



JUDGE WILLIAM MATTHEW BYRNE JR.
The table was bare.

ing peace to America, peace to the world." He had "sought to remove the day-to-day campaign decisions from the President's office and from the White House."

Yet whatever his aides did, Nixon seemed to understand. They were men, he said, "whose zeal exceeded their judgment, and who may have done wrong in a cause they deeply believed to be right"—meaning his re-election. He implied that they may have acted in response to "the ugly mob violence" and "the excesses or expected excesses of the other side." He claimed that "it can be very easy under the intensive pressures of a campaign for even well-intentioned people to fall into shady tactics . . . and both of our great parties have been guilty of such tactics."

This was an offensive attempt to portray the Democratic campaigners—and indeed all U.S. politicians—as being guilty of the same kind of improper and criminal activity as that of his adherents. No "mob violence" was evident when the Watergate bugging was planned or carried out, nor was there much reason to expect any as a result of Democratic tactics; even if there had been such an expectation, it would hardly have justified the Watergate or related enterprises. While there obviously is plenty of political corruption on all sides, there is no evidence that Democrats—or other Republicans—burglarized offices, tapped telephones, kept huge caches of secret campaign funds to finance the disruption of opponents' campaigns, or tried to obstruct the judicial system's attempts to punish the offenders.

The President never did say flatly

that he had not heard of plans in his Administration to bug the Democratic headquarters. He said that he first learned that such a break-in had occurred at the Watergate apartment and office complex when he read news reports. "I was appalled at this senseless, illegal action" and was "shocked" to learn that members of the re-election committee "were apparently among those guilty." That does not explain why he authorized Press Secretary Ziegler, just two days after the June 17 break-in, to dismiss it as "a third-rate burglary attempt."

Nixon said he received repeated assurances from his aides that no one in his Administration had been involved. He contended that it was not until March that he began to suspect "that there had been an effort to conceal the facts both from the public—from you—and from me." Now, he vowed, "I will do everything in my power to ensure that the guilty are brought to justice. We must maintain the integrity of the White House. There can be no whitewash at the White House." Nixon urged both parties to join in seeking "a new set of standards, new rules and procedures to ensure that future elections will be as nearly free of such abuses as they possibly can be made."

Deadline. In fact, there are a number of laws against all the practices that Nixon's men fell into. There is obvious need for the reform of campaign funding, but the Nixon officials flagrantly violated the fund-disclosure and reporting laws already on the books. Nixon's chief fund raiser, former Commerce Secretary Maurice Stans, in fact, had furiously tried to beat the deadline before a tighter disclosure law went into effect on April 7. He collected some \$6,000,000, often in cash, in just the two days before the deadline, from men who did not want to reveal their identities. He did so even after Nixon had praised the new law as "giving the American public full access to the facts of political

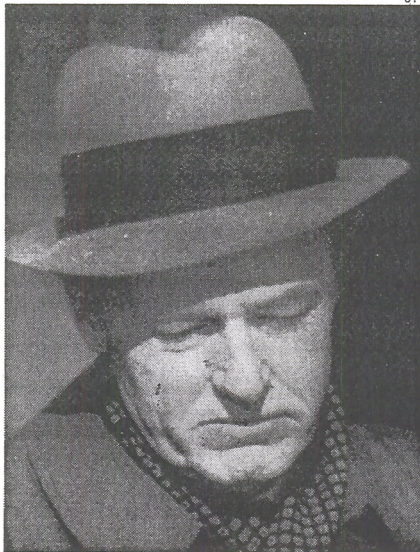
financing" and thus "building public confidence in the integrity of the electoral process."

Most of the people apparently have remained unconvinced by his TV speech. A quick Gallup poll disclosed that 50% of his audience believed that Nixon was personally a party to the attempts to conceal White House involvement in the Watergate wiretapping conspiracy. Forty percent also believed he knew about the bugging all along. On the other hand, in a rather disturbing display of cynicism about Government, 58% said the Nixon Administration had done no worse than previous postwar Administrations.

