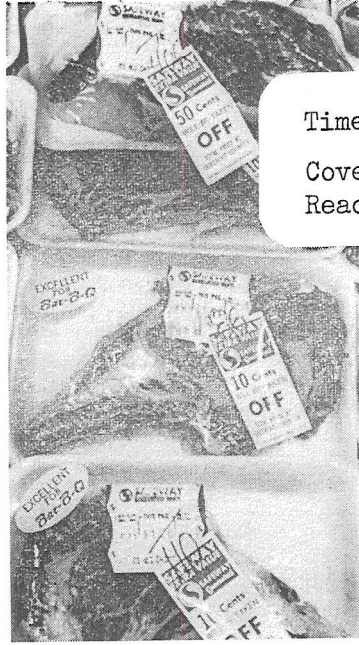
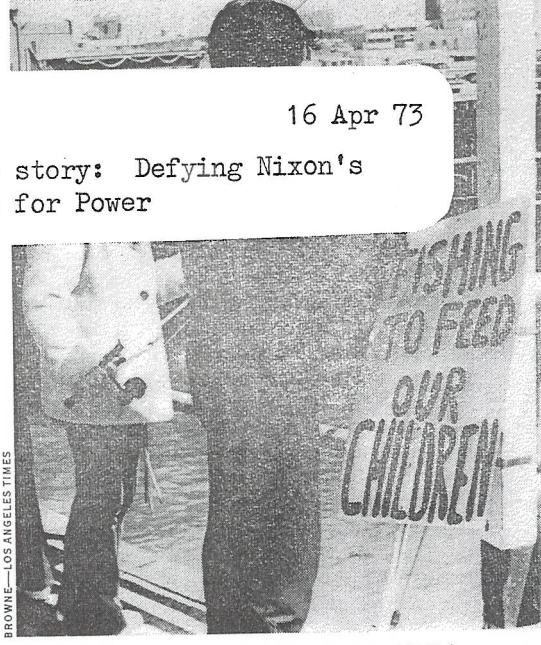




SUPERMARKET BOYCOTT IN NEWARK



MEAT DISCOUNT IN DENVER



FISHING FOR SUPPER IN SANTA MONICA, CALIF.

Time

16 Apr 73

Cover story: Defying Nixon's Reach for Power

## INFLATION

# Rising Clamor for Tougher Price Controls

A NEW Majority formed in the U.S. last week, and it was hardly silent. Its platform: bring down food prices. From one end of the country to the other, consumers joined a boycott against meat, and both retailers and middlemen began to take a roasting. Some packing houses shut down, 20,000 meat-industry workers were laid off, and beef, pork and lamb sales dropped by as much as 50% in supermarkets.

The New Majority was further aroused by the announcement that overall wholesale prices had jumped in March by 2.2%, which would be 26.4% on an annual basis—the biggest increase since the Korean War. Racing ahead of other commodities, wholesale farm and food prices rose at an annual rate of 56%. Raw farm products soared 72%. Said one top Government economic analyst: "The numbers are absolutely, incredibly bad."

Besieged by consumers, Congress was stirred to action. In a price-fixing frenzy, the House Banking Committee voted to roll back retail food prices to May 1, 1972, an economically senseless measure that would be vetoed by the President because it would bankrupt farmers and middlemen. At the urging of the House leadership, the committee reconsidered next day and settled for a rollback of prices, rents and interest rates to Jan. 10, the last day of Phase II. The measure may still be too extreme to win a majority in the House, but public pressures are rising on Congressmen to pass some form of controls. Then the President will be put to the test: to veto or not to veto.

Nixon is ideologically committed to the freer markets of Phase III, but politically he is under intense fire. His economic chief, George Shultz, still de-

fends a policy of casual controls and promises that price relief is just around the corner. He expects food prices to peak in early summer and ease downward for the rest of the year. But another Nixon adviser, Arthur Burns, chairman of the Federal Reserve Board, is urging tighter controls. Nixon may be tempted to impose a freeze before Congress forces him to do so.

