

## THE NATION

them about Watergate in the course of his investigation. Thus it is wrong for him, they argue, to continue to direct the probe and to read the transcripts of the secret grand jury proceedings. In his present position Petersen will have a decisive role in determining who shall be indicted and on what charges. So far, Petersen has rebuffed all suggestions from his subordinates that he withdraw.

**Scold.** Yet Petersen was compromised in the original investigation, ordering Gray to confine its scope to gathering evidence only on the actual wiretapping. Petersen also restricted the department's prosecutors in the trial of two of the arrested men. That led Federal Judge John J. Sirica to scold them severely for asserting that the men on trial had acted wholly on their own.

Another case raises questions about Petersen's performance. On March 6, at Petersen's direction, the FBI discontinued its wiretaps and electronic bugs, installed with court approval, that uncovered a Mafia scheme to harvest payoffs and kickbacks from the multimillion-dollar welfare funds of the Teamsters Union, which has become Nixon's closest political ally in organized labor. In a decision protested by department officials, Petersen ruled that there was "insufficient" cause to continue the wiretaps. His edict stopped the eavesdropping after FBI agents discovered that Los Angeles gangsters seeking to tap the union welfare fund had met in Palm Springs on February 8 with Teamsters President Frank Fitzsimmons.

There is dissension within the Justice Department over Nixon's declaration that no member of his Administration should be granted immunity from prosecution in the Watergate case. This sounded like a pledge of justice without fear or favor. But some attorneys argue that it could actually pre-

vent the grand jury from getting all the evidence about the possible implication of the aides closest to Nixon. Specifically, they note that Nixon Counsel Dean asked for immunity from the Justice Department. If granted immunity, Dean said, he would testify about the involvement of officials "both above and below" him at the White House. There are only three men above Dean in the chain of command: Ehrlichman, H.R. Haldeman, chief of the White House staff—and Nixon. Others at the department contend that since Dean might turn out to be the main architect of the cover-up, he should not be allowed to evade punishment.

More evidence of the clandestine tactics used by Nixon's re-election committee were revealed last week. The *Washington Post* reported that after Nixon ordered his mining of harbors in North Viet Nam, his own re-election committee sent hundreds of telegrams to the White House applauding the action. This enabled Presidential Press Secretary Ronald Ziegler to announce that public response was running about 5 to 1 in support of the action. When a Washington television station, WTTG, announced a poll seeking public reaction to the mining, the Nixon committee mailed some 2,000 postcards to the station, approving Nixon's move. Members of the committee rushed out, bought some 1,000 Washington newspapers containing the station's ballots, and filled them out in the President's favor. Then, seeing the pile of newspapers as a possible embarrassment, they fed all copies into a paper shredder.

The committee also secretly placed an ad in the *New York Times*, protesting a *Times* editorial assailing the Nixon mining of Haiphong. The ad claimed to express the opinion of ten independent citizens representing "the people."

Phillip Joanou, an official who handled the Nixon committee's advertising, said the ad actually was written in the White House by Charles W. Colson, who was then Nixon's special counsel. The General Accounting Office charged the Nixon committee with violating campaign-fund laws by not reporting the use of its money for these purposes.

TIME has learned of other such devious tactics during the campaign. Charles Colson, who once said that he would "walk over my own grandmother" to help Nixon, recruited young men to pose as Gay Liberationists and wear large George McGovern buttons at rallies for the Democratic candidate, thus linking McGovern with that cause.

In the mutual mudslinging as the Nixon men sought to implicate each other, few top White House aides at the time of the wiretapping remained untouched. TIME has learned, for example, that Jeb Stuart Magruder, the former deputy chief of the Nixon committee, has said that Colson knew about the Watergate bugging plans before they were carried out, and wanted the plans executed. Magruder has told federal prosecutors that Colson called him in February of 1972 and asked: "When the hell are we going to get this bugging plan approved?"

At that time, Wiretapper Hunt, who had been hired by Colson, was working as a consultant at the White House. Colson was listed on White House personnel records as Hunt's supervisor. Hunt's pay vouchers were initialed by Colson's secretary. Colson has continually denied any advance knowledge of the Watergate bugging. Last week he protested to TIME: "Good God, these rumors are typical of the sickness in this town. The stories are untrue."

There is indeed a sickness there. But its chief symptom is not so much the prevalence of rumors as the fact that so many of them have turned out to be true. Declared one White House staffer last week: "Don't let your incredibility factor get too high—there's more to come."

## TRIALS

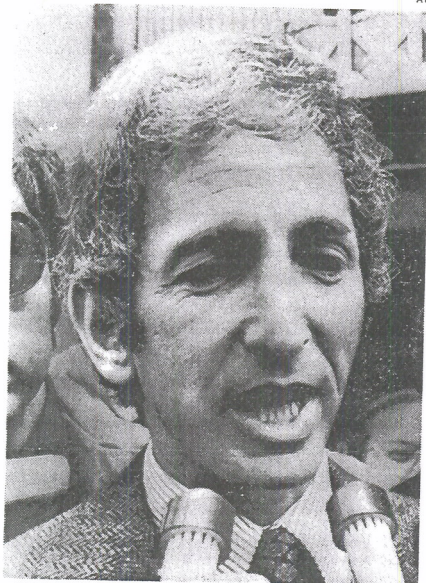
### Practicing on Ellsberg

Long before they were caught trying to bug Democratic headquarters in Washington, the Watergate conspirators were apparently getting plenty of practice at breaking and entering. During the trial of Daniel Ellsberg last week, a memo from the Justice Department was handed to U.S. District Judge William Matthew Byrne. It disclosed that two of the convicted Watergate conspirators—G. Gordon Liddy and E. Howard Hunt—had broken into the office of a psychiatrist to obtain files dealing with Ellsberg. A grim-faced Byrne ordered the document revealed to the defense. Then he told the prosecution that he wanted all the addition-

MIAMI NEWS



"We may have stumbled onto something."



