

Watergate's Widening Waves of Scandal

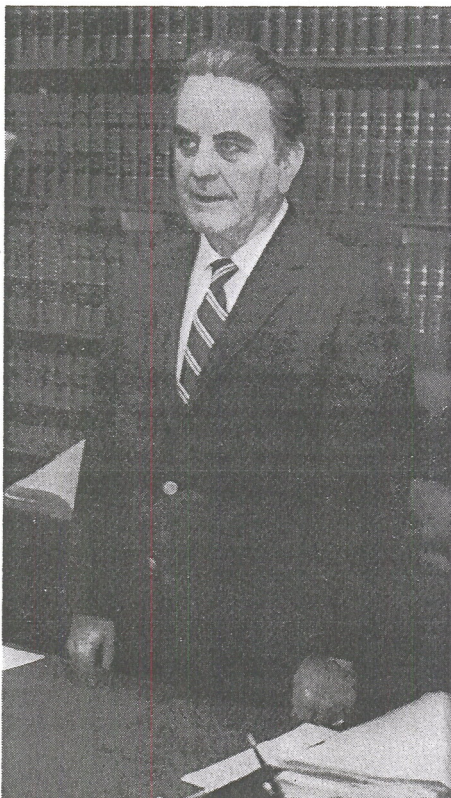
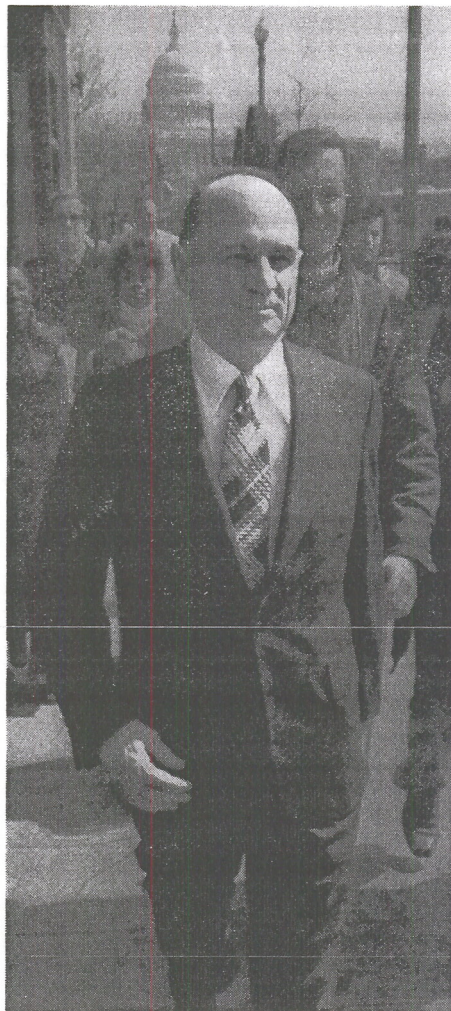
FROM the start, the Nixon Administration's handling of the political-espionage scandal in Washington's Watergate complex last June has been amazingly inept. If Watergate had been a childish antic by a few misguided Nixon zealots, as presidential aides insisted, quick and candid disclosure of all the facts would have rendered it a brief summertime sensation. If it was more serious and involved officials close to Nixon, as now seems plain, those implicated should have been exposed and fired. At worst, Nixon's re-election margin might have been less grand. But high Republican and White House officials chose to evade and even to lie. Last week that dam of deceit seemed on the verge of collapse, spilling Watergate's contamination more widely than ever.

The latest assault on the Administration's pretense that the wiretapping operation was a relatively minor matter came from one of the wiretappers, James W. McCord Jr. At the time that he and four other men were caught red-handed with electronic eavesdropping equipment and burglary tools at Democratic national headquarters in the Watergate, McCord was the chief security coordinator for the Committee for the Re-Election of the President. Last week McCord, who had been convicted of wiretapping and burglary, appeared in a Washington federal district court with six similarly convicted conspirators to face sentencing. But Judge John J. Sirica dramatically delayed the procedure to read a remarkable letter that he had received from McCord.