**Fryers.** The consumer majority proved beyond doubt that it had muscle. Housewives resorted to all kinds of meat substitutes and stuck to them—at least for the week. Many stocked up on poultry. Said the sales manager of a major West Coast food chain: "It looks like Christmas in our warehouses—turkeys and fryers are really moving out." A Los Angeles shopper, Jane Burnham, pledged: "I'll boycott until I grow feathers from eating so much chicken." Others seemed to be willing to sprout scales. Fish sales rose sharply, driving up the price of filet of sole to \$2.90 a lb. in many places, exceeding the cost of port-house steak.

People were not buying as much meat in restaurants, some of which offered meatless menus. There were occasional unrepentant carnivores. At La Goulue, a new Manhattan restaurant where the chic meet to eat, Salvador Dali, Andy Warhol, Ultra Violet and Candy Darling feasted on lamb chops one afternoon last week. But at a nearby table Prince Rainier and Princess Grace of Monaco observed the boycott by lunching on salad.

To beat the food prices, some consumers have become part-time farmers. In suburban Hanover, Mass., several families are raising calves, sheep, pigs and chickens in their backyards; in Middlesex County, Mass., Agricultural

Agent Ronald Athenas received 275 calls in a 24-hour period on his "hot line," which supplies gardening tips. On request, Seventh-day Adventists have recently mailed 7,000 booklets of meatless recipes to recent converts to vegetarianism. The Adventists have also sold 1,700 copies of their meatless cookbook (\$2.95) at regional headquarters in Glendale, Calif.

When they could, farmers fought back. Their wives swooped on meat stores and plucked them clean. A group led by Mrs. Crayton Guhlke, wife of a wheat and cattle farmer, held a buy-in in Spokane, Wash., while LAMP (Ladies Against Meat Prices) was picketing on the streets. Mrs. Kenny Williams, a LAMP leading light, said she welcomed such an expedition. "That shows the public where the money is—on the farm." Trying a more conciliatory tactic, a group of 21 farmers in Columbia, Mo., bought most of a store's meat supply and handed it out free to customers.

The boycott had made its mark. Prices, which held steady early in the week, began to slip in some places, though it is still too soon to tell if the housewives will ultimately succeed. In Chicago, wholesale beef and hog prices dropped a few cents per lb.; Grand Union Co., the tenth-largest food chain in the U.S., cut the price of beef, pork, lamb and veal by 10¢ per lb., and a few other chains also made reductions. Some 200 leaders of the New Majority—housewives, labor-union officials and consumer-group representatives—prepared to go to Washington this week to lay plans for a continued boycott or some other strategy—like urging abstinence from meat on certain days—that would bring food prices down and keep them there.



# Defying Nixon's Reach for Power

THE jowls jiggled. The eyebrows rolled up and down in waves. The forehead seemed seized by spasms. Yet the lips continuously courted a smile, suggesting an inner bemusement. The words tumbled out disarmingly, softened by the gentle Southern tones and the folksy idiom. But they conveyed a sense of moral outrage.

"Divine right went out with the American Revolution and doesn't belong to White House aides," the speaker said. "What meat do they eat that makes them grow so great? I am not willing to elevate them to a position above the great mass of the American people. I don't think we have any such thing as royalty or nobility that exempts them. I'm not going to let anybody come down at night like Nicodemus\* and

\*According to the *Gospel of John*, Nicodemus, a Pharisee, came to Jesus at night and asked him about his teachings and his divinity.

whisper something in my ear that no one else can hear. That is not Executive privilege. It is Executive poppycock."

With those words, typically skittering from Shakespeare to the Bible, North Carolina's Democratic Senator Sam J. Ervin Jr. was stepping up the rapidly accelerating tempo in a showdown over secrecy between the U.S. Senate and President Nixon. If the President will not allow his aides to testify publicly and under oath before the Select Senate Committee on Presidential Campaign Activities, Ervin vows, he will seek to have them arrested.