Professional Republican politicians expressed delight that Nixon had at last spoken up, but were agonizing over what Watergate had already done to their organization's morale, fund drives and prospects in near-future state and local elections. Many Republican student activists who campaigned for Nixon last year felt betrayed. The ultraloyalist Chicago *Tribune* editorialized: "If a President as politically astute as Mr. Nixon is deceived by his appointees, one may suspect that in some measure at least he wanted to be deceived by them."

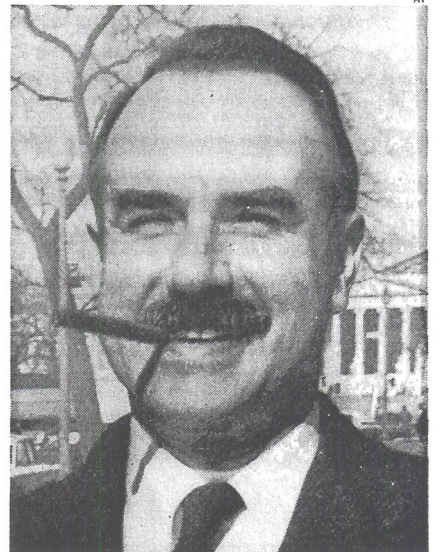
The intensity of overseas interest in Nixon's Watergate speech was exemplified by the British Broadcasting Corporation's TV network: it stayed on the air more than two hours later than usual for his appearance, at 2 a.m. British time. The BBC estimates that more than 2,500,000 Britons stayed up, glued to the telly. Said a British Foreign Office spokesman: "Nixon says he would like to get on with the job. But can he do it? And contending with a hostile Congress, his power to fulfill his commitments will surely be limited."

Others considered this view to be overly negative. Moscow and Peking, for example, did not let their controlled press or radio report any of the latest, most sensational developments. Mos-



E. HOWARD HUNT

"A vulnerability and feasibility study"—the operation fizzled.



G. GORDON LIDDY

What the President Had to Say Before

IN the months between the time that the Watergate burglary was first revealed in the press (June 17) and the time when Nixon announced (April 17) that he had learned of new "serious charges," it was mostly presidential surrogates who issued the denials of White House involvement. The President himself said remarkably little about the affair. Here are his principal statements:

▶ On June 22, five days after the Watergate break-in, Nixon said at a news conference that such an act "has no place whatever in our electoral process, or in our governmental process," and added that "the White House has had no involvement whatever in this particular incident."

▶ On Aug. 29, at a press conference Nixon "categorically" denied that anyone on the White House staff or at that time employed anywhere in his Administration was involved in what he called "this very bizarre incident." He blamed the break-in on "overzealous people" and promised that there would be no attempt to cover up the facts, saying, "We want the air cleared. We want it cleared as soon as possible."

▶ On Oct. 5, Nixon denied that he knew anything about the break-in and told the press that he was pleased with the FBI's investigation. "I wanted every lead carried out to the end because I wanted to be sure that no member of the White House staff and no man or woman in a position of major respon-

sibility in the Committee for Re-election had anything to do with this kind of reprehensible activity."

▶ On March 2, Nixon said that Executive privilege would apply to John W. Dean III, and that he would not permit his counsel to testify before the Senate select committee investigating Watergate. Said Nixon: "No President could ever agree to allow the counsel to the President to go down and testify before a committee."

▶ On April 17, Nixon reversed field. He told reporters that he had begun "intensive new inquiries" into the Watergate affair, as a result of "serious charges which came to my attention." He said no one in the Administration should be given "immunity from prosecution," adding: "I condemn any attempts to cover up this case, no matter who is involved."

