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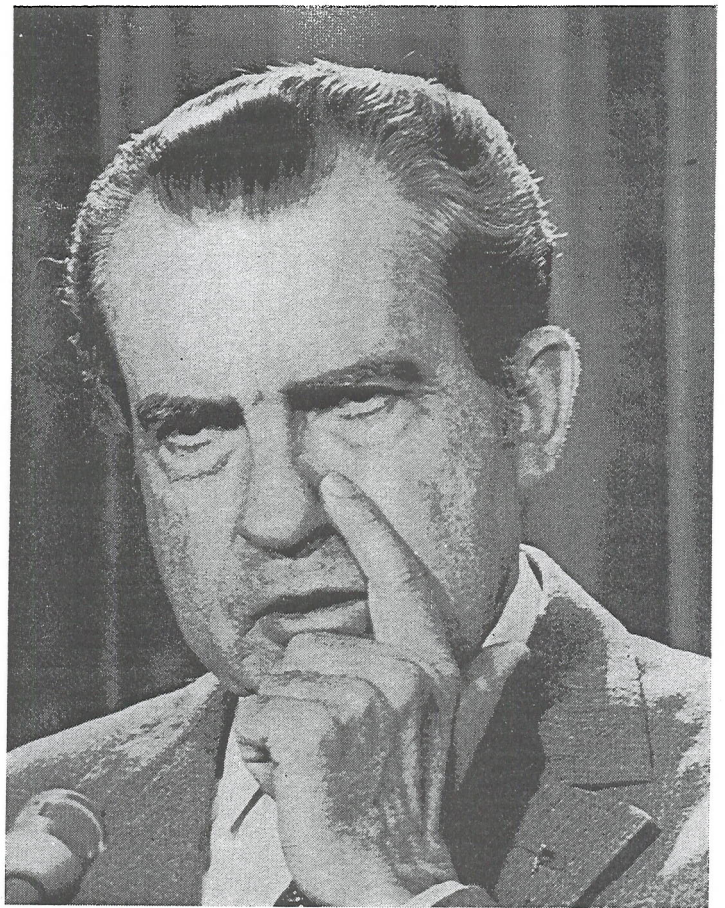
The Telltale Tape



Probing the Telltale Tape

In all the long, sordid history of Watergate, no single discovery has imperiled Richard Nixon more than the Watergate tapes—and last week they tangled in an ever-tightening noose around his Presidency. The latest and possibly gravest turn came when a panel of experts wound up a two-month study of the eighteen-and-a-half-minute buzz on one of the tapes and returned a report leaving little doubt that it had been put there by conscious design. The news struck like a thunderclap just when the President's men were laboring to get his scandal-racked government moving again. It cast the shadow of suspicion over some of the people closest to him, forced a humiliated White House denial that Mr. Nixon himself was to blame and sent a fresh shudder of premonition through Washington that the tragedy of Watergate was racing toward its denouement.

The White House line till then had been that the President's longtime private secretary, Rose Mary Woods, 56, had accidentally blotted out at least part and perhaps all of the key passage in a June 20, 1972, recording of the boss and his sometime chief of staff, H.R. (Bob) Haldeman. But the expert panel concluded unanimously that the gap had been caused by at least five and possibly nine separate erasures—not one simple mishap—and that they were "almost surely" done on a machine bought for Miss Woods's use last Oct. 1. Special prosecutor Leon Jaworski immediately put the FBI on the case, and Judge John J. Sirica recommended that the grand jury consider possible criminal charges. The heat accordingly turned high on the very few people who had handled both the tape and the recorder—Miss Woods conspicuously among them—and so intensified the danger that one of them might seek personal salvation by implicating the President himself in a criminal obstruction of justice.