**DEFENDANT DANIEL ELLSBERG**  
Pursued by plumbers.

al facts behind the break-in. Were the pair working for the U.S. Government at the time? he wanted to know.

Indeed they were. TIME learned that the burglary occurred on Sept. 3, 1971, when both men were on the White House payroll, Liddy as a full-time staffer who served as liaison between the White House and the FBI, Hunt as a \$100-a-day consultant. Known as "the plumbers," they had been hired to trace the leak of the Pentagon papers. Receiving all the FBI reports in what was called a "superspecial" investigation, they were informed that Ellsberg's psychiatrist, Lewis Fielding, had refused to divulge any information in his files on the grounds that they were privileged. The plumbers decided to visit Fielding's office and photograph the files.

On the night of the break-in, a janitor reported that he had found two men who spoke Cuban-style Spanish, dressed as mailmen, in Fielding's waiting room. They explained that they were leaving a suitcase for Fielding; then they left. Fielding later told police that the suitcase, which had disappeared, did not belong to him.

**Tainted.** The Justice Department also believes it is possible that the pair paid a nocturnal visit to the office of a Manhattan psychotherapist, Robert Akeret, who had treated Ellsberg's wife Patricia. If they did, Akeret is not aware of it. Besides, he adds, they would not have learned anything useful.

The latest revelation of skulduggery scarcely strengthens the Government's case against Ellsberg. If it turns out that the prosecution made use of tainted evidence gathered from the burglary, a mistrial could be declared or some or all charges could be thrown out. Defense Counsel Leonard Weinglass insisted that the burden of proof was on the Government to show that none of the evidence was tainted. He said that he would ask the court to call both Liddy and Hunt to the stand.

## THE PRESIDENCY/HUGH SIDNEY

# The Failures of Nixon's Staff

**T**HEY always lived in a bleak wonderland, captives of their own pinched myths, these White House men now in so much trouble.

Take three of their myths. We are proudly dull—and inaccessible—because we achieve so much, they told everybody. We work harder than anybody ever has in the White House, they said. We represent the real America out there, they declared.

What preposterous assumptions. Dullness does not produce competence. Beyond the shattering moral issues in the Watergate case is the revelation that the Haldeman-Ehrlichman-Colson-Dean staff operation was, for the most part, a tragic failure. Legislative achievements were almost zero. Congress and the federal bureaucracy were systematically alienated. Trouble was rarely detected in the early stages—My Lai, Carswell, Cambodia, Watergate. When it arrived full-grown on the President's doorstep, the energies of these men were directed not at solving the problems but at ignoring or minimizing them, which in the end only magnified the difficulties. Building understanding, nurturing belief, and preserving the integrity of the presidency was their real job, not running motorcades and guarding the office door. It is of considerable interest that the Administration's leading humorist and *bon vivant*—its most accessible major official—is Henry Kissinger, untouched by scandal and clearly the man who has achieved the most.

The others equated long hours with real work. Thinking, feeling, sensing, anticipating, creating, soothing, reading, listening are the essence of government, indeed, the special charge of the White House staff. The men now in trouble redecorated their offices, took home movies, planned political tricks, walled the nation away. One of their number, searching for a new Secretary of Commerce a few months back, looked up in surprise when he was asked if he had found a man knowledgeable in Soviet-U.S. trade, a cornerstone of Nixon's foreign vision. "We never talked about it," he said. "We needed a Southerner."

Do Haldeman & Co. represent the true Middle America, the people Haldeman says read the *Reader's Digest*? That obviously is ridiculous. In the Detroit Athletic Club, they laugh more. In the suburbs of St. Louis, they understand the Constitution of the U.S. better. In San Francisco, they listen to opposing views more often. English Writer Michael Davie says that the White House wrecking crew forms a new genre of political men, something he labels "Orange County boys," a group molded by the spirit of that Southern California area where, he suggests, fear, suspicion and ignorance come together in unfortunate combinations. That seems perhaps unfair. In Orange County, there are people who are warm and open, who challenge convention and do not see disagreement as disloyalty.

The collapse of Haldeman's paper empire has cast its own mythological aura over the scene. One wanders along the White House drive these days disbelieving what one hears and sees. Twice before in the past decade it has happened. In the hours after John Kennedy's assassination, the enormity of the event was too much to absorb. In the wake of Martin Luther King's assassination, when parts of Washington were burned and looted, people stood in a stupor on the White House lawn and saw the smoke drift over them and watched as looters broke windows two blocks away in deserted streets.

Press Secretary Ron Ziegler goes through his rituals of evasion like some man we never knew. Arrogance has given way to patience. Scorn, contempt and anger have faded into professions of understanding. He presides in front of his pale blue backdrop every morning with a large, uncomprehending sadness behind his eyes.

One morning last week, reporters scurried from the White House to the Executive Office Building and stood in sad wonder as the Vice President gave a public testimonial to the President's honesty. Asked another Nixonian original in a whisper, was this the first time in history a Vice President had felt compelled to give such a performance?

Then photographers eddied around the black limousine parked on the White House drive in front of the West Wing. The cameramen focused on the license plate initialed JJW 2, squeezed off a few frames, then rushed on in search of more public fragments of the shadowy drama. The elegant car belonged to Washington Lawyer John J. Wilson. And suddenly the whole scene overwhelmed one's comprehension. The President of the U.S. and his principal advisers were conferring with a criminal attorney.

BRACK—BLACK STAR