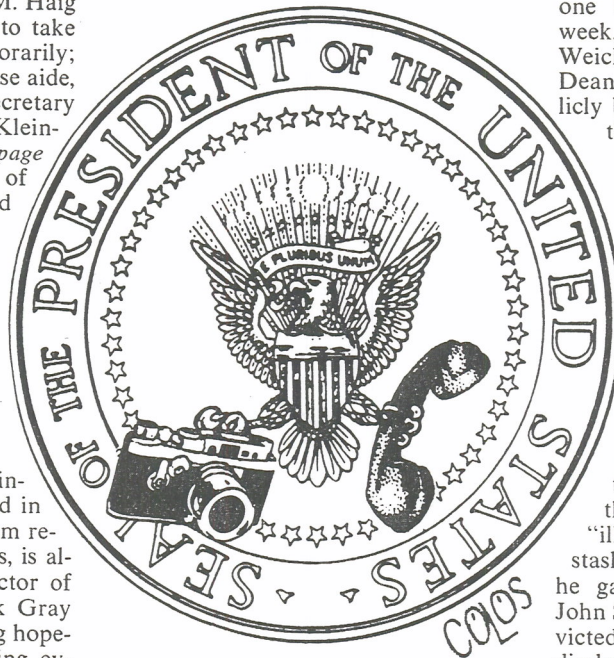
cow's reasoning undoubtedly was that it had too heavy an investment in friendly relations with Nixon, in view of upcoming East-West state visits, to risk smirching his image.

Nixon moved quickly to fill some of the gaping holes created in his staff. He named General Alexander M. Haig Jr., Army Vice Chief of Staff, to take over Haldeman's duties temporarily; Leonard Garment, a White House aide, to replace Dean; and Defense Secretary Elliot Richardson to succeed Kleindienst as Attorney General (*see page 30*). Former Deputy Secretary of Defense David Packard was, said Ziegler, the most likely choice to fill Richardson's spot as Defense Secretary. By week's end no one had yet been assigned the full range of Ehrlichman's chores, but Kenneth R. Cole Jr., another J. Walter Thompson product and a top Ehrlichman assistant since 1969, will take on added duties.

The sensibilities in the Administration have become so bruised in the infighting that another interim replacement, William Ruckelshaus, is already in trouble as acting director of the FBI. He replaced L. Patrick Gray III, who had resigned after being hopelessly compromised by destroying evidence and cooperating with the White House to protect high officials in the Watergate scandal. Although no one assailed Ruckelshaus personally, the tough former head of the Environmental Protection Agency became the target of a revolt within the FBI against any more political appointments. All but one of the FBI's 59 field-office heads joined in a telegram to the President demanding that "qualified executives within the FBI" be considered for the top spot. Ruckelshaus, who does not want the permanent directorship, tried to calm the top FBI officials in a 20-minute meeting. But after he left, they met

for two hours and still insisted that someone whom the White House could not control be named to head the bureau.

On the sound theory that the Administration simply cannot be trusted to investigate itself, no matter how in-



dependent Attorney General Richardson may prove to be, a bipartisan clamor arose for him to name an outside prosecutor in the Watergate case. Nixon said Richardson was free to do so, and the Attorney General-designate indicated that he will.

The stage is thus finally set for a full and hard-hitting inquiry in which any protection of the men around Nixon—or of the President himself—will be most unlikely. The federal grand jury in Washington, which has been looking into the Watergate case since last summer, will continue to take testimony from all the suspects and from other

witnesses. Senator Sam Ervin's Select Committee on Campaign Practices expects to begin televised hearings next week on Watergate and Republican campaign-disruption tactics.

The most potentially explosive witness, Counsel Dean, talked privately to one Senate committee member last week, Connecticut Republican Lowell Weicker. Some lawyers suspect that Dean hopes to air his testimony publicly before the committee, then plead that the widespread publicity would make it impossible to find an unbiased jury for any trial on criminal charges. Others too might try this tactic, or seek immunity from the grand jury, creating something of a marketplace for officials trying to avoid jail.

