



MRS. H.R. HALDEMAN

STEVE NORRHUP

co pouch. (The agency last week denied any advance knowledge of this burglary, but federal prosecutors demanded a full explanation.)

Returning to Washington, the spooks wrote a memo suggesting that the burglary could be done, and submitted their photographs—all, Hunt said, going to Ehrlichman's deputy, Krogh. Hunt said that he reported regularly to Krogh and took orders from Krogh. The CIA, added Hunt, also supplied him with a "sterile" phone number, meaning that it was unlisted and there were no billing records. In addition, the CIA gave Hunt and Liddy disguises when they needed them, and a "safe house" in which to meet undetected in Washington.

Fizzle. After getting approval from Krogh, Hunt flew to Miami to enlist help in the Ellsberg bag job. He hired Bernard Barker, a former CIA agent (later part of the Watergate wiretapping operation), and two Cuban refugees. They all met in Los Angeles on Labor Day weekend.

Two of the Cubans, dressed in deliverymen's uniforms, entered Fielding's office building on the night of Sept. 4, while Hunt watched the doctor's home and Liddy maintained walkie-talkie contact with the Cubans from a cruising car. The Cubans carried a suitcase with air-express invoices addressed to Dr. Fielding, and thus persuaded a cleaning lady to admit them to Fielding's office. They left the suitcase, containing a CIA camera, then punched the "unlock" button on the office door before leaving. When they returned later, they found the door relocked and had to break in. The operation fizzled, however, when they could not find any file with Ellsberg's name on it.

Back in Washington, Hunt told Krogh that "it was a clean operation—there were no fingerprints left behind—but it had failed to produce." They later considered returning to California to search Fielding's house for Ellsberg's records, but decided that was too risky. Hunt said he tried to tell Colson about the unsuccessful search, but Colson refused to listen, saying: "I don't want to hear anything about it." Hunt also testified that his group later gathered FBI records on Ellsberg's personality, and these were used to help the CIA compile "a secondhand psychiatric profile" of Ellsberg.

The unfolding of Hunt's testimony in Judge Byrne's courtroom was only one of a series of startling developments there. The judge opened the week's proceedings with astonishing testimony of his own from the bench: he had been summoned to an April 5 meeting with John Ehrlichman at the Western White House at San Clemente. Ehrlichman brought up the possibility of Byrne's becoming permanent director of the FBI. Byrne said he had replied that he would discuss no federal appointment while the Ellsberg case was being tried. He also had had a formal, handshake meet-

ing, "lasting probably less than a minute," with President Nixon himself. Defense counsel erupted and filed a formal motion for a mistrial on the basis of what they called "possibly an attempt to offer a bribe to the court—an attempt made in the virtual presence of the President."

Byrne took that motion under advisement. Later, incredibly, he announced that he had had a second meeting with Ehrlichman on April 7 and had reaffirmed his refusal to consider a new appointment at that time. He failed to make clear why this second meeting was necessary.

Defense lawyers moved again for a mistrial, and further for dismissal of all charges against Ellsberg and Anthony J. Russo, "with prejudice"—meaning that the Government could never reopen the case against them. The White House interference was, so far as legal historians could recall, without precedent. Defense counsel, their score of legal assistants and the defendants decided to take no further part in the proceedings. When Byrne opened court next morning he saw the defense table was bare—no papers, no files, not even a pencil. In effect, the defense boycotted the trial by refusing to examine witnesses. Byrne insisted: "I am convinced beyond any doubt at all that nothing has compromised my ability to act as a fair and impartial judge in this case." With that, he chose to sit tight, at least over the weekend.

Byrne continued to order the prosecution to reveal all the sources of its evidence, so he could judge whether any had been obtained illegally. The Government's case would thereby be "tainted." It seemed that he was thus establishing a basis for dismissing the case on technical grounds. Alternatively, if the Government refused to disclose sources (because of possible embarrassment to the highest federal offices), the prosecution itself might move for dismissal. The judge complained, in fact, that some Government officials were refusing to talk to the FBI. Either way, the Government would be humiliated and Ellsberg vindicated.

