

THE NATION

AMERICAN NOTES

Button Up Your Overcoat

Americans were treated last week to a rare brand of presidential counsel—an old-fashioned, almost motherly rendering of helpful hints on how to lick high prices. Ford requested—and got—prime-time tri-network coverage of his speech to the Future Farmers of America in Kansas City, Mo. It was a rather inflated forum, given the caliber of the message. “Bring budgeting back in style,” he said. “Brag about the fact that you are a bargain hunter . . . save as much as you can and watch your money grow.”

Chiding ever so gently, the President urged those tempted to waste at table to “take all you want but eat all you take. The first words I can remember in my dad’s house were very simple but very direct. Clean up your plate before you get up from the table. And that is still pretty good advice.” One waited for the suggestions to purchase a good heavy coat, drink a glass of warm milk before retiring and feed a cold and starve a fever. Ford came close. “Guard your health,” he warned. “This will materially strengthen our attack on inflation.”

Certainly there can be no argument with the President’s admonition to conserve food and fuel. Some of his other preachments about hoarding bucks, however, were enough to give even Franklinesque economists pause. Slug-gish consumer buying, rather than excess demand, is one element of the current stagflation. Economizing when demand is weak and saving when savings are already high are two Ford prescriptions that if taken too literally could result in deepening the recession without necessarily curbing inflation.

Universal Hisses

In the U.S. today many public men must sympathize with Satan in Milton’s *Paradise Lost*, who hears “On all sides, from innumerable tongues/ A dismal universal hiss, the sound/ Of public scorn.” It is a period in which reputations seem extraordinarily vulnerable, in which everyone’s bank of prestige faces a run.

Cases vary widely. State and local officials are being investigated and indicted in unprecedented numbers. The record of a durable doer like New York’s Robert Moses is debunked. The awe-

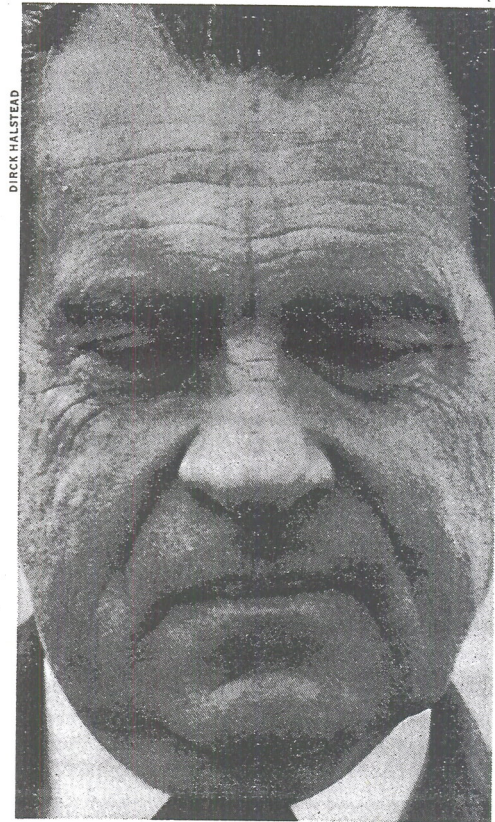
some images of Nelson Rockefeller and Henry Kissinger have been leaked on with acid. The public’s approval of Presidents, at least as measured by opinion polls, fluctuates wildly.

Part of the trend stems from widespread disillusionment over Viet Nam, part from the multifarious crimes of Watergate that ruined so many reputations and deepened public distrust. Now there is a new and spreading skepticism about the pronouncements of the mighty, a new impatience with politics as usual, a new eagerness to challenge practices that were once blinked at. This demand for higher standards can have practical benefits. Last week, for instance, President Ford signed a long overdue campaign-financing reform bill. The voters of California have approved a stringent anti-corruption measure. But there is also a tendency to condemn prematurely and to burn today’s leaders with the laser of hindsight. It is a particularly painful period both for public leaders and for a people in need of leaders who merit confidence.

The Cookie Express

Until they got to know the trainmen, the two widows could scarcely have been more isolated. Their three-room cottage sits up in the sere San Bernardino Mountains, on the desert’s rim northeast of Los Angeles. They have no car or telephone; their mailbox is a mile and a half down a dusty track filled with gulleys and rattlesnakes. But every day a Southern Pacific freight snakes uphill just 25 yds. from their door. For the past five years, Ronnie McGillick, 67, and Loretta Tumulty, 74, have been giving cookies to the train crews. So far, they have passed out more than 50,000.

