

By ANTHONY MARRO

EARLY ON IN HIS BOOK, Sam Dash confesses that he had a twinge of doubt about his ability to handle the job. "Was I good enough?" he worried the night it was offered. "My whole professional career seemed to have prepared me for this call from Senator Ervin, but I couldn't prevent the self-doubts, which began to give me a chill."

He turned to his wife, Sara. She stared at him, he writes, with a partly worried, partly frightened look in her

ANTHONY MARRO covered the Ervin committee hearings for Newsday.

eyes. "Do you really want it?" she asked. Their voices were almost a whisper. "But can I handle it?" he fretted aloud. His confidence returned. "I think I can. I know I can," he exclaimed. Sara smiled warmly. "I don't know anyone who can do it better than you," she said. "But I'm worried. Will you be able to take the pressure?" "I think I'll thrive on it," he replied. "But you're the one who will have the worst of it. You know that I'll hardly ever be home."

All this can be found on pages 11 and 12, giving both fair and early warning of what is to come. As a *cum laude* graduate of Harvard Law, a professor of law at Georgetown University, a former prosecutor and a legal scholar, Dash was in a unique position to provide a serious assessment not only of the Ervin Committee but of the whole concept of congressional committees as investigative tools. Instead, he opted for soap opera, with himself as hero. His book is a running account of what he sees as triumphs over weak-kneed Democrats, obstructionist Republicans, a lazy press, staffers who

wouldn't tell him what they were doing, a special prosecutor who wanted to torpedo his act and Richard Nixon's stonewalling, bullet-biting, last-ditch defenders.

The result is not so much an inside or untold story as it is a self-serving and highly selective retelling. Dash takes credit for much that went right, blames others for much that went wrong and simply ignores some of his own mistakes and embarrassments. There is no mention, for example, of the fact that the first person he hired as an investigator, a private detective and old buddy named Harold Lipset, had to resign suddenly at the start of the probe when it was revealed that he had himself engaged in illegal electronic surveillance.

By the time the Ervin Committee's investigation sputtered to a close, Dash had become the focus of a good deal of bad-mouthing, most of it private but some of it in the press. The summer's hearings had been a stunning success, but backstage, according to some of his critics on the committee and staff, had been a nightmare of sloppy staff

work, disorganization and internal feuding. "The real story of that investigation has never been told," one staffer said recently. "And I hope it never is."

There is good reason to think it still hasn't been. Dash provides far more than we had in the past, but throughout his 275 pages he goes to such lengths in his attempts to refute criticisms and to detail all his own contributions to the success of the investigation, that the book lacks the self-criticism needed to make it totally credible. For example, he expresses outrage that one of his assistants, Terry Lenzner, withheld information from him and pursued leads that Dash hadn't ever been told about. But nowhere does he stop to question whether this could have happened if he had exercised proper control in the first place, or to suggest that something was amiss in an operation where staffers felt the need to make end runs around their chief counsel.

He complains repeatedly about leaks

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of material, chastising committee members and staffers who he believes leaked information for partisan purposes or to ingratiate themselves with the press. Yet when one phase of his investigation was threatened by senators who wanted to call the work to a halt, he admits he went to Lenzner and asked him to "suppress his passion for

secrecy in the interest of salvaging the investigation." In short, he asked Lenzner to leak word that the staff was close to pay dirt, and thus put media pressure on the committee to keep the investigation alive. This admission comes after a half dozen or so rather pious denials by Dash that he ever leaked anything, and one begins thinking that maybe it was just a matter of terms. When someone on Senator Weicker's staff put out information, it was a leak. When Dash had it done, it was suppressing a passion for secrecy,

The book is valuable for its *Rashomon* quality, giving us a chance to hear a now-familiar story from yet another perspective. Dash sees many things in a different light from such earlier Watergate authors as Fred Thompson, the minority counsel, and John W. Dean, and it sometimes is fascinating to note the disparate versions that spring from the same defenseless collection of facts. His descriptions of back-room maneuverings are frequently excellent, providing a wealth of detail that should delight historians and political scientists, as well as political opponents of Senator Howard Baker. According to Dash, Baker pretended in public that he was anxious to follow the facts wherever they led, but in truth was working feverishly in closed sessions to limit the probe.

This is important, and should be part of the record. But in his constant harping about partisan biases, Dash seems not to have accepted the fact that such committees are, at bottom, political forums. One thing missing from this book that Dash seems well qualified to provide is a scholarly assessment of the values and pitfalls in investigations that are at least as political as truth-seeking in nature.

Fred Thompson noted in his own book, *At That Point In Time*, that Walter Lippman once termed congressional investigations "legalized atrocities," and that liberals for years have protested the fact that witnesses are confronted with hearsay testimony, are not given the chance to face their accusers, and often aren't permitted a bill of particulars to help them prepare their defense. All of these issues were again brought to the fore during the Watergate hearings, and Dash was in an excellent position to judge whether the need to learn what an outlaw presidency had done to the country in fact did outweigh some of these long-standing concerns.

Chief Counsel, however, does not deal at any great length with such issues. Instead of a dispassionate study, we have a first-person account, telling us not only what happened but also how he felt about it—and often how Sara felt, too.

More troubling, however, are a number of errors, ranging from a slight misquoting of Ron Ziegler's assessment of the committee report to what seems to be an incredible misstating of Leon Jaworski's message to Ford. By every other account, including Jaworski's, the special prosecutor indicated only that Nixon *could* be indicted. Dash, without citing any sources at all, says flatly that Jaworski told Ford that Nixon *would* be indicted—and then goes on to assert that this was the ma-

ior factor behind Ford's decision to grant him a pardon.

Dash has harsh words for a surprisingly large number of Watergate figures, from Archibald Cox (who infuriated him by asking him to call off the hearings), to H.R. Haldeman (who sometimes glared at him with "the fire of hatred"), to Jeb Stuart Magruder (who managed, on the day that he testified, to offend Dash's sensibilities with the "hypocrisy of . . . instant conversion").

He complains that Woodward and Bernstein imperiled the investigation by persuading members and staffers to leak information and then "lazily re-writing" its investigative product. And he argues that in not showing great interest in the so-called "Dirty Tricks" phase of the hearings, reporters had become "censors."

More surprising is the degree to which Dash turns on some of the people who worked for him, first singing praises about their intelligence and drive, but then depicting them as self-centered, egotistical, small-minded and, occasionally, inept.

Rufus Edmisten, the deputy chief counsel, is portrayed as a publicity hound, who was forever rolling his swivel chair into center stage, particularly when there were photographers around. Dash says that Lenzner and another top aide, David Dorsen, were worried that their investigations would get second billing, and that only the hearings on the Watergate break-in (which was being handled by the third top staffer, James Hamilton) would get television coverage. "That will give Jim Hamilton the limelight and leave Terry and me little or no opportunity for public exposure," he quotes Dorsen as saying. Lenzner is shown as growing increasingly "morose and secretive" as his investigation of Bebe Rebozo drew to a close, trying to issue subpoenas that Dash felt the committee had no power to issue and driving his staff behind Dash's back in search of the discovery that "would finally produce the headlines and newspaper credits that had been denied them."

By the time Dash has finished, he has managed to criticize, embarrass, insult or malign everyone who had any dealings with him, his own men as well as the President's. Whether these portraits are accurate and fair is something that outsiders would be hard-pressed to judge. But from start to end, Dash constantly is more critical of others than he is of himself, and many of the people hit by his criticisms are likely to feel that—like the campaign practices the committee investigated—this, too, should be considered a dirty trick. □