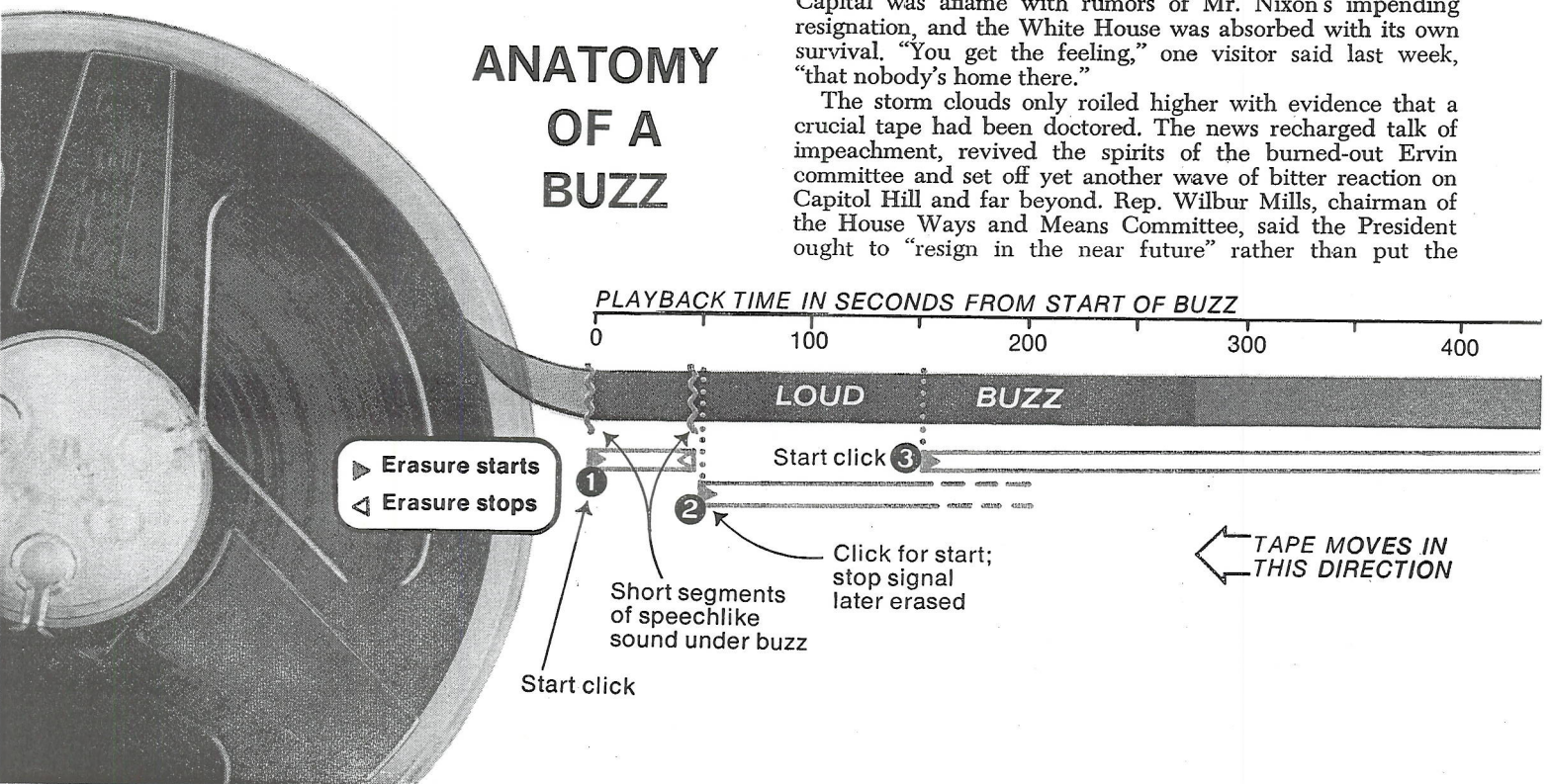


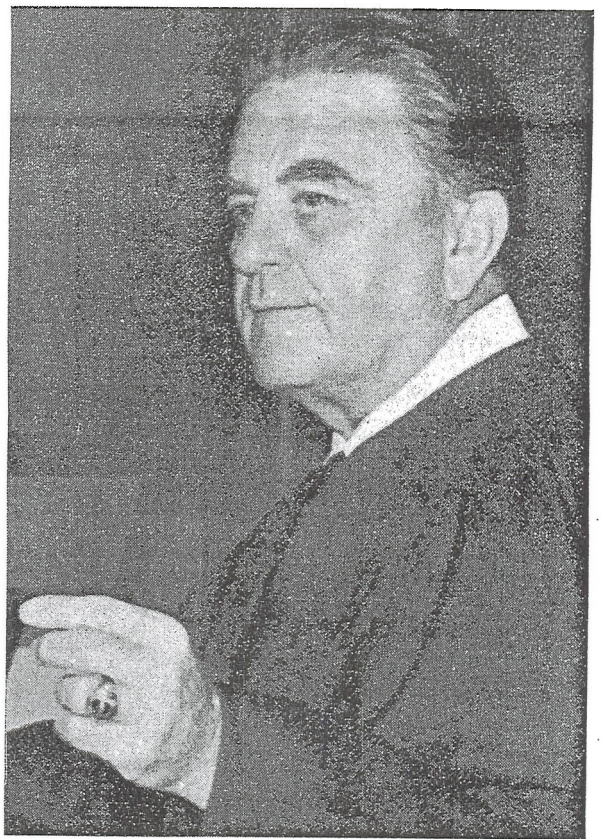
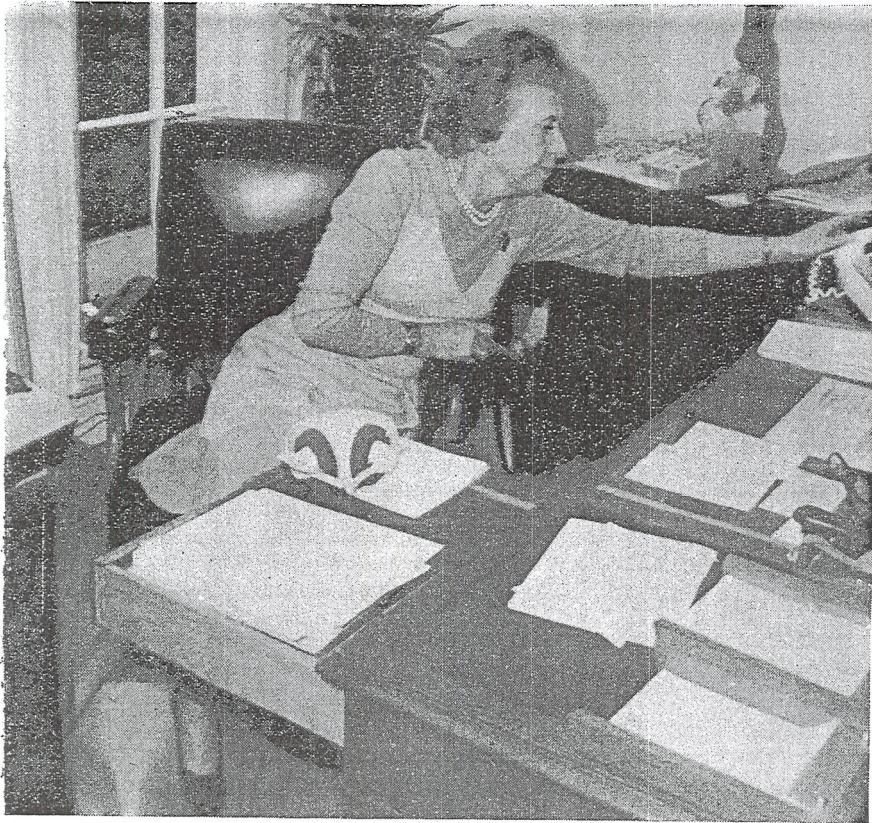
UPI