That threat is not an idle one. Ervin, 76, is chairman of the select committee that is investigating attempts to interfere with last year's presidential campaign. That includes the break-in and wiretapping of Democratic National Committee headquarters in Washington's Watergate complex last June. In defying Sam Ervin on this matter, the President is in collision with the most formidable Senator that this proud body could choose to lead its cause. Charming yet fearless, Ervin is the Senate's foremost authority on the Constitution, a former state supreme court justice and one of the few legislators who prefer the hard work of personal research in quiet libraries to the hurly-burly of cloakroom arm-twisting. He has, in a sense, spent much of his career preparing for precisely this kind of fight.

The Ervin committee, which has full subpoena powers, also has solid legal grounds for contending that White House officials cannot spurn any such subpoenas. Since he hopes to begin televised hearings in about two weeks, the issue is reaching a climax. It could easily lead to the most fascinating Capitol Hill TV drama since the Army-McCarthy hearings of 1954.

**Mess.** The stakes go far beyond whatever may be discovered about Watergate. Already, the adverse implications of that affair have undermined the credibility of Richard Nixon as a leader devoted to rigid standards of old-fashioned morality, to a stern and equal application of law, to an open and accountable Administration. Until the Watergate mess is cleared up, Nixon's closest political and official associates—and the President himself—will be operating under the handicap of a widespread and bipartisan suspicion that they have something sinister to hide.

Serious charges have been made in testimony before Senate committees and a grand jury in Washington, in statements by FBI agents and convicted Watergate conspirators, and in press reports that have not been effectively rebutted. Officials of the President's reelection committee got suitcases full of



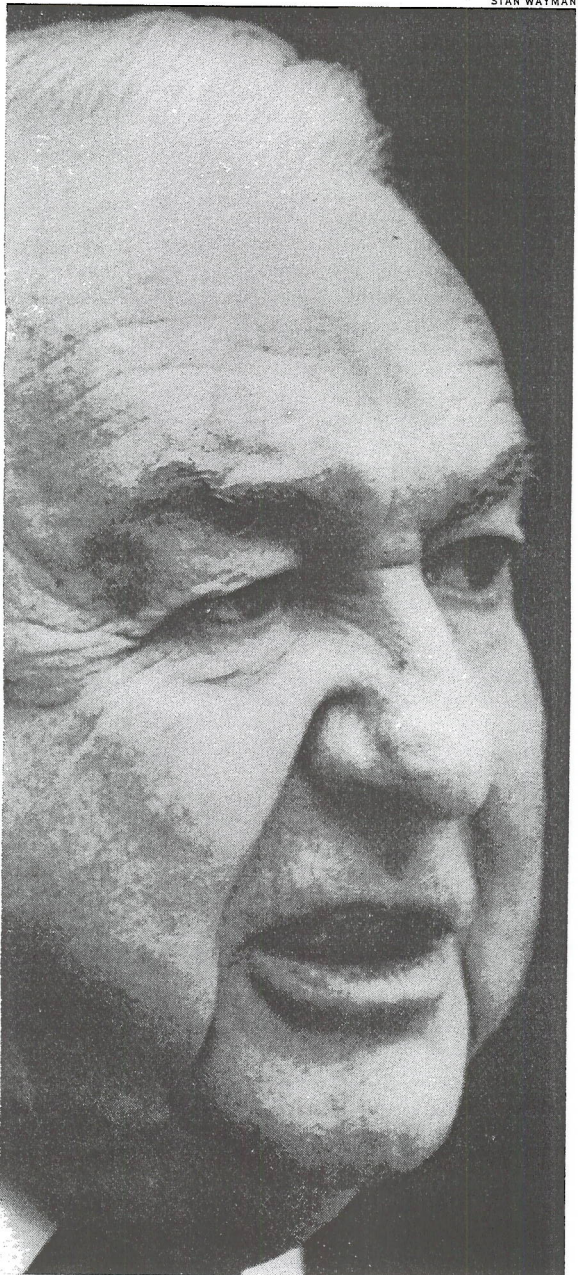
WRIGHT—MIAMI NEWS

cash from secret donors, including one who is under investigation for violating federal laws. They failed to keep the complete financial records required by law. The President's personal lawyer admitted paying a political saboteur, and his official lawyer recommended the hiring of one of the Watergate conspirators. The FBI was used to gather campaign information, and cooperated chummily with White House officials whom it should have been investigating.