In the letter, written without his lawyers' knowledge, McCord charged that "there was political pressure applied to the defendants to plead guilty and remain silent." Five of the defendants, not including McCord, had done so. McCord also claimed that "perjury occurred during the trial in matters highly material to the very structure, orientation and impact of the Government's case." Moreover, he wrote, "others involved in the Watergate operation were not identified during the trial, when they could have been by those testifying."

Fear. McCord's letter also said that "members of my family have expressed fear for my life if I disclose knowledge of the facts in this matter, either publicly or to any Government representative." McCord wrote that he did not feel all that endangered but thought "retaliatory measures will be taken against me, my family and my friends, should I disclose such facts."

Judge Sirica, who had been openly scornful of the Government's failure to find out precisely who had inspired the Watergate operation, its basic purpose and the source of the secret funds that financed it, agreed to meet with Mc-



Cord later. McCord had asked to see the judge privately to detail the general charges made in his letter, explaining that he did not "feel confident in talking with an FBI agent, in testifying before a grand jury whose U.S. attorneys work for the Department of Justice, or with other Government representatives." Sirica ruled that any testimony by McCord must be recorded in the closed meeting. Sirica would then decide whether to release the information to a grand jury for possible further prosecution, to the press or to a Senate committee headed by North Carolina's Sam Ervin that is conducting a Watergate investigation of its own. One way or another, McCord's information is thus expected to emerge publicly.

Lost. The determined Sirica then agreed not to sentence McCord until after he has heard everything that McCord has to say this week—a clear hint that full cooperation could lead to a more lenient sentence. That was McCord's main motive in writing. Cannily, Sirica gave five of the other defendants ample reason to tell more about the Watergate affair by temporarily assigning them maximum sentences but promising to review those sentences after three months. He even held out the possibility of suspended sentences. The maximum sentences, up to 40 years in prison and \$50,000 fines, were thus given provisionally to E. Howard Hunt Jr., a former White House aide, and four others: Bernard L. Barker, Eugenio R. Martinez, Frank A. Sturgis and Virgilio R. Gonzales.

Hunt pleaded passionately for leniency from the judge. "Due to my involvement in this case," he said, "I have lost everything in life that I value—my wife, my job, my reputation. Now it appears there will be four more innocent victims, my children." Hunt's wife was killed in an airplane crash while she was carrying some \$10,000 in cash to Chicago, where Hunt said she had planned to invest it. He said that both he and his wife had lost their jobs because of the Watergate affair and had to find new sources of revenue.

Judge Sirica further underscored just how serious a crime he considered the Watergate espionage to be by sentencing the seventh conspirator, G. Gordon Liddy, who, like McCord, had pleaded innocent, to serve up to 20 years in prison and to pay a \$40,000 fine. Liddy, who had worked with Hunt in the White House in trying to detect sources of news leaks, apparently got the stiff sentence—and no provision for its review—because he has not shown any sign that he could be persuaded to dis-

TOP: McCORD AFTER COURT APPEARANCE
 BOTTOM: FEDERAL JUDGE JOHN SIRICA

THE NATION

close more about the case. The Watergate crimes, said Sirica in sentencing, were "sordid, despicable and thoroughly reprehensible."

The key question was just how much McCord or any of the other convicted conspirators really know about the origins and implications of the affair. The Watergate operation has been linked by FBI and other investigators with up to \$1,000,000 in cash kept in a safe in the office of Maurice Stans, Nixon's former Commerce Secretary and head of his re-election finance committee. Much of this money, gathered secretly from donors who did not wish to be identified publicly, was earmarked for vague "security" or "intelligence" purposes. Some of it was sent through Mexico to shield the identity of the sources. The re-election committee has already paid \$8,000 in fines for failing to record and report contributions in violation of new campaign financing disclosure laws.