When a train comes through a pass two miles down the track, a crewman toots. That gives the women time to get out to the track with two bags of cookies—one for the men on the engine, the other for the two in the caboose. In return, the crews drop off newspapers, magazines and books. They have given the widows a transistor radio and a television set, and often bring their families up to visit on their days off. Last Christmas, the 42 crewmen who had passed through during the year collected \$110 to supplement the widows’ combined pension of \$50 a week. “Since I was a little girl, I’ve always waved at trains,” explains Mrs. McGillick. “That’s how it started here—just waving.”



DIRCK HALSTEAD

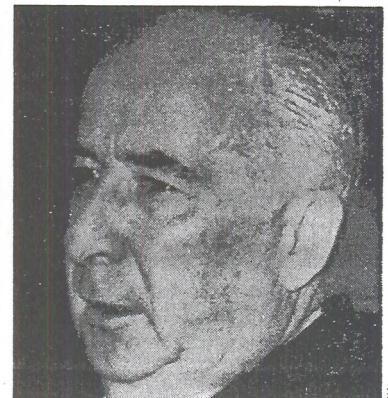
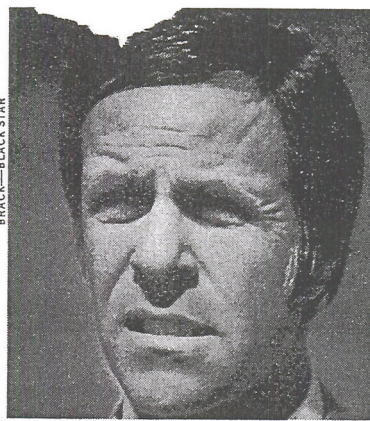
WATERGATE

The End Begins

It was an appropriately bizarre way to begin the final phase of Watergate. After the opening statements, Federal Judge John J. Sirica’s Washington courtroom was eerily silent for up to 100 minutes at a time. Muff-sized earphones clamped on their heads, judge, jury, defendants and spectators alike were transported by tape recording into former President Richard Nixon’s Oval Office. They heard Nixon curse and connive with his top aides to conceal the truth of Watergate from all others, including his own Justice Department. Reproduced publicly for the first time, the ghostly voices, disembodied but all too real, conveyed the intent to deceive with far more impact than any previously printed transcripts.

The five defendants, accused of having joined in that secret conspiracy, have now abandoned any pretense of a common front. H.R. Haldeman, Nixon’s former chief of staff, swiveled around to turn his back on the jury and grinned as he heard his own high-pitched laughter played back in a rare moment of taped levity. John Mitchell, the former Attorney General, listened casually through one earphone, as if he wanted to hear as little as possible. The others, John Ehrlichman, Robert Mardian and Kenneth Parkinson, were somber.

At one point, a fleeting smile enlivened the face of a woman juror. Titters rippled through the courtroom when Charles Colson, an imprisoned former Nixon aide, was heard telling Convicted



PARADE OF WATERGATE DEFENDANTS

HALDEMAN & EHRLICHMAN (TOP); DEAN & MITCHELL (BOTTOM)

With Bitter Fratricide at Trial

Watergate Burglar E. Howard Hunt not to get too specific about why he wanted hush money. "This is a serious matter," the stern Sirica scolded. "Serious to the defendants . . . serious to me. There will be no more laughter."

Indeed, the opening weeks' testimony in the Watergate conspiracy trial carried grave judicial implications for the defendants, and portended adverse historical consequences for Nixon. As outlined in the clear, confident opening argument of Assistant Special Prosecutor Richard Ben-Veniste, in the familiar, matter-of-fact testimony of Perpetual Watergate Witness John Dean and in the devastating tapes, the Government's case was impressive indeed.

Ben-Veniste wasted no time in grappling with the question on everyone's mind: the complicity of Nixon, who was not in court and is safe from prosecution because of his pardon. The prosecutor, in effect, pronounced Nixon guilty, contending that the conspiracy to obstruct justice had "involved the participation of even the President himself."

Misled and Lied. Nixon was also condemned by Ehrlichman's attorney, William Frates, as one who had "deceived, misled and lied." With three of the defendants turning against each other, and two assailing Nixon, the basic details of Nixon's role seem certain to emerge—just as predicted by the retiring Special Prosecutor, Leon Jaworski (see box following page).