Dean, who remarked to associates that he feared for his life, took away from his office nine documents that he says are marked secret and shed light on the Watergate hearing. He said that he removed them to prevent "illegitimate destruction" and then stashed them in a bank deposit vault; he gave the keys to Federal Judge John Sirica, whose pressure on the convicted wiretappers helped release new disclosures.

How could such pervasive corruption of ethics start in an Administration of such seemingly square-shooting disciples of law and order? Some of Nixon's critics contend that he set the general pattern in the earliest stages of his political career, when he used some questionable tactics. More important, the closeness of Nixon's first two presidential campaigns, against John Kennedy in 1960 and Hubert Humphrey in 1968, bred an almost paranoid insecurity among Nixon's campaign workers. The slim win over Humphrey was a special shock.

Once he gained the presidency, Nix-

on became unusually obsessed with protecting Administration secrets. The Administration's appalling willingness to spy, snoop and wiretap can be traced as far back as 1969. TIME has learned that the spying operation started early in 1969, when Nixon became furious over leaks to the press and determined to find out how newsmen were learning of various military policy discussions within the Government.

The President at first asked that the FBI tap the telephones of several reporters, including two at the *New York Times*, and of at least four of his own White House aides. FBI Director J. Edgar Hoover resisted, on the grounds that the practice would be indefensible if discovered. Hoover would order the tapping, he said, only if Attorney General John Mitchell gave him written authorization. Mitchell did. Recalls one Government official: "It was essentially a

fishing expedition." Though little was learned from the taps, they resulted in one official's being shifted from a sensitive Pentagon post and the transfer of another out of the State Department. The FBI taps on reporters continued at Mitchell's direction through much of 1970 and 1971, as Nixon became angry about press disclosures of American U-2 spy flights over China.

As Hoover became more irascible and seemed a political liability to the Administration, the Justice Department moved tentatively to pressure him out of office. Kleindienst, who was Deputy Attorney General in 1971, publicly suggested that Congress investigate the operation of the FBI. Angered, Hoover telephoned Kleindienst and threatened to reveal those embarrassing taps. No further move against Hoover was made by either Nixon, Mitchell or Kleindienst. Explained a Justice Department

official: "Hoover used those wiretap authorizations to blackmail the Nixon Administration. As long as he had the papers [documenting the taps], they couldn't get rid of him."

In the late spring of 1971, Hoover suddenly discovered that all of his records on the taps had disappeared. He ordered W. Mark Felt, now the bureau's No. 2 man, to investigate. Felt could not find out who had carried out what agents call "a bag job"—a burglary—on the FBI's own files. Felt asked Robert C. Mardian, then an Assistant Attorney General, if he knew who had taken the documents. Replied Mardian: "Ask the President. Or ask Mitchell."

Nixon ordered a crash effort to find the source of more leaks in the summer of 1971. The U.S. position at the SALT talks with the Soviets had begun leaking into newspapers, and Daniel Ellsberg released the Pentagon pa-

The Good Uses of the Watergate Affair

SOME Americans—it might even be a majority—catch themselves in a guilty sensation: they are glad about Watergate.

They should not feel guilty. Watergate could have highly salutary consequences.

To be sure, there are those who are pleased for reasons of petty partisanship or from a vulgar enjoyment of that dependable old theme, *The Mighty Brought Low*. But there are deeper reasons for taking satisfaction in the whole squalid affair.

▶ Watergate has already destroyed a White House palace guard that "sheltered" the President from Congress, from many high officials of his own Administration and from many regions of public opinion. It is possible that President Nixon will try to reconstruct another palace guard as arrogant, zealous and narrow as the one built by the banished Haldeman and Ehrlichman. They would be difficult to match, however, and the President's first moves this week suggest that he will now try for a somewhat more loose and relaxed staff around him. This would be good for Nixon and for the country. If Richard Nixon were as jovial and gregarious as, say, William Howard Taft, he might have needed a Haldeman ("I'm Nixon's s.o.b.") to protect him from his own openness. That is not his problem.