The news deepened the sense of foreboding that has enveloped—some said paralyzed—the Nixon Presidency. Mr. Nixon's approval rating had by then slipped to dismal lows of 27 per cent in the Gallup poll and 30 per cent in a Louis Harris survey—and Harris for the first time found a plurality (of 47 to 42) that he ought to resign. Congress was reassembling from the provinces, unhappy, volatile and ambivalent about impeachment, but certain that the issue will have to be faced for the first time in a century. The Watergate grand juries were readying a flurry of indictments. Jaworski was plea-bargaining with a number of the principals—"dealing up" with reduced charges in return for their testimony against their betters—and putting out increasingly ominous signals that his mandate includes investigating the President. The Capital was aflame with rumors of Mr. Nixon's impending resignation, and the White House was absorbed with its own survival. "You get the feeling," one visitor said last week, "that nobody's home there."

The storm clouds only roiled higher with evidence that a crucial tape had been doctored. The news recharged talk of impeachment, revived the spirits of the burned-out Ervin committee and set off yet another wave of bitter reaction on Capitol Hill and far beyond. Rep. Wilbur Mills, chairman of the House Ways and Means Committee, said the President ought to "resign in the near future" rather than put the

ANATOMY OF A BUZZ





A noose tightens: Woods at her Uher, Sirica on the case—and a President fighting to survive

House and the nation through the trauma of impeachment; Mills even offered to sponsor legislation granting Mr. Nixon immunity from criminal prosecution if that would help get him out. House Majority Leader Thomas P. (Tip) O'Neill guessed that the President would in fact step down if impeachment gets to the House floor. Illinois's GOP Rep. John Anderson, No. 2 man in the House Republican leadership, called the finding on the tape the gravest turn yet—"the penultimate link in the chain of evidence . . . [of] a conscious, deliberate effort to obstruct justice." The conservative Detroit News said Mr. Nixon should leave the Presidency lest he "one day find that the Presidency, by popular request and Congressional action, has taken leave of him." Tennessee's Sen. William Brock, a Nixon man, said he had given up wondering how many more shoes would drop—"I feel like I've been dealing with a centipede this last year."

The shoes were still raining down last week, and dropping dangerously closer to the President himself. Mysterious gaps turned up on two more Watergate tapes—this time a Dictabelt and a cassette of the President recollecting conversations with John Mitchell on June 20, 1972, and with John Dean on March 21, 1973. NEWSWEEK learned that two Presidential lawyers have told government investigators that they had backdated key documents to help qualify Mr. Nixon for a \$576,000 tax deduction on the gift of his Vice Presi-

dential papers to the National Archives (page 20). And Jaworski's office, NEWSWEEK further learned, has been questioning Dean closely over the past weeks about his allegations that the White House offered Executive clemency to Watergate conspirator E. Howard Hunt to buy his silence. Dean's story, if it stands up, could engulf former White House topsiders John Ehrlichman and Charles Colson—and could lead from them to the President himself as the only man empowered to grant or promise clemency.