Last week the Watergate affair claimed its highest-level casualty so far. Nixon reluctantly complied with the request by L. Patrick Gray III that his name be withdrawn from Senate consideration as permanent director of the FBI (see following story page 16).

Ervin's dramatic drive to clarify all the murky mysteries surrounding Watergate is part of an even broader clash between two branches of Government. The White House and the Congress are locked in a struggle that goes to the very foundations of the Constitution. On a wide variety of fronts, Ervin is leading the challenge to the Executive Branch's expansion of power.

Beyond being the chief Watergate prober, Ervin is a key member of a special Senate subcommittee set up to investigate the President's excessive use of Executive privilege. The subcommittee, chaired by Maine's Senator Edmund Muskie, will begin hearings this week. Ervin is also chairman of the Senate's Judiciary Subcommittee on Constitutional Rights, which is trying to block Administration-supported attempts to force newsmen to reveal their confidential sources in judicial proceedings. He has proposed a "press shield" law that would protect newsmen who are subpoenaed at federal and state levels from having to reveal their sources



STAN WAYMAN

SENATOR ERVIN





or unpublished information, unless they had witnessed a crime or had personally received a confession. Ervin had modified his bill several times on the basis of testimony before his committee—an example of how open he is to reasoned arguments by witnesses.

In addition, Ervin is chairman of two Senate bodies—the Government Operations Committee and the Judiciary Subcommittee on the Separation of Powers—that are trying to prevent the President from impounding funds. Nixon is claiming the right to withhold funds that have been voted by Congress and thus in effect to determine Government priorities regardless of the express wish of congressional lawmakers. Last week Ervin introduced an amendment to an unrelated bill that would oblige the President to seek congressional approval before impounding any funds. The amendment passed, 70 to 24.

If the amendment is enacted, Nixon will veto it. The difficulty of overriding such a veto was convincingly demonstrated last week when Senators failed by four votes to muster the two-thirds vote necessary to overcome Nixon's veto of a \$2.6 billion program to rehabilitate handicapped persons: the first such spending clash of the new congressional term.

Why, so late in his career, has the Senate turned to Sam Ervin to carry its banner in so many battles? Reports *TIME's* congressional correspondent Neil MacNeil: "Sam Ervin has been called 'the last of the founding fathers'—and in a way it is true. For more than a dozen years, he has chaired hearing after hearing on constitutional rights and the erosion of the separation of powers. Those hearings were conducted in all but empty committee rooms. This was his vineyard, and he worked it

alone. Now the Congress has at long last taken alarm. It has decided that it needs a constitutionalist—a man of great legal knowledge and judicial temperament—and in discovering that fact, it has discovered Sam Ervin."

Ervin is no brashly partisan Democrat seeking publicity by challenging the Republican President. Basically a shy if mirthful man, he has spent 19 years in the Senate without attracting much national attention. His press conference last week was only the third one that he has called in all of those years. In many ways, despite his party affiliation, he is Nixon's kind of Senator. He is probably even more tightfisted and fiscally conservative than the President. In interpreting the Constitution, he fully meets Nixon's standard of a "strict constructionist." Nixon recently called him "a great constitutional lawyer." No one is more eager than Ervin to go along with a central theme of Nixon's second inaugural address: "We have lived too long with the consequences of attempting to gather all power and responsibility in Washington."