One of the many mysteries left over from the President's TV speech of April 30 is why he gave such lavish praise to Haldeman and Ehrlichman. If they were indeed among "the finest public servants it has been my privilege to know," why was he forcing them to resign? Was this praise the price for their going quietly (so far)? One prefers to

think that it was an oblique acknowledgment of the President's own responsibility for the general style, if not all the specific acts of his staff, and that the President would now be wary of comparable "devotion."

▶ Another good result of Watergate could be a clearer understanding in the country as well as in Washington of the role of a free press in a free society (*see PRESS*). There will be "adversary" elements in the relationship between the press and any President, but the Nixon Administration has been paranoiac on the subject. Until the past fortnight, the White House was treating journalistic pursuit of the Watergate story as though it were malicious or downright unpatriotic. In his April 30 speech, belatedly but generously, the President actually praised the press for its work in exposing Watergate. Ron Ziegler picked up the cue the next day and, under some prodding, apologized for his contemptible attacks on the *Washington Post*. Amateur Zieglers, Agnews, Haldemans, Ehrlichmans all over the country will have to take notice.

The freedom of the press does not exist for the private enjoyment and self-esteem of journalists but to keep people—even Presidents—informed. Watergate could be a turning point, after several years of Government hostility and harassment, toward a renewed national perception of why a fully independent press (with its abundant faults and excesses) is essential to the American system.

▶ Most salutary of all, Watergate could be a historic check upon the long and dangerous aggrandizement of the presidency. The Federal Government is not really the same thing as the United

States; it is one institution in America; and the President is not really synonymous with the Federal Government; he is the head of only one of its three branches.

The growth of the modern presidency began with the Depression and New Deal, World War II and F.D.R.'s own immense zest for power. The atomic bomb added an awesome new dimension to presidential responsibility, though the first two nuclear-age Presidents had a nice way of not taking themselves too seriously. Truman was fond of remarking that any of a million other men (this was pre-Women's Lib) were as well qualified to be President. Ike had a genial instinct that the republic would still be standing tomorrow morning if he played a round of golf this afternoon.

But under Kennedy, Johnson and Nixon, for all their differences, there has been a driving personal urge to power, a philosophical view of the presidency as the central institution in American life, and a whole series of external events and circumstances that gave vast scope for presidential activity.

We need a strong presidency, of course, but in recent years the Executive-Legislative relationship has tilted far out of balance. Johnson and Nixon both assumed an utterly autocratic control over the power to make war. Nixon has threatened to carry Executive impoundment of funds voted by Congress to further lengths than any previous President. And until he had to reverse himself a few weeks ago, he was asserting fantastic claims of "Executive privilege" to give his men immunity from testifying before Congress about anything he chose to have them silent about.

pers to the New York *Times* and other newspapers. Nixon demanded that Mitchell plug those leaks within two weeks. The President apparently asked no questions about the tactics to be used.

Mitchell was reluctant to ask Hoover to do this type of snooping again. That led White House aides to set up their own spying operation. They recruited G. Gordon Liddy, a former FBI agent, and E. Howard Hunt Jr., who had worked for the CIA and had written dozens of mystery novels. The hiring of Liddy had been suggested by Egil Krogh, Deputy Assistant for Domestic Affairs, that of Hunt by Presidential Special Counsel Charles W. Colson. Liddy and Hunt became known in the White House as "the plumbers," because they were hired to plug leaks. They later became an integral part of the Watergate crew. This team promptly began tapping telephones, including

those of New York *Times* reporters.

At first the plumbers worked out of the office of David Young, a staff assistant to the President. Young's boss was Krogh, who reported to Ehrlichman. At the same time, Liddy coordinated his spying activities with the Justice Department by keeping Robert Mardian informed. The whole arrangement bypassed the FBI.