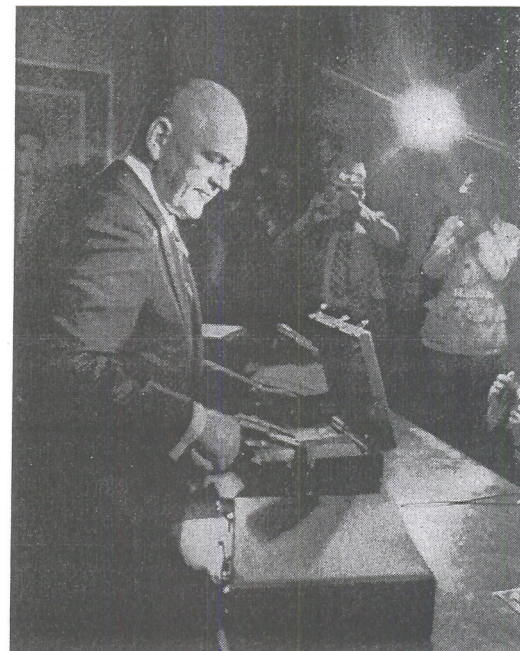
More at issue than the actual political spying activities or the secret diversion of funds to accomplish them is the lack of veracity of high officials in both the Administration and the Republican Party. The attempt to cover up such activity and impede impartial investigations seems far more damaging than the clandestine operations. It suggests a disdain for the law, for the truth and, ultimately, for the public, that is dismaying to find at lofty levels of the Government.

Crossfire Cuts Gray

Any lingering possibility that L. Patrick Gray III would win Senate confirmation as director of the Federal Bureau of Investigation seemed to evaporate last week. First, the hapless Gray was undercut by the Nixon Administration when Attorney General Richard Kleindienst ordered him to stop talking about the FBI's investigation of the Watergate wiretapping at his confirmation hearings before the Senate Judiciary Committee. Then Gray infuriated the White House by conceding to the committee that John W. Dean III, President Nixon's chief legal counsel, probably had lied to FBI agents. All but abandoned by the Administration and under fire from Democratic critics, Gray's position was hopeless.

In his month-long hearing ordeal, Gray had wilted from a brisk and confident nominee to a subdued and almost sullen shadow of the strong leader that the FBI needs. He had been hurt most by the Administration's obsessive concern with preventing disclosure of whatever the FBI was learning about White House connections to the Watergate bugging and political espionage.

To his credit, Gray had offered to let any Senator explore the FBI's vast files on the case. But when he also revealed that such Nixon aides as Herbert Kalmbach, the President's personal attorney, and former Appointments Secretary Dwight Chapin, were linked



THE FBI'S ACTING DIRECTOR L. PATRICK GRAY Silenced, undercut and overruled by his

with an alleged political saboteur, Donald Segretti, Nixon himself protested about Gray's release of "raw" FBI files.

Last week Kleindienst overruled Gray, insisting that the FBI's Watergate files would be open only to the Judiciary Committee Chairman, Mississippi Democrat James Eastland, and the committee's ranking Republican, Nebraska's Roman Hruska. When Kleindienst ordered Gray not to answer any more questions about Watergate, Gray was forced into the humiliating posi-

The Man Everyone Wants to Hear From

A LAWYER himself, Richard Nixon might well admire the meteoric rise of John Wesley Dean III. Though he is only 34 and has never been in private law practice, the fastidious blond attorney from Akron is Counsel to the President of the U.S. Dean is also the White House staffer to whom L. Patrick Gray III handed over the FBI's files on its Watergate probe. As a result, his name has turned up more than any other in the Judiciary Committee's hearings on Gray, and he is the man whom the Senators most want to question. But the President, invoking the widest possible interpretation of Executive privilege, has said that Dean, or for that matter any White House staff member, past or present, will not testify. Interestingly, Nixon's statement on Executive privilege was written by Dean himself.