Leaks. Acting Presidential Counsel Garment last week released guidelines for all Administration officials who might be called to testify about the Watergate-related cases—and these seemed to explain the spreading Government silence in the Ellsberg case about telephone taps and burglaries. One guideline said that officials should not answer any questions "relating to national security—e.g., some of the incidents which gave rise to concern over leaks." This could block more revelations about the White House "plumbers." But were the guidelines released because national security was really involved or because investigation of the activities could lead directly to the President? Nixon also reasserted, through Garment, earlier restrictions against officials' divulging any conversations with the President



MARTHA MITCHELL

KEN REGAN—CAMERA 5



MRS. JOHN EHRLICHMAN

RICARDO THOMAS

The Presidential Cleanup Crew

WITH his top staff practically wiped out by scandal, President Nixon last week faced the grim problem of choosing replacements. To fill key posts, he needed aides in whom he had personal trust and whose integrity seemed invulnerable to challenge. To be his White House chief of staff, his Attorney General and his counsel, he selected three men who had already served him faithfully while avoiding the kind of animosity aroused by other Nixon aides. The trio:

GENERAL ALEXANDER MEIGS HAIG JR., 48, succeeds H.R. Haldeman as the man who runs the White House staff and governs accessibility to the President. For the duration of his temporary assignment, he may become the second most powerful man in the White House. His main mission will be to reknit a staff that has been torn apart by Watergate. It is another command performance asked of a man whose desire to be a soldier has often been frustrated by his talents as an organizer and superefficient headquarters type.

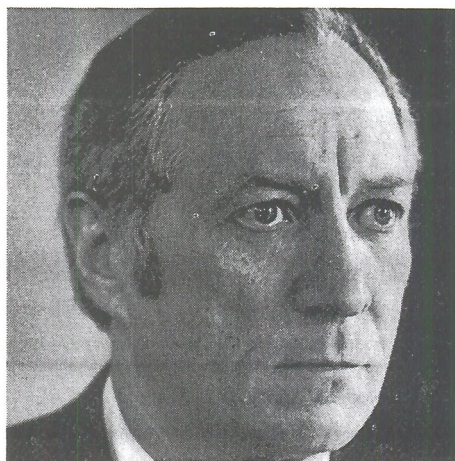
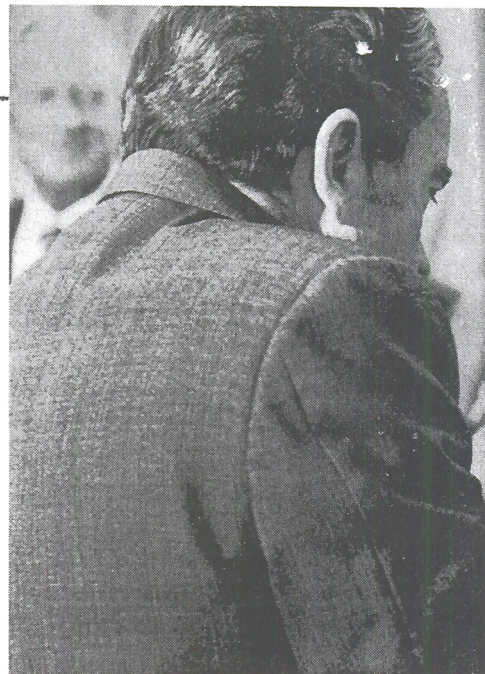
An undistinguished cadet at West Point, Haig graduated in the middle of his class (1947), learned the art of briefing while on General Douglas MacArthur's staff during the Korean War. That job and then a case of hepatitis kept him from the fighting. He was late getting to Viet Nam because Defense Secretary Robert McNamara wanted to keep him in the Pentagon as a special assistant. Finally, in 1966-67, he commanded first a battalion, then a brigade in combat. He was seriously wounded and had several close brushes with death. As a colonel, he was asked to join Henry Kissinger's staff temporarily in 1969, and soon became Kissinger's indispensable deputy. Departing on a trip to Europe, Kissinger told Haig that the office was not properly coordinated.

When he returned eight days later, it was.

Haig never aspired to be an innovator in diplomatic affairs, but shone as the organizer and expeditor, with a loudly expressed detestation of "gimmickry." As a substitute for Kissinger in briefing the President, Haig came to know Nixon well. During the last dry run for Nixon's journey to Peking, Haig served as advance man, inspecting each place the President would visit in China. He has also made twelve trips to Southeast Asia for the White House.

Haig is reputed to have no enemies, though he is envied by the 230 officers he leaped over in going from two-star to four-star rank. Appointed the Army's Vice Chief of Staff only last January, Haig will not have to leave the service to take his temporary White House assignment. He will have little time for his wife, a general's daughter, and their three children. And he won't be spending much time with the troops, either.