Now, Operation Counterattack

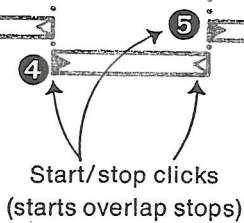
The fresh temblors reached the White House just as it was burying Operation Candor once and for all and supplanting it with a sputtery Operation Counterattack—a hard-line campaign to portray the drive for impeachment and the assault on the Presidency as a purely liberal Democratic affair. Vice President Gerald Ford (page 21) was sent forth to an American Farm Bureau Federation meeting with a speech blue-printed for him by Presidential staffers Bryce Harlow and Kenneth Clawson charging "a few extreme partisans" with using Watergate to "crush the President and his philosophy." Barry Goldwater, too, joined in, mostly out of irritation at having his own conscience shots against the President quoted by Democrats for their own purposes; he did a "Meet the Press" show insisting that Mr. Nixon "can lead and is leading"

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SOFT BUZZ

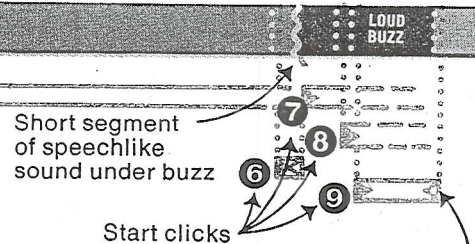
LOUD BUZZ



Short segment of speechlike sound under buzz

Start clicks

Erase stops; speech begins



dared the House to impeach him. When Mr. Nixon finally surrendered, two of the nine tapes under subpoena for the Watergate grand jury turned up missing—the White House said they had never been recorded at all—and a third, the June 20 Nixon-Haldeman conversation three days after the Watergate break-in, was gutted of its only relevant passage. Not even the Nixon defense was willing at first to argue that that gap was innocent; Buzhardt, who was then running the case, nominated Miss Woods both to the prosecutors and to Sirica off the record as the probable culprit.

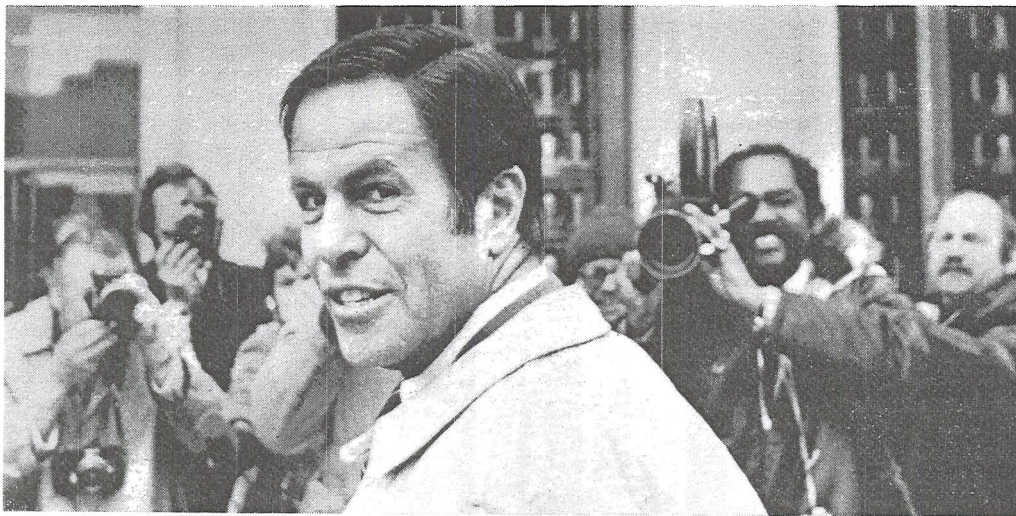
But on second thought, and after some last-minute tests of his own, Buzhardt marched Miss Woods back to court in November with an accident theory for the eighteen-and-a-half minute buzz: she had been interrupted by a phone call while monitoring the tape and had accidentally started the erase mechanism by punching a wrong button and keeping her toe on the foot pedal all the while. Apart from the contortions that reach this would have required, there were other difficulties with the story—Miss Woods herself not least among them. She insisted she couldn't have accounted for more than four or five minutes of the gap—the length of time she remembered having spent on the phone—and in the end Buzhardt himself sheepishly conceded in court that his reconstruction was "just a possibility."

The Handwriting on the Tape

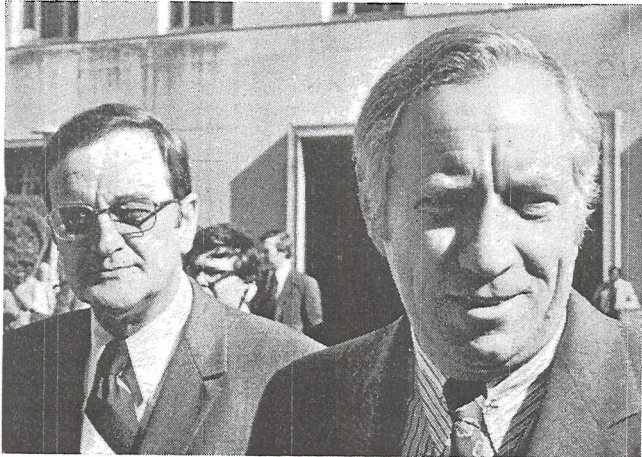
The evidence of Sirica's experts—a panel of scientists chosen jointly by the White House and the prosecution—demolished even the modest claim. Their central conclusion was drawn from an examination of the distinctive marks, or "signatures," left by the erasing and recording heads on the tape; they indicated that somebody had set the machine to erase at least five times, each time pushing two buttons simultaneously by hand. The end result was a series of overlapping erasures running eighteen and a half minutes end to end; all that was left were three tiny blips that sounded like and tested out as speech, and a long wasteland of buzzing, probably from the electric-power line and a faulty component in the Uher 5000 tape recorder.

