

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

**S**OME 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