ELLIOT LEE RICHARDSON, 52, becomes Attorney General, replacing Richard Kleindienst, whose Justice Department was rather sluggish in exploring the depths of Watergate. Few men are better qualified by temperament and experience than Richardson to be the nation's chief legal officer. A Bostonian with an early out-of-character record of traffic violations (at least 14, some involving reckless driving while under the influence of liquor), Richardson edited the *Harvard Law Review* and went on to clerk for Learned Hand and Felix Frankfurter. As the U.S. Attorney for Massachusetts, he successfully prosecuted Bernard Goldfine for tax evasion after Goldfine's involvement in the Eisenhower Administration's saltiest scandal (though tame by Watergate standards). Later he was a vigorous and well-regarded Massachusetts attorney



LEONARD GARMET

general. "Elliot," the cliché went, "would put his own mother in jail if he had to." Richardson is married to the daughter of a socially prominent Rhode Island family, and they have three children.

In Boston and in Washington, Richardson's personal integrity has never

on grounds of Executive privilege.

Even before the burglary of the psychiatrist's office, the White House had begun to shift its clandestine activities toward the effort to re-elect Nixon. In 1971, Nixon's prospects for re-election were not promising. A Harris poll in May showed Muskie with an eight-point lead over the President, assuming Alabama Governor George Wallace would run. Nixon, who had declared that "when I'm the candidate, I run the campaign," did not trust the Republican Party professionals to handle his re-election drive. He wanted a separate organization. A group of admen and pollsters were consulted; they found Nixon's personal popularity was so low that they advised that he stress the office rather than his name. Thus his organization became the Committee for

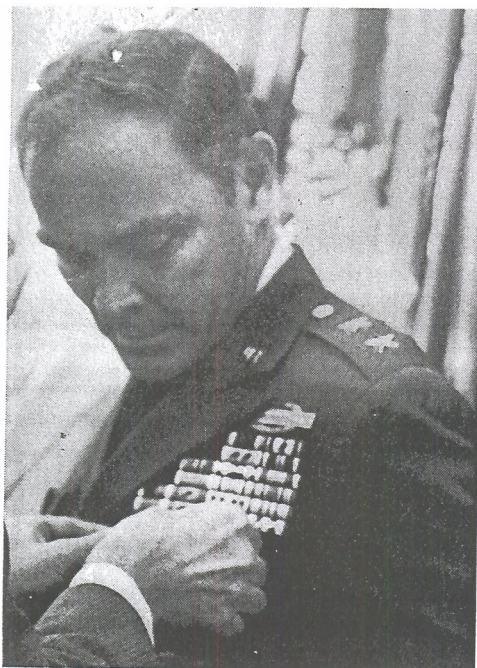
the Re-Election of the President. It was largely composed of Administration officials, who were relatively inexperienced in politics but who had demonstrated their total loyalty to Nixon.

The first Nixon aim was to knock down the chances of Muskie's or Senator Edward Kennedy's becoming his opponent and to build up McGovern, who was rightly considered the easier man to beat. This tactic of interfering in the Democratic campaign was approved by Haldeman. Hunt began probing the intimate backgrounds of the potential Democratic candidates. He investigated Kennedy's accident at Chappaquiddick Island. Hoping to further discredit him, Hunt fabricated a State Department cable falsely stating that President John Kennedy had ordered the assassination in 1963 of South

Viet Nam's President Diem. Liddy also joined the sabotage operations.

At the same time in 1971, Dwight L. Chapin, the President's appointments secretary, arranged for Donald Segretti to set up a team of infiltration and sabotage agents. Segretti was paid by the President's personal lawyer, Herbert W. Kalmbach. The agents reported to Gordon Strachan, an assistant to Haldeman, while Haldeman apparently was the top supervisor. By March 1972, the loose network had at least 30 agents.

Muskie's campaign was plagued by mysterious problems, though there is no proof that the Nixon operators caused all of them. As early as August 1971, someone reprinted on his stationery a Harris poll dealing with Chappaquiddick. This mailing went to Democrats in Congress, raising complaints that



NIXON DECORATING GENERAL HAIG

DIRCK HALSTED

been challenged. But his ability to stand up for his principles has come into some question since he became Secretary of Health, Education and Welfare in 1970. A liberal Republican like his predecessor, Robert Finch, he often fared poorly in fights with conservatives in the Administration over such issues as welfare reform and school busing. He never wavered in his loyalty to the President, who often overruled him in favor of hard-nosed staffers. Then Nixon named him Defense Secretary—a post he held just 91 days before getting his latest assignment. He was reluctant to change jobs again, in part because he believed it would be more appropriate for the new Attorney General to come from outside the Administration. He accepted the commission at the President's insistence because "I have an overriding duty to do so." Perhaps he sensed that as Attorney General he might face a conflict between his seemingly unshakable loyalty to Nixon and his affection for lawful, orderly government.