The first casualty of these findings was the toe-on-the-treadle theory: the panel insisted that the marks on the tapes could be caused only if the erase mechanism were switched on and off by hand. Casualty No. 2, though the panel was not permitted to say so, was the notion that the erasure could have been accidental at all. Prosecutor Richard Ben-Veniste put the question repeatedly to members of the panel, who testified as a group in a thicket of pointers, charts and blackboards; each time, objections by St. Clair and Miss Woods's lawyer, Charles Rhyne, cut him off. But later, he did get one expert, Thomas Stockham, to agree that the evidence was "consistent" with a deliberate era-

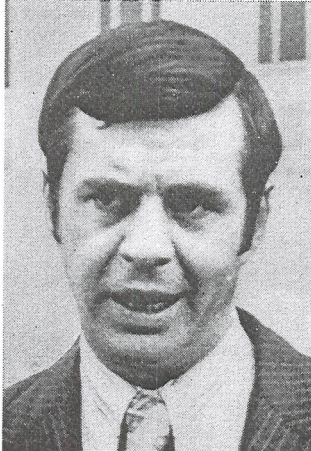
Newsweek



Haldeman: A fishing expedition drew no helpful answers



Wally McNamee—Newsweek



UPI

Buzhardt, Garment, Bull: The focus passed from what happened to whodunit?

and a Baltimore political speech attacking "the Democrat-oriented . . . impeachment lobby." What neither man knew, although the White House did, was that the experts were about to deliver their devastating report on the doctored tape. Ford was surprised, Goldwater miffed—and both were left floundering for some innocent explanation.

'He's Obsessed'

That there might not be one could only further fray the spirit of the man alone at the center of the storm. Mr. Nixon emerged from his lengthening seclusion only once last week, announcing an authentic diplomatic coup—the Israeli-Egyptian agreement to disengage along the Suez Canal (page 30)—in the leaden and tremulous tones of a man pronouncing a eulogy. Otherwise, he was said to be laboring over the State of the Union Message, the budget, the energy crisis and other public business. But word leaked out that he has grown as desperately anxious now as he was in the tense hours before he fired Archibald Cox as special prosecutor three months ago. "He's obsessed by one thing, his fear of going to the penitentiary," one Senate insider with well-laid wires to the White House reported. "He is convinced that Leon Jaworski is going to have

him indicted for conspiracy to obstruct justice in the Watergate affair."

The public style of the Nixon defense thus changed visibly in the tapes case last week, from the imagery of a President concerned only for the integrity of his office to the reduced mode of a man trying to fight clear of a criminal investigation. No viewings with alarm issued from the White House, nothing but the subdued denial that Mr. Nixon had himself pushed the button that caused the erasure and a plea to suspend judgment until all the evidence was in. The new tone of the defense arrived in Sirica's courtroom with the President's new defender-in-chief, James D. St. Clair, a canny, acid-sharp Boston trial veteran; he fought the prosecutors point by point, challenged the experts on their findings and objected successfully to any effort to get them to declare straight out that the erasure was done deliberately. "He's not concerned with the mystique of the office as [his predecessors] Len Garment and Fred Buzhardt were," one White House aide said. "He is concerned with the basic welfare of his client."

St. Clair's client had fought at enormous cost to suppress the tapes—had defied Congress and the courts, fired Archibald Cox, driven Attorney General Elliot Richardson from office and fairly



Mills: In a gathering storm, a message to Mr. Nixon to quit now

sure. And if it were an accident, Ben-Veniste asked the panel's spokesman, Richard Bolt, "it would have to be an accident that was repeated at least five times?" Bolt said that was correct.

The focus of the inquiry thus passed from what happened to whodunit—and on whose orders. At first, the possibilities seemed limitless; from last April, when the case broke open, till mid-July, when the existence of the tapes was disclosed, their handling by the Secret Service was slipshod in the extreme—a casual system in which wholesale lots of tapes were logged out on scraps of brown paper and sometimes were not logged back in. Presidential aide Stephen Bull checked one batch of 22 tapes for Haldeman in April, while he was still in Mr. Nixon's employ, and another lot of nine in mid-July, some of which Haldeman took home overnight; the President himself got 26 in June and spent a day listening to them. The available records suggest that the June 20 tape was not included in any of these lots, but the prosecution's low regard for the then-prevailing bookkeeping practices was manifest.