It is precisely because he feels that his beloved Constitution is being trampled upon by the President in an unprecedented power grab that Ervin is leading the effort in Congress to regain its rights. He considers the Nixon Administration "the most oppressive" that he has known, not only in its arrogance toward Congress but in its snooping on individuals, its extension of police powers and its harassing of newsmen. Ervin sees all such activity as violating the Constitution, which he calls "the finest thing to come out of the mind of man."

**Thirst.** Throughout Ervin's long career he has distrusted what he calls "the insatiable thirst for power of well-meaning men." As he sees it, "the Constitution was made to guard the people against the dangers of good intentions. There are men of all ages who mean to govern. They promise to be good masters, but they mean to be masters. The Constitution was written primarily to keep the Government from being masters of the American people."

Self-effacing and good-natured, although never a backslapper, Ervin was chosen by Senate Majority Leader Mike Mansfield to head the select committee because, Mansfield explained: "Sam is the only man we could have picked on either side who would have the respect of the Senate as a whole." Moreover, Ervin does not now have—and never has had—higher political ambitions. It is ironic that liberals, in particular, see Ervin as a heroic figure. Not too many years ago they were gnashing their teeth at his skillful, legal arguments against civil rights laws.

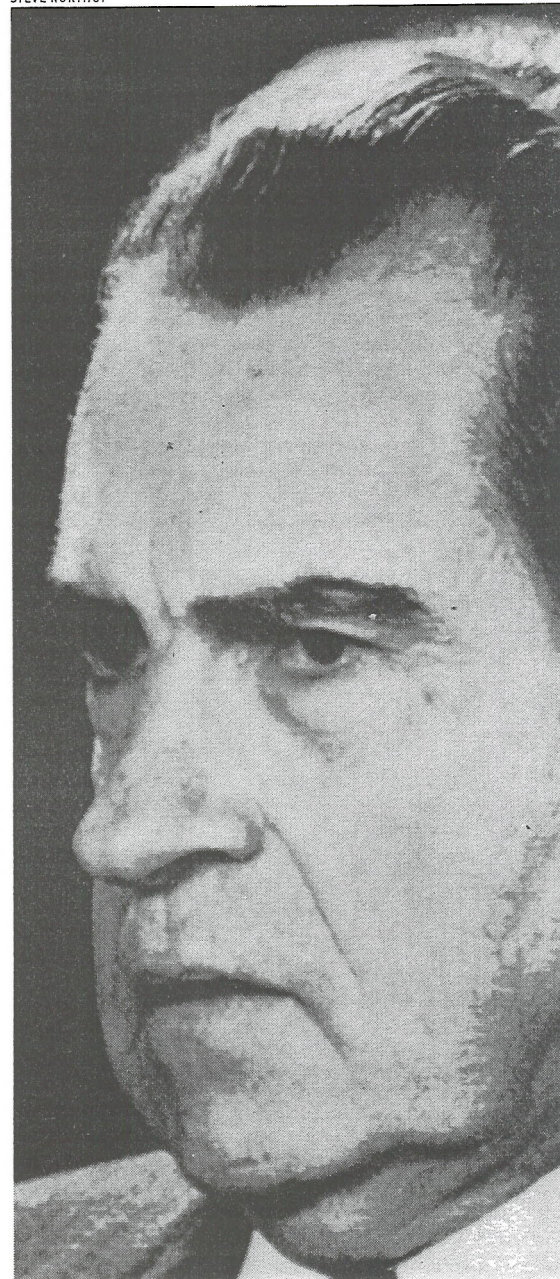
Now Ervin has the broad support of not only the Senate's Democratic liberals but also its Democratic conservatives and many Republicans. Nixon's secretive handling of the Watergate affair has dismayed his strongest backers. Republican office holders feel that they are

being needlessly tarred by Watergate and want the real culprits exposed. Also, many Congressmen disdain such intimate Nixon aides as John Ehrlichman, H.R. Haldeman and their assistants, who are often regarded by veteran politicians as arrogant, inexperienced and selfishly protective of the President. Noting that some members of the White House staff seem to be enmeshed in the Watergate affair, one Republican Senator said sarcastically: "It couldn't happen to a better bunch of guys."