ELLIOT RICHARDSON

WALTER BENNETT

LEONARD GARMENT, 49, persuaded by Nixon to become the unofficial successor to the discredited legal counsel, John W. Dean III, is "a different kind of guy" by consensus of White House cognoscenti. He is, most agree, "more compassionate, more relaxed" than other presidential aides. Says one admirer: "He has made no enemies—he's even made friends for the White House. Name one other guy in there that you can say that about!" Garment is described as "a liberal guest in a conservative house." He has often spoken up in White House councils as a minority of one; how he has survived there for almost four years is something of a mystery. One possible reason: he never really cracked the inner circle. But he is appreciated for his personality, wit, intellect and ability to square his liberal leanings with the President's policies.

Born in Brooklyn to immigrant Jewish parents, Garment helped support

himself while in Brooklyn College and Brooklyn Law School by playing the clarinet and tenor sax in a number of bands, including Woody Herman's. Among the odds and ends, as he calls them, that he has performed for Nixon, Garment once played his professional clarinet to the President's stumple-thumb piano at a White House party.

Garment went straight from law school to the New York City firm then known as Mudge, Stern, Baldwin & Todd, where he was ensconced when Nixon joined in 1963. Garment was then a Kennedy supporter and was later to vote for Lyndon Johnson. Still, he grew close to Nixon even before the new partner seemed capable of making a political comeback. Then, in the 1968 campaign, he served as a versatile adviser, talent scout and speech doctor. But he never rivaled the influence of still another law partner, John Mitchell, whom Garment is said to have proposed as campaign manager. Garment was not included on the White House team until months after Nixon's inauguration, when he became a special consultant. Garment has served conspicuously as a patron of the arts. One of his oldest friends is Michael Straight, deputy chairman of the National Endowment for the Arts. Thanks to a stipulation in Straight's gift of a \$250,000 estate to the Fairfax County Park Service, Garment lives there, in a \$275-a-month rented house, with his Brooklyn-born wife and two children.

Less conspicuously, Garment has served the President by responding to blacks' criticisms of Administration policies, dealing with militant Indians—most recently in connection with Wounded Knee—and handling a multiplicity of civil rights problems. Now he will have to deal more visibly with a wider range of thorny problems, including Watergate. He is to be the White House liaison man with the Justice Department during the investigation.

Muskie was campaigning unethically. Schedules and poll data vanished from desks. As Muskie recalls: "We were convinced that there was a spy in our campaign headquarters."

Before the first primary in New Hampshire on March 7, many white residents of that state complained of telephone calls late at night from people claiming to represent the "Harlem for Muskie Committee." The callers urged them to vote for Muskie because "he's been so good for the black man."

In Florida, shortly before the March 14 primary, Muskie stationery was used for an unsigned letter, mailed to thousands of Floridians, falsely charging Democratic Candidates Hubert Humphrey and Henry Jackson with sexual misconduct. (Last week a federal grand jury in Orlando indicted Saboteur Seg-

retti, charging him with conspiracy in the mailing.) Muskie finished a poor fourth in that primary, behind Wallace, Humphrey and Jackson.

Next, Muskie had surprising problems in California: trouble with floodlights that disturbed his delivery; his stationery was used again to tell potential large donors to keep their cash because he preferred to get a lot of collections from less affluent givers. Given the normal chance for foulups in any political campaign, it would be absurd to suggest that all of these incidents were the result of sabotage. But Segretti's activities provide ample reason for suspicion.

The Nixon men, meanwhile, were also looking ahead to the contest with whoever the Democratic candidate might be. As early as February, Plumber Liddy was again promoting wiretap-

ping plans. He had charts drawn up illustrating how to organize an eavesdropping campaign against the Watergate headquarters of the Democratic National Committee and the Miami Beach convention headquarters of the Democratic candidates.

Liddy and Hunt later helped carry out those bugging plans at the Watergate in at least one wiretapping break-in before they were arrested after the second foray in June. Investigators are trying to determine whether the two men were still working under the same officials as in their Ellsberg-psychiatrist burglary. If so, Young, Krogh and Ehrlichman also might have known about the Watergate plans. Krogh said last week that he intends to tell whatever he knows to the grand jury.

While it is not yet clear how many

Nixon officials knew about the Watergate plans ahead of time, there is no doubt that after the burglars were arrested, a broad conspiracy was quickly created to conceal the extent of the involvement of the White House and the Nixon committee. The New York *Times* reported last week that federal investigators have discovered that the principal cover-up conspirators were Haldeman, Ehrlichman, Dean, Mitchell, Magruder and LaRue. Each one, the investigators contend, has lied to either the prosecutors, to federal investigators, or to other White House officials.