Rose Mary's Uher

What narrowed the time and the range of suspects was the judgment of the experts—based on sophisticated sound studies—that the buzz on the tape "probably" came from Miss Woods's Uher. That meant the erasure had to have been done between Oct. 1, when the Secret Service bought the recorder (for \$528.80) for her use, and Nov. 26, when it was delivered to court. One guess plainly indicated by the prosecu-

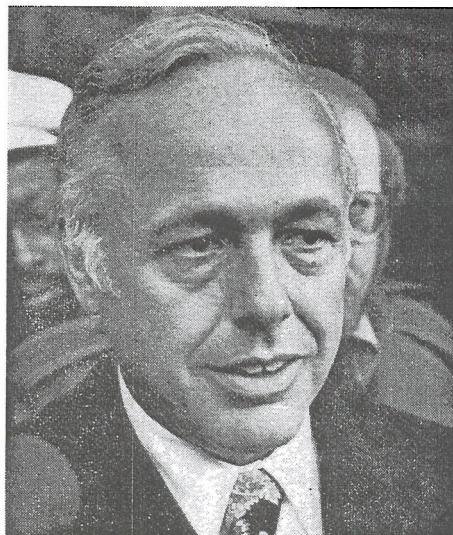
tion was that it actually occurred before Oct. 12-14, when the White House was trying to work out the ill-starred compromise under which Sen. John Stennis would have screened the tapes for the Ervin committee and the grand jury. The question then reduced itself to who had access to both the tape and the recorder in the critical period; the answer, so far as the available evidence showed, was Bull, Miss Woods—and perhaps the President himself.

Homing in from there, the prosecution showed particular fascination with two weekends during the critical time:

■ **Camp David and Washington, Sept. 29-Oct. 1**—The official line is that Bull got the June 20 tape from its new White House custodian, Gen. John C. Bennett, on Sept. 29, took it to Camp David and set it up on a Sony 800-B recorder for Miss Woods. She says she labored all that day and the next trying to set down the gist of a 55-minute conversation between Mr. Nixon and John Ehrlichman just before the session with Haldeman, which she was told was not under subpoena. It was slow going, since the tape was bad and the Sony didn't have a foot pedal; the President himself dropped by for a few minutes to say hello to her and Bull, to apologize for giving her such a nasty job and to diddle the PLAY and REWIND buttons himself a time or two. Not until she returned to Washington on Oct. 1 and got the Uher did she hear any of the Haldeman conversation at all, she said, and then only enough to figure out where the Ehrlichman talk broke off. It was at this unhappy juncture that she made her "terri-

ble mistake" and ran off mortified to report it to Mr. Nixon.

Quite apart from the gross problems raised by the expert report, there were other mysteries and inconsistencies in Miss Woods's story. The prosecution, for one thing, remained intrigued with a half-hour meeting she had with Mr. Nixon on Sept. 29 and somehow neglected to mention in three turns on the stand; during that time, he put in calls to Bull, Buzhardt and chief of staff Alexander Haig, and some of the prosecutors have never quit wondering whether the events leading to the erasure were set in motion that evening. Ben-Veniste, moreover, picked at Miss Woods's earlier testimony that she had labored for two and a half hours over the Uher on Oct. 1, the day she says she had her accident; in fact, the evidence showed, she didn't get the machine until 1 or 1:15 p.m., and was in Mr. Nixon's office by 2:08 to tell him what had happened.



Lawrence McIntosh

St. Clair: Time to defend the client

■ **Key Biscayne, Oct. 4-7**—An alternate hypothesis visible between the lines of the prosecution's questions was that the erasure might not have happened till the following weekend, when the tape, the Uher, Miss Woods and Bull flew south with the President for a working retreat in Florida. Why the tape went at all was a question, since Miss Woods has testified she finished work on it on Oct. 1. But it was among a batch that Bull got out of her safe, packed into a suitcase and ultimately stowed under Secret Service guard in a safe in Miss Woods's duplex villa at their Key Biscayne hotel. Only he and she had access, Bull testified, and only he opened the safe—"quite frankly because I was the only one who knew how." But Ben-Veniste established that Miss Woods had opened it herself at least twice, and that Bull had opened it at some passing strange hours—perhaps at 11 or midnight one night to get "some memoranda or something of that nature" for the President, at 1:58 and then again at 2:05

Newsweek

NATIONAL AFFAIRS

one early morning, presumably to oblige Miss Woods.

Bull made an oddly opaque witness on some pivotal points, his testimony full of qualifiers like "my vague recollection is" and "I have no precise knowledge"; Ben-Veniste as a result found himself needling and scolding in vain through the haze, trying to get at why Bull had unlocked the safe in the small hours (he couldn't remember), and whether the President had visited the Woods villa (he had no direct knowledge of that). Neither was he helpful when Ben-Veniste asked abruptly whether Haldeman had been in town that weekend—a question that was manifestly just fishing, but which nevertheless suggested that the prosecution had not yet ruled out possible complicity of others in the erasures. "I have no idea whether Mr. Haldeman was at Key Biscayne, but I am sure I didn't see him," answered Bull, and that for the moment was that.