The spying apparatus sprang readily into action in September 1971 when Nixon ordered his own White House investigation into Ellsberg's entire background. Ehrlichman admits that he assigned the Hunt-Liddy team to the task. In testimony before the Washington grand jury, released last week by U.S. District Judge William Matthew Byrne Jr. at the Ellsberg trial, Hunt told an intriguing story of being aided by the CIA in the burglarizing of the Beverly Hills office of Psychiatrist Lewis Fielding.

Hunt testified that he worked out of what he called "Room 16" in the Executive Office Building next to the White House. He first asked Liddy why the Secret Service could not handle the burglary to get Ellsberg's records. Liddy told him, as Hunt reconstructed it, that "the White House did not have sufficient confidence in the Secret Service in order to entrust them with a task of this sort." But the White House clearly did have faith in Liddy and Hunt. At Krogh's direction, the pair flew to Los Angeles on Aug. 25, 1971, registered in a hotel under false names (George Leonard and Ed Warren), to make what Hunt grandly called "a preliminary vulnerability and feasibility study"—meaning that they cased and photographed Fielding's office building and located his house. They used an experimental miniature camera supplied by a CIA operative and hidden in a tobac-

TIME ESSAY

None of these controversies will ever be the same again, at least for the balance of Nixon's term, and one hopes for longer. Congress is stronger than it was a month ago. The courts are stronger. The citizen's rights of dissent and skepticism are fortified.

► Will the pendulum swing too far? One of the ablest of Nixon's appointees (in no way tainted by Watergate) sometimes broods: "It is much too easy to destroy a President." The fact is, it is not easy at all. The American governmental system gives tremendous security to a President. He can sustain severe political defeats, even scandals, and still function reasonably effectively as President. What he *cannot* do after defeat and scandal is pose as the supreme embodiment of American history and purpose or some democratic monarch by divine right. But he was never meant to be that—even without defeat and scandal. It may be that the greatest service of Watergate is to deflate swollen notions of the presidency as well as Mr. Nixon. He has lost his "landslide" of last November. He seems now to have just squeaked in, less honorably than he squeaked in back in 1968.

It is interesting that in the past fortnight, some of the most anguished comments about "preserving the presidency" have come from liberal Democrats profoundly unsympathetic to Richard Nixon the man but devout believers in the near mystical view of the presidency. They lament "the crippling of the presidency," a "collapse" of the American form of government, etc., etc. Nonsense. The presidency was never meant to be so majestic that it could not accommodate lapses of judgment or even ethics.

Admittedly Watergate is a very large lapse, with no near parallel in our past. In his speech the President was much too quick to put Watergate be-

hind him and turn to the "larger duties" of his office—the economy, foreign policy, etc.

But his instinct is right for the longer run. His best reparation to the American people will be in redoubled effort on the stubborn problems of domestic policy and follow-through on his statesmanlike openings in foreign policy. The public, for its part, is already coming down off some of the more overblown views of the presidency, and that is why so many people are able to see considerable good coming from Watergate. The public has perceived that the President of the United States, even as other men, can be very good at some things and quite deficient in others.

For the short term there is no question that the Government and the country suffer a loss. There will be confusion, even paralysis, in some areas of policy for weeks or even months to come. Good men in no way contaminated by Watergate may quit the Government; other good men may hesitate to join it.

There is obviously more to come about the Watergate affair and more the President himself will have to do, including eventually a fuller and franker account of his own discussions and decisions from the beginning. Meanwhile, we are all much indebted to a privately employed night watchman who was on his toes; three District of Columbia policemen who reacted very fast; a posse of persistent journalists; the courageous judge, John Sirica, who reminds us what an independent judiciary means; the looming figure of Senator Sam Ervin, whose impending hearings surely helped loosen various tongues. In short, the American democratic "system," an even grander and more important thing than the presidency, is still running. ■ Hedley Donovan