In many other ways, Dean has influenced White House policy. He worked out the legal basis for the President's impoundment of funds appropriated by Congress and his broad use of the pocket veto. He drafts all Executive orders and prepares legal opinions for the President on many matters. A cautious, loyal follower of orders, he is totally trusted by the President. Unlike many a Cabinet member or White

House aide, Dean has easy, frequent and direct access to the boss. Since the Gray hearings began, Dean has refused to be interviewed or photographed by the press.

Dean attended Staunton Military Academy in Virginia, where his roommate was Barry Goldwater Jr. The two are neighbors now in the Old Town sec-

PRESIDENTIAL COUNSEL JOHN W. DEAN



tion of Arlington, Va. According to Goldwater, the young Dean was "very outgoing and quite intelligent." Dean's grades, mostly A's and B's, were helped by self-hypnosis, which he taught himself to improve his concentration. Dean studied at Colgate, Ohio's College of Wooster and American University, and he graduated from Georgetown University Law Center in 1965.

Rep. William McCulloch, of Ohio, the ranking Republican on the House Judiciary Committee, gave Dean his first Government job as minority counsel for the committee. After two years, Dean became associate director of the National Commission on Reform of Criminal Laws, a panel to advise Congress and the President. Now defunct, the commission advocated the elimination of mandatory prison sentences and abolition of the death penalty, two positions that Dean's current boss opposes. A colleague on the commission says that Dean "was a very decent guy, but without a very solid base in principle."

By the time that Nixon took office in 1969, Dean's reputation as a friend of the Administration and a diligent worker had been established. Richard Kleindienst, then Deputy Attorney General, hired him as the legislative liaison for the Justice Department because "everybody in town recommended him." Dean was in charge of lobbying for the Clem-



WALTER BENNETT

ARRIVING FOR SENATE CONFIRMATION HEARING superiors in the Nixon Administration.

tion of refusing to respond to the Senators. "I respectfully decline to answer that question," he would say, his bass voice sometimes quavering as he sounded uncomfortably like someone taking the Fifth Amendment.

To the displeasure of the White House, Gray did answer more questions about his relations with Nixon Counsel Dean. Gray revealed that at the time that Dean was ordered by Nixon to conduct a White House investigation of the Watergate affair, Dean seemed even

ent Haynsworth and G. Harrold Carswell nominations to the Supreme Court. Just before the Senate rejected the Carswell nomination, a frustrated Dean remarked to a colleague: "If we don't win this one, I might as well hang up my hat."

Nonetheless, Dean's loyalty, combined with his pleasant manner and "pretty face," says one acquaintance, made him popular with "the public-relations and imagery-minded people" at the White House. He was promoted into the White House to succeed John Ehrlichman as Counsel. "I cried when he left here," says Kleindienst.

Off duty, Dean maintains as low a social profile as most of his Administration colleagues. He putters about his townhouse installing kitchen shelves and light fixtures. He and his second wife, Maureen, play tennis, sail and recently took a Berlitz course in French together. But his anonymity has been badly bumped by the imbroglio over Watergate. "The current happenings around the White House have driven him almost to the point of exhaustion," says a friend. As Dean well knows, the waves from Watergate contributed to washing out another close Nixon aide, Dwight Chapin. They threaten to finish off L. Patrick Gray III, and they could even inundate John Dean.

more interested in finding out how some of the FBI's discoveries were getting into the news. In the four months before the election, Gray testified, he had been asked about leaks at least 15 times by either Dean or John Ehrlichman, Nixon's top domestic adviser. "I resented it," Gray said, "because I don't think there were those leaks within the FBI."

Though Gray resented these scoldings, he turned over to Dean every FBI document on the investigation that he requested. Gray even sent these reports to Dean without telling Kleindienst about it. This was despite a ruling from the FBI's own counsel that no files should be released without the Attorney General's consent. Gray was thus giving information to the White House, whose officials had a political interest in concealing any evidence of their involvement. And he was bypassing Kleindienst, whose department would have the obligation of prosecuting anyone violating federal laws in the case.