The inquest thus narrowed the field to a vulnerably small group, among them Miss Woods and Bull, who had access to the tape and the Uher, and Mr. Nixon, who had declared the recordings to be "under my sole personal control" and so had final responsibility for preserving them as evidence. Miss Woods's "accident" aside, all three have denied erasing the eighteen and a half minutes, and the defense tried to widen the list of possibles by picking at the expert testimony, particularly on the point that the deed had been done on Miss Woods's machine. Rhyne stressed that there were four other Uher 5000s in the White House before Oct. 1 and that the experts had taken it on themselves to repair Miss Woods's, making it impossible to re-create the buzz and match it against any other machine. "It reminds me of the time I was a boy in North Carolina going to court cases," said Rhyne, "and some moonshiner would have drunk up all the evidence." But the experts stood unbudgingly under cross-examination by Rhyne and St. Clair on their central points—that *somebody* had repeatedly turned on the erase mechanism, and most likely on Miss Woods's machine.

The New Gaps

Nor did that end the damage spilling daily out of Sirica's courtroom. On the closing day of the hearings, with Buzhardt back on the stand, Ben-Veniste almost idly dropped the latest bad news—the blank spots in the President's dictated recollections of talks with Mitchell and Dean. The first, a Dictabelt reconstruction of a phone chat with Mitchell three days after the break-in, seemed particularly important, since the White House maintains that the conversation itself never got recorded. But, said Ben-Veniste, the Dictabelt version itself is cut off by a 38-second silence, following which Mr. Nixon's voice rematerializes—



AP

Jaworski: A look at clemency offers

on another subject—in the middle of the sentence. A similar gap of 57 seconds starts, according to Ben-Veniste, in mid-sentence during the President's re-creation of his March 21 meeting with Dean—the session at which Dean says he warned the President that the Watergate cover-up was becoming "a cancer . . . on the Presidency."

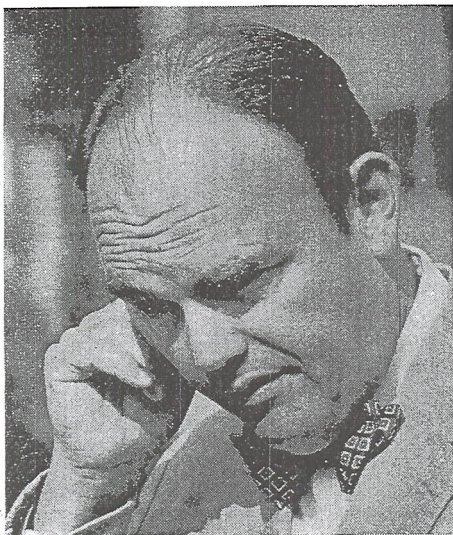
Ben-Veniste, plainly skeptical, pressed whether these recordings too might have been deliberately erased. Buzhardt said no—that pauses were perfectly normal for the President in the process of giving dictation, and that others exist on the recordings.

"Any *nearly* as long as 57 seconds?" asked Ben-Veniste.

"No," said Buzhardt unhappily.

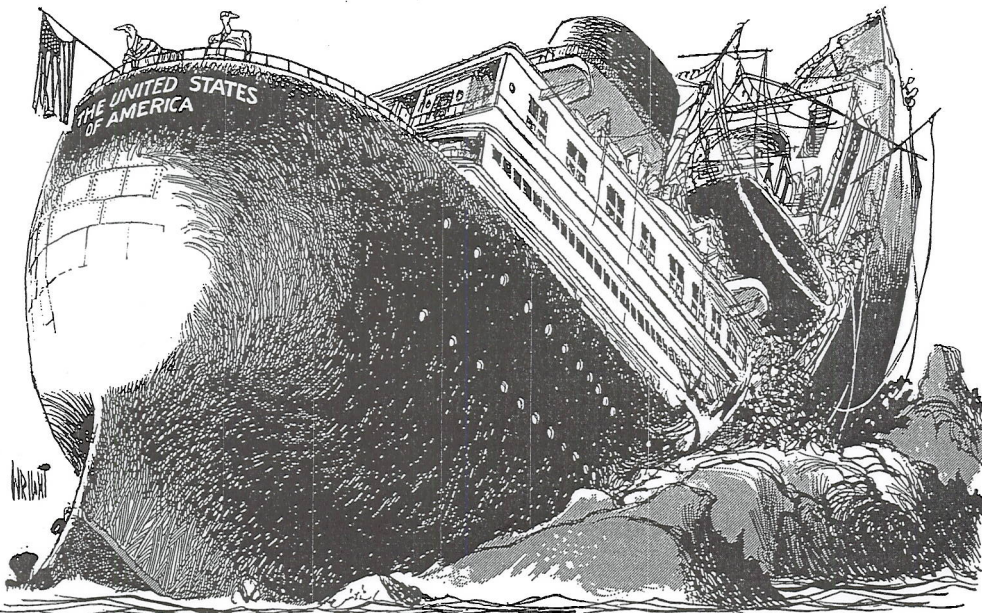
A Case for the Grand Jury

In plain exasperation, Judge Sirica gavelled the hearings closed at the weekend with no judgment except the obvious ones—that "substantial questions remain unanswered . . . [and] that a distinct possibility of unlawful conduct on the part of one or more persons exists here." He accordingly passed the case and the 2,800-page hearing record to Jaworski, to be taken before the grand jury and scoured for evidence of crimes—among them perjury, conspiracy, obstruction of justice and unlawful destruction of evidence. The hunt is likely to be a long one; the grand jury will have to catch up on the evidence already in, await the FBI findings and an elaborated edition of the expert report, and look into other questions as well as the eighteen-and-a-half-minute buzz. Among them: the White House claim that two other subpoenaed tapes don't exist and possibly the two new gaps disclosed last week. The White House took all this in a kind



Ed Streeky

Ehrlichman: 'Dealing up'?



