

JUSTICE

Not Hounded Out of Office

The final official judgment on the impeachment of Richard Nixon was spread massively on the public record last week in a 528-page report by the House Judiciary Committee. Supported by 200 pages of factual detail on Nixon's Watergate-related actions as President, the committee unanimously recommended that he should have been impeached by the House and convicted by the Senate for obstructing justice in trying to cover up the true origins of the 1972 wiretap and burglary of Democratic national headquarters. Although Nixon's resignation has rendered the matter moot, the full House accepted the report by a vote of 412 to 3.*

The report broke new ground only

taped conversations that left no doubt of his cover-up complicity. These Republicans emphasized that Nixon had not been "hounded from office by his political opponents and media critics."

"It was Richard Nixon who impeded the FBI's investigation of the Watergate affair," the minority report declared. "It was Richard Nixon who created and preserved the evidence of that transgression and . . . concealed its terrible import, even from his own counsel, until he could do so no longer." The ten Republicans collectively noted "the self-inflicted nature" of Nixon's Watergate troubles and wondered how "such an able, experienced and perceptive man" could have "imprisoned the truth

teachment charges, two other offenses were endorsed as impeachable by the committee. Article II, alleging that Nixon had abused the powers of his office, mainly through misuse of such agencies as the FBI, CIA and IRS, as well as by initiating politically motivated wiretaps and covert investigations, was approved 29 to 9. Approved on a largely partisan 21 to 17 vote was Article III, which claimed that Nixon's failure to honor the committee's subpoenas was impeachable.

There was little new detail in the committee's recital of the evidence against Nixon. Yet the report was not likely to provide the last word on his Watergate role, especially in the cover-up conspiracy. Special Prosecutor Leon Jaworski and his staff were still analyzing 55 White House tape recordings, screened by Federal Judge John J. Sirica for use in the conspiracy trial of six former Nixon associates. As legal maneuvering continued over just when the trial must begin, it was apparent that Nixon's as yet uncertain role in that trial, whether as witness or defendant, was a major if unstated reason why both Jaworski and most of the defendants were seeking delays.

Separate Trial. Bound by legal obligations, the special prosecutor clearly wants more time to study the Nixon evidence and decide what to do about it. The defendants, on the other hand, are being given the same court-decreed Nixon evidence, and need time to determine how it will affect their cases. One defendant, John Ehrlichman, has already subpoenaed Nixon as a witness for his defense. But if Nixon becomes a defendant, it seems likely that all the other defendants will seek a separate trial, rather than willingly allow their individual fates to be submerged in what would be an inevitably sensational trial of the former President.

Last week Judge Sirica stubbornly insisted that the trial should begin on Sept. 9, as originally scheduled. Several defendants immediately appealed to the nine-judge U.S. Court of Appeals, which "suggested" but did not order a delay of three or four weeks. Promptly if reluctantly since any other course would increase the possibility of reversing any eventual conviction, Sirica chose the minimum three-week postponement. But Ehrlichman's attorneys, insisting on the need for a four-month delay to permit the prejudicial publicity of the Nixon resignation to fade, announced that they will appeal to the Supreme Court.

To most Americans, Watergate may be considered, with relief, to be all but over. Yet for some of this historic episode's most celebrated figures, including Judge Sirica, Prosecutor Jaworski, Richard Nixon and Defendants H.R. Haldeman, John Mitchell and John Ehrlichman, it was increasingly apparent that their most difficult personal moments may yet lie ahead.



JUDICIARY COMMITTEE REPUBLICANS ARRIVING AT WHITE HOUSE TO SEE FORD
A truth imprisoned until its release destroyed the presidency.

in presenting the collective as well as individual views of the 38 committee members on the nature of impeachable presidential conduct and the kind of evidence required for impeachment. As such, it was a unique guide for future Congresses, historians and constitutional scholars. The report also effectively undermined any current or future claim that Nixon was merely a victim of partisan politics or his ideological enemies.

One of the most poignant portions of the report was the reversal by ten pro-Nixon Republicans who had determinedly opposed impeachment until Nixon finally was forced, under judicial pressure, to release the June 23, 1972

about his role in the Watergate cover-up so long and so tightly within the solitude of his Oval Office that it could not be unleashed without destroying his presidency."

The committee's factual presentation of evidence cited 19 occasions on which Nixon had made false or misleading statements "as part of a deliberate, contrived, continued deception of the American people" on the Watergate scandal. In addition to Nixon's own falsehoods, the committee reported, the cover-up was aided "by false statements and testimony by the President's close subordinates, which the President condoned, encouraged, and in some instances, directed, coached and personally helped to fabricate."

Beyond the unanimous recommendation of obstruction of justice, which formed Article I of the committee's im-

*Only Indiana Republican Earl F. Landgrebe, Mississippi Democrat G.V. Montgomery and Louisiana Democrat Otto Passman cast "no" votes. Passman said that he still considered Nixon "the greatest President this country ever had."