Although there were no major new

disclosures—indeed, few are expected in the trial—some fresh links in the chain of evidence supporting the conspiracy charge were forged:

► The Government, Ben-Veniste told the jurors, will show that \$25,000 of some \$400,000 secretly paid to the seven men first convicted in the 1972 burglary and wiretapping of Democratic national headquarters came originally from Bebe Rebozo, Nixon's longtime personal pal. The cash was picked up at Key Biscayne on Mitchell's orders by Frederick LaRue, a Mitchell assistant.

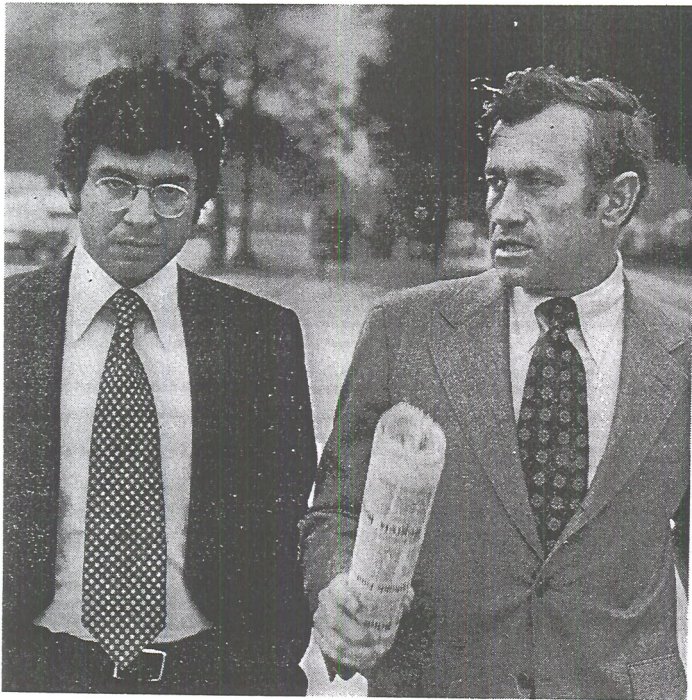
► In February 1973, Nixon aides met at the LaCosta spa near San Diego to plan a counteroffensive on Watergate. According to Ben-Veniste, one participant, Special Counsel Richard Moore, reported to Nixon on April 19 of that year that the need to pay hush money to the Watergate defendants had been discussed at LaCosta. Shortly thereafter, Ehrlichman reassured Nixon that Moore's memory about LaCosta "had become feeble beyond measure." Nixon, in turn, expressed satisfaction to Haldeman that Moore's powers of recall had "dimmed a bit."

► Bearing out Dean's testimony that he had warned Nixon about White House involvement in Watergate before March 21, 1973, a previously unreleased March 17 tape was played by the prosecution. Dean could be heard reporting to Nixon that he had attended meetings in Mitchell's office at which G. Gordon Liddy had proposed plans to bug

the Democrats. Nixon advised Dean to prepare a general statement for use at the impending Senate Watergate hearings but not to mention the bugging plans. "You could say that they were gonna engage in intelligence operations . . . you could make self-serving goddam statements."

Pure As Snow. In opening statements, attorneys for Ehrlichman, Mardian and Parkinson made no attempt to deny that there had been a high-level White House cover-up. Instead, they argued variously that their clients had been duped by those above them or that their Watergate involvement was insignificant. David Bress, the attorney for Mardian, claimed that Mitchell, 61, had developed "a sort of father-and-son relationship with Mardian," who is 51. Thus Mardian, former head of the Justice Department's Internal Security Division, was misled by Mitchell. "Mardian was as pure as a driven snow," Bress argued. "He is dragged in at the tail end of an extensive conspiracy indictment simply because of suspicion." That brought a warning from Sirica that "you are going a little bit too far"; Mardian, after all, had been charged by a grand jury. Parkinson's lawyer, Jacob Stein, also contended that Mitchell and Mardian had deceptively led Nixon's reelection-campaign counsel into a peripheral role in the scandal.

While attorneys for Haldeman and Mitchell deferred arguments until the prosecution completes its case, Ehrlichman's attorney was acridly vocal. "John Ehrlichman was had by his boss, who happened to be the President of the United States," said Frates. Ehrlichman had not known about the Nixon recording setup, and the tapes show how Ehr-



JEFF TAYLOR

PROSECUTORS BEN-VENISTE & NEAL
"There will be no more laughter."

lichman was used by Nixon and Haldeman. "The tapes . . . are the greatest thing that ever happened to John Ehrlichman," stated Frates. As one example, Frates quoted Nixon as telling Haldeman on March 20, 1973: "Ehrlichman doesn't know a goddam thing about Watergate." Repeatedly, Frates argued, Ehrlichman had urged Nixon to make

then, one by one, he implicated all of the other defendants.