Wright—Miami Daily News

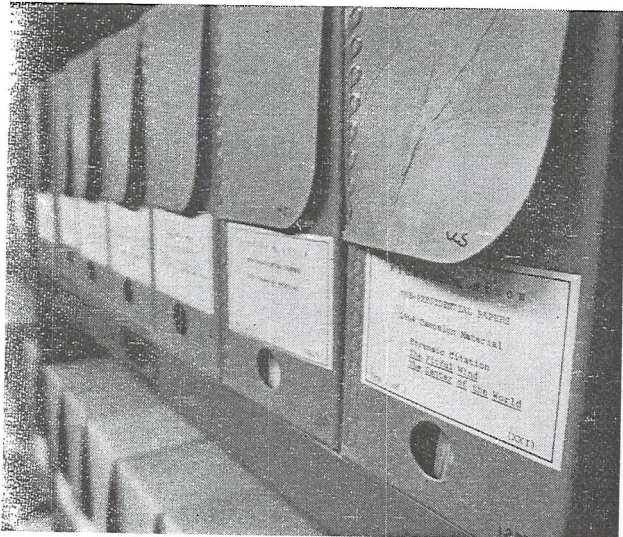
'But, congressman, wouldn't removal of the skipper be somewhat demoralizing?'

of wounded silence, promising to cooperate with the FBI and noting that Sirica's action was not a finding of wrongdoing by anybody; in a curiously indirect statement, it held to the notion that what was on the tape could well have been innocent and that the only issue now was how it got taken off. The Washington Post reported during the week that the President himself had in mid-November asked Miss Woods to take responsibility for the entire gap; this brought a furious denial from Rhyne, who maintained that neither Mr. Nixon nor anybody else in his employ had ever questioned her about the erasure. It also prompted a protestation from the White House that the President retains "absolute confidence" in Miss Woods and Steve Bull as well, and the Post in the end softened the story.

But the inescapable implication of

becoming a government witness—the closest yet to the President.

Mr. Nixon's image makers sought to portray him as too busy being President for any such tawdry preoccupations as those; he left the partisan counteroffensive to surrogates like Ford and Goldwater, and concentrated his own energies on the backed-up business of the people. He saw rather more visitors than usual, did a weekend radio speech on the energy crisis (page 56) and otherwise was said to be hard at work on what now promises to be a largely warmed-over legislative program for the State of the Union speech next week. His doctor, Walter Tkach, gave him a quick on-the-job checkup and found him generally healthy, though he has been losing sleep and looks "tired" as a result. He even managed a flash of humor when, on a visit to the Oval Office, House Mi-



Wally McNamee—Newsweek



AP

Nixon papers at the Archives, former counsel Morgan: A question of time

what the experts told Sirica last week was that someone in the innermost circle of the government had destroyed evidence in a criminal case, and the news was chilling indeed for Mr. Nixon—another link in a chain of complicity moving ever closer to the President himself. The conventional wisdom in Washington last week was that if that chain once reaches him—if the public becomes persuaded that he is clearly and personally involved in a crime—he will be driven from office either by impeachment or by shotgun resignation.

Last Line of Defense

His tax case was one increasing source of peril. Jaworski's inquiries were another, given his current high interest in the issue of Executive clemency and his preliminary feelers toward a deal with John Ehrlichman; NEWSWEEK learned that intermediaries for the two men had in fact discussed, abstractly and inconclusively, the possibility of Ehrlichman's pleading guilty on a single count stemming from the break-in at Daniel Ellsberg's psychiatrist's office and thereafter

nority Leader John Rhodes kiddingly talked about borrowing some of the President's make-up for a speaking date. "Mine has done me in for so long," riposted Mr. Nixon, "that it won't do you a bit of good, boy."

Yet the case of the telltale tapes that has tormented him for six months has driven him now to his last line of defense—a lonely struggle no longer to recover his lost standing but merely to survive the multiple dangers crowding in around him. The tapes remain the worst of these: the Harris poll showed that massive majorities of Americans believed even before the experts' report came in that the recordings had been doctored or destroyed to protect the President, and a plurality of 48 to 40 thought he ought to be impeached if he is shown even to have been "negligent" about handling them. Last week's turn in the case suggested that he had been at least that. What remained was the far more serious question of whether Mr. Nixon had himself been involved in destroying the evidence of the tapes—and his survival almost surely hung on the outcome.