Moreover, Gray was giving Dean such information even though the FBI's investigation had shown that it was Dean who had first suggested that one of the wiretap conspirators, G. Gordon Liddy, be hired for "security and investigative" work by the Committee for the

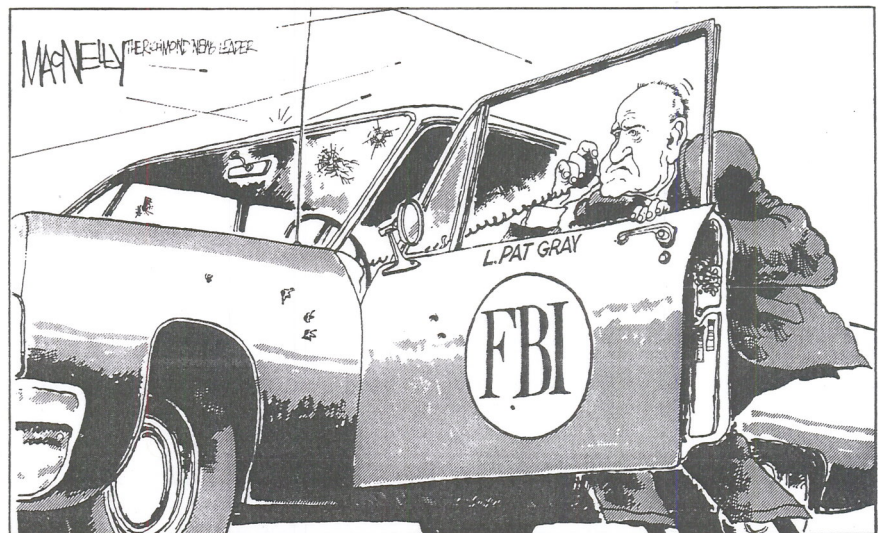
Hunt had an E.O.B. office. Dean, according to Gray, "indicated at that time that he didn't know whether Mr. Hunt had an office" and had said that "he'd have to check it out."

With that, Byrd asked: "He lied to the agent, didn't he?"

Gray hesitated, then replied meekly: "I would have to conclude that probably is correct."

A White House press release, without mentioning Gray, called Byrd's charge "reprehensible, unfortunate, unfair and incorrect. Mr. Dean flatly denies that he ever misled or lied to an agent of the FBI." TIME has learned that Dean telephoned Gray late last week and demanded that Gray retract this testimony, but Gray refused to do so.

Gray's automatic acceptance of the White House position on Watergate bothered the Senators. Had Dean's tie with Liddy worried Gray? "The President of the United States is not going to appoint his own counsel to conduct this kind of investigation, if the President has any reason to believe that his counsel has been involved," said Gray. Why hadn't Gray asked Nixon whether he really wanted the raw FBI files on Watergate? "I did not deem it appropriate." Amazed at Gray's assumption



"White House, this is unit one...I'm pinned down at the Senate!... White House? Do you read me, White House?..."

Re-Election of the President. Adamantly, Gray said that he would continue to give Dean FBI information.

Yet West Virginia's Democrat Robert Byrd drew a damaging assessment of Dean from Gray. Byrd got Gray to confirm that on June 19, two days after the arrests at the Watergate, Dean had ordered the opening of a safe and the clearing out of a desk in the Executive Office Building office of one of the arrested men, E. Howard Hunt Jr. Dean then held Hunt's office property, including papers and a gun, for six days before turning them over to the FBI. Meanwhile, on June 22, Dean was present at an FBI interview with another White House aide, Charles W. Colson, and was asked by an agent whether

that all presidential aides are to be so completely trusted, Byrd observed coldly: "Christ himself was betrayed by one of his chosen few."

At week's end Gray's testimony apparently was over, but the Judiciary Committee prolonged the matter by suspending hearings for a week. There no longer was any great pressure upon Republicans to support a nominee with whom the Administration was quarreling. Gerald L. Warren, deputy presidential press secretary, said without elaboration that Nixon still "supports the nomination." Yet it clearly was time for either the committee to vote on Gray or for Gray to withdraw—and for the search for a more qualified and independent FBI director to begin.