

The Tide Turns Back Toward Impeachment

In recent weeks President Nixon has had reason to believe that he was on the upswing in his battle to turn back the advance of impeachment. His trips to the Middle East and the Soviet Union were marked by some modest successes that reinforced his record of accomplishment in foreign policy. At home the impeachment drive seemed to be faltering in Congress, slowed by legalistic detail and partisan bickering. There were no new Watergate sensations, and the public appeared weary of the deepest political scandal in U.S. history.

Last week the mood in Washington changed abruptly. Impeachment once again picked up momentum in Congress. Despite some past mistakes, Rep-

resentatives about presidential privilege. At issue was whether the President must turn over 64 more White House tapes to Judge John Sirica for use as evidence in the trial of seven other Nixon aides (see cover story next page). It was not known just how damaging to the President's cause the withheld tapes might be. But Nixon, tempted to turn them over to avoid a confrontation with the courts, made the final decision to suppress them after spending two entire mornings listening to them.

While the suspense built up in anticipation of the court decision, it was a week of growing troubles for Nixon:

► A federal jury in Washington convicted John Ehrlichman, one of the President's two former closest advisers, of conspiring to violate the civil rights of Daniel Ellsberg's psychiatrist, and of lying to both the FBI and a federal grand jury about authorizing the break-in of the psychiatrist's office.

► The House Judiciary Committee released more than 4,000 pages of evidence that it has compiled so far on the Watergate break-in and cover-up. There was fresh and (for the President) damning new detail. The bulk of evidence indicated that Nixon was deeply involved in the cover-up—and even earlier than some of his critics had previously assumed.

► The Judiciary Committee also released a carefully transcribed version of the White House tapes containing some astounding discrepancies with the President's edited version. Conversations were shown to have been truncated or omitted entirely from the version of the tapes that the President had proclaimed to be finally telling the full story. Some of the dialogue contains exhortations to his aides to "stonewall" rather than tell the truth to investigators.

► The Senate Watergate committee finally published its report on the case. To Nixon, the most damaging part was an account of how his closest friend, C.G. ("Bebe") Rebozo, had probably used about \$50,000 in campaign contributions—some of them carefully laundered to conceal the source—to pay for diamond earrings for the President's wife and other personal luxuries.

Those who believed that the President had not been hurt by last week's reports argued that only some major bombshell establishing the President's

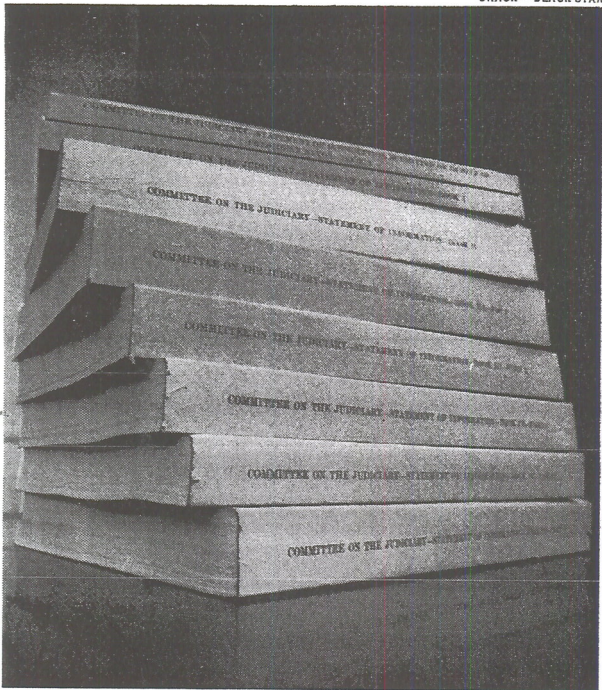
criminality would lead to his impeachment. Whether such an overwhelming piece of evidence exists—or if it does, whether he would allow it to be revealed—is doubtful. Moreover, the view that impeachment should occur only for an indictable crime is denied by most constitutional experts.

"[This doctrine] leaves the country without the means to assure responsible self-government in certain contingencies," Columnist William F. Buckley Jr. pointed out last week. "There are any number of activities, not formally proscribed by the law, which a President could legally undertake at indescribable cost to the Republic." Buckley imagined a number of fanciful actions for which a President should be indicted, such as commuting the sentences of all federal prisoners or taking a six-month vacation. Notwithstanding such *reductio ad absurdum*, Buckley says, the principle remains: "Congress has got to retain the right to pass judgment on gross presidential abuses: the true, and studied, disrespect for the sophisticated obligations of office."

Sheer Volume. The evidence produced so far would lead to an indictment of Nixon in almost any U.S. court. Yet what his supporters now seem to be demanding for impeachment is not merely an indictable offense but some piece of evidence that will make a *prima facie* case for conviction. There are growing signs in Congress that this strategy is losing ground. A move in the House among supporters of the President to convert the impeachment vote to a motion of censure—thereby allowing them to vote against Nixon without alienating many voters who still back him—is also likely to fail.

The White House clearly hoped that the sheer volume of the disclosures—218 pages of Judiciary Committee comparisons of transcripts, more than 4,000 pages of other committee evidence, the 2,217-page draft of the final Senate Watergate committee report, the long arguments before the Supreme Court—would further numb the minds of many Watergate-weary Americans. Press Secretary Ronald Ziegler dismissed the Judiciary Committee transcripts as part of "a hyped-up public relations campaign," and the Watergate committee allegations about the Rebozo fund as "warmed-over baloney."

The President may well be underestimating the public. When all 1,253 pages of the original White House transcripts were released in April, many Administration supporters hoped that the formidable mass of evidence would deter many people from inspecting it closely. But it turned out differently, and it probably will again.



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representative Peter Rodino's Judiciary Committee was now seen to have performed remarkably well in virtually uncharted constitutional waters. As it wound up its examination of Nixon's "defense" witnesses—who turned out to be markedly unhelpful to the President—it seemed almost certain that a vote for impeachment would come by the end of the month. The previous week's minimum estimate of votes for impeachment (25 to 13) was now moving toward the maximum estimate (29 to 9). House Speaker Carl Albert and Democratic Floor Leader Thomas P. O'Neill have agreed that the full House come to a final vote no later than Aug. 23.

The President had his own day in court. Special Counsel James St. Clair squared off against Special Prosecutor Leon Jaworski before the Supreme Court in three hours of historic argu-