The lies were designed, first, to conceal just how much money was paid to Wiretapper Liddy in advance of the Watergate bugging, as well as to hide the real purpose of the payments, and second, to cover up the fact that the arrested men were receiving monthly pay-

April 14 and claimed that Magruder told him: "It's all over. I perjured myself twelve times."

Even by chance, some observers ran across traces of that Watergate bugging operation before it was revealed. John Lofton, editor of the Republican National Committee's publication, *Monday*, told FBI agents that he visited Magruder's office at the Nixon committee shortly before the June 17 arrests. He noticed a file on Magruder's desk labeled "Gemstone I." Without mentioning any spying activities, Magruder cited some gossip about National Democratic Chairman Larry O'Brien. Lofton asked if he could use it in *Monday*. "Absolutely not," Magruder cautioned. After he read about Watergate, Lofton phoned Magruder and joked innocently: "Well, there goes Gemstone I." There was dead silence from Magruder,

Martha Mitchell attracted a press throng as she appeared in a Manhattan law office to give a deposition in a Watergate civil suit. But she disappointed everyone by confessing that she had no personal knowledge of the affair. She said that Husband John had always assured her he had not been involved, and "I trust and pray to God" that he was not.

The personal suffering would readily give way to a far greater public trauma if the President were proved to be implicated. Everyone on Capitol Hill dreads the very thought of impeachment, but it is being openly mentioned for the first time in memory. Barry Goldwater conceded last week: "If it were shown that he was in this, there's no question at all that there would be impeachment proceedings."

Nightmare. The procedure, used against only one President in U.S. history, Andrew Johnson in 1868, would require any member of the House to offer a resolution to investigate grounds for impeachment. It would be referred to either the House Judiciary Committee or a special committee, which would take evidence in full-dress public hearings. If the committee decided on the basis of the hearings that there is sufficient evidence to support the charges, an impeachment resolution would be sent to the House. By majority vote, the House could approve it.

The Senate would then be notified, as would the President, and he would be given a chance to file written answers to the charges raised by the House. The Chief Justice of the U.S. would then preside over the Senate, which would convene as a court of impeachment. There would be a trial, with witnesses, cross-examination and court rules. The President could appear or be represented by attorneys. After all witnesses had been questioned, the Senate would vote on each charge. A two-thirds vote against the President on any charge would result in his removal and disqualification for any other federal office. The Vice President would become President.

Any such action would, as one Congressman describes it, "rock the world." Practically no one expects it to happen. There is in fact a nightmarish quality to all such speculation. How could a "third-rate burglary" grow to these monstrous proportions?

From the beginning, Watergate has been, of course, a far more serious matter than that. All of the political and official spying and deception that preceded it, as well as the lying and shredding of evidence that followed it, represent to a fearsome degree lawlessness at the highest levels of Government. Whatever may yet be revealed about Richard Nixon's complicity, in a sense, he already stands impeached, by a growing consensus, for an appalling failure of responsibility. He selected the men, set the standards, and more than anyone else allowed Watergate's muddy waters to engulf his Administration.



SENATE SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES*
Creating a marketplace of officials trying to avoid jail.

ments of between \$1,000 and \$3,000 each to keep quiet about the involvement of anyone else. According to the newspaper account, the former Nixon committee treasurer, Hugh W. Sloan Jr., tried to warn the President, but was cut off by Ehrlichman.

A minor White House official, *TIME* has learned, has told Justice Department investigators that even he was part of the extensive cover-up. Herbert L. Porter, an assistant in the White House communications office last year, said that he had initially lied to the grand jury about payments to Liddy. According to sources close to the investigation, Porter said that he and Magruder had agreed on a story about having given Liddy \$100,000 to hire ten routine intelligence-gathering helpers at a salary of \$1,000 each a month for ten months. He and Magruder thus substantiated each other's accounts before the jury. Porter reported meeting Magruder on

then the cold warning: "Don't ever use that name again." Gemstone was the code word used on the typed summaries of the illegally acquired telephone conversations of the Democrats.

Whatever the degrees of guilt in the scandal, Watergate is, of course, a tragedy for the men involved and for their families. As a friend of Jo Haldeman explained: "There is no way to measure the toll. She is about as strong as he is. She'll be all right. But it's a problem for the kids. There's no way around it at school." The Haldemans have four children. Jeanne Ehrlichman, a very private woman, said firmly: "I just know my husband is going to be proved innocent." Clutching a childhood Bible,

*Seated: Tennessee Republican Howard Baker and North Carolina Democrat Sam Ervin. Standing: Connecticut Republican Lowell Weicker, Hawaii Democrat Daniel Inouye, Georgia Democrat Herman Talmadge and Florida Republican Edward Gurney.