With each day in court, the prosecution seemed to strengthen its case. The defendants hardly helped their cause by assailing each other; their main strategy was clearly to lure Judge Sirica into making errors that could lead to a successful appeal. Haldeman's crusty at-

THE NATION

a "full disclosure" on Watergate and "let it all hang out."

But Dean, wan from his imprisonment and his voice quavering at first, soon repeated his testimony that within days after the Watergate arrests, Ehrlichman had ordered him to tell Liddy to leave the country and to "deep-six" some evidence found in Hunt's Executive Office Building safe. Dean testified too that Ehrlichman had discussed clemency for Hunt with Nixon and had told Dean that all of the restive defendants could be given "general assurance" of presidential clemency. Under the questioning of James Neal, the tough trial prosecutor, Dean readily admitted that he had been a member of the cover-up conspiracy;

torney, John J. Wilson, was particularly provocative, and Sirica was often irked by his baiting tactics. When the judge allowed the tapes to be played without any pause for immediate sentence-by-sentence defense objections, for example, Wilson told the judge he would put that decision "in my error bag, which is getting bigger and bigger."

Testing Tempers. More such friction can be expected as the long trial tests the tempers of lawyers and judge. But for the first time, Nixon's attorney, Jack Miller, raised the possibility of even more dramatics: Nixon, he told Sirica in a hearing, was recovering from his ailments and might be well enough to testify after all. Miller said that he could furnish a new report on Nixon's health in about two weeks. Since the defense does not expect to need Nixon's testimony before then, Sirica postponed a final decision on whether or not to order an independent medical examination of the former President.

Any appearance by Nixon would, of course, be a grueling experience indeed; the crossfire of questioning from defense and prosecution would be intense. Such an ordeal would, in a sense, be fitting. It was because of Nixon that so many of his former aides have gone to prison or been charged with crimes. He resigned to escape impeachment; he was pardoned to avoid trial. Yet his story has still to be told under oath.

A Prosecutor at Peace with Himself

As he prepared to return to private law practice in Houston, Special Prosecutor Leon Jaworski last week talked with TIME Correspondent Hays Gorey about the accomplishments of eleven months spent investigating the Watergate scandal. Highlights of the interview:

Will the American people ever know the full story of Watergate?

As to the cover-up itself, yes. The full story is contained in grand jury material sent to the House Judiciary Committee and in cumulative evidence from White House tapes. This will all become public, and the American people will have the full story.

Including Nixon's involvement?

The tapes show that President Nixon knew about and participated in the cover-up within days after the Watergate break-in.

What about the Ford-Nixon agreement concerning custody of White House tapes and other material not already obtained by your office?

I was never satisfied with the original agreement. Now there is an understanding to hold the tapes and docu-

ments here, and that's fine. We have not been able to come to terms with Nixon's lawyers on a new agreement.

Do you need more White House material?

We have subpoenaed some original documents today [Thursday] for use both in the trial and in continuing investigations.

Is it true that you approve of the pardon of Richard Nixon, including the timing?

I find no basis for attacking the pardon legally. It would be improper for me to comment one way or the other as to whether I approve or disapprove of it from a personal standpoint.

What do you think would have happened had you challenged the pardon in court?

Eventually, the challenge would have become a farce. The pardoning power has no limitations whatsoever.

Why should Nixon and some of the other principals be spared prison?

You have to ask yourself about each individual case, and the circumstances are always different. What is to be ac-

complished by having certain people sitting in the slammer?

Do you regret advising the grand jury that it should not indict Nixon?

I would give the grand jury the same advice today. There is serious legal doubt that a grand jury can indict a sitting President. I believe that the Supreme Court would have so ruled. Besides, the impeachment process was already under way. Suppose Nixon had been indicted and the Supreme Court ruled that he could not be? Those responsible for bringing the indictment would have gravely injured the country domestically and internationally.

But if the court did not rule that way?

How long would it have been before that man could have been tried? Probably months and months. All that time he would have been the President, handling matters of gravest importance while he was under a criminal indictment.

Are you glad that you took this job?

I feel better inwardly than if I had feared to undertake it. I wish it had not been tendered. It has been burdensome. It brought drastic changes in my lifestyle. But I'm at peace with myself.