In addition, Senators of both parties almost unanimously dispute Nixon's claim that Executive privilege protects his staff against congressional inquiry. That idea, unmentioned in the Constitution, rests on the doctrine of the separation of powers between the branches of Government. The thinking is that Congress cannot intrude upon the decision-making process of the Executive Branch and thus cannot demand to know the private advice that the President gets from his staff. Indeed, Presidents have traditionally demanded and been granted this privilege.

In his Watergate investigation, Sam

STEVE NORTHUP



PRESIDENT NIXON



THE NATION

Ervin is not trying to find out what White House aides may have told the President about some proper aspect of their official duties. He wants to know whether they took part in political activities that may have been illegal or improper or whether they know who did so. Yet Nixon has tried to ban any of his aides, even those no longer on his staff, from testifying before any congressional committee. Last week the *Washington Post* revealed that Nixon's chief counsel, John W. Dean III, had cited this privilege to avoid releasing travel documents to the General Accounting Office, which was trying to find out whether White House officials had made political campaign trips in Air Force planes without reimbursing the Government.

**Wrong.** The President will allow his staff members to respond to written questions from Ervin's committee. "But you cannot put a piece of paper under oath and cross-examine it," Ervin protested. Later, in a show of compromise, Nixon said that he would let some aides be questioned personally, but not under oath and not in public. Yet Ervin insists that, if the truth about Watergate is to emerge, the public—and not just a few Senators—has the right to "observe the demeanor of the witnesses and to judge their credibility."

The impasse between Ervin and Nixon seems to offer no avenue toward compromise. Nixon has said that he "would welcome" a court test on his decree of Executive privilege, adding: "Perhaps this is the time to have the highest court of this land make a definitive decision." It is hard to find a legal scholar who thinks that Nixon would win his case.

Harvard's Raoul Berger, a specialist in the history of Executive privilege, scoffs at the Nixon claims of broad staff immunity from questioning as "utterly ridiculous—it's Executive propaganda without historical precedent. Nixon is all wrong on this." Yale Law Professor Alexander Bickel agrees, noting that some subjects discussed with the Pres-

ident are protected by the doctrine, but individuals as such are not. Nixon's attempt to put all aides under the doctrine, says Bickel, "can't hold water."

Even a high Justice Department official conceded under heavy questioning by a House subcommittee last week that a White House aide could not claim Executive privilege if a committee asked about any "wrongdoing" by the aide. Deputy Assistant Attorney General Mary C. Lawton agreed, for example, that Dean, Nixon's counsel, would have to testify if he was accused of obstructing the FBI's inquiry into the Watergate crimes. At his unsuccessful nomination hearings to succeed J. Edgar Hoover as director of the FBI, Gray testified that Dean "probably had lied" to FBI agents. Dean was given more than 80 FBI reports on Watergate by Gray, even though he had recommended the employment of one of the convicted wiretappers, G. Gordon Liddy.

Presidential Press Secretary Ronald Ziegler stressed the Administration's willingness to cooperate with investigations by noting that Nixon had ordered his aides to appear if subpoenaed by the federal grand jury in Washington that is probing the Watergate affair. Yet the gesture was meaningless, since the President has no power to exempt his aides from any such subpoenas. This also puts the White House in a new bind: if it responds to subpoenas from the Judicial Branch, why not from the Legislative Branch? Ervin fully intends to ask his committee to subpoena members of the White House staff if they do not respond voluntarily.

**Bible Country.** Ervin considers himself "a liberal in the true sense of the word," in the Jeffersonian sense that Government exists to make men free rather than to control them. That emphasis on individual liberty and responsibility—so often advocated by Richard Nixon—was common among Ervin's Scottish Presbyterian forebears. It is also a dominant view in the mountains around Morganton, N.C. (pop. 14,000), where Ervin has spent nearly his entire

life, except when away on official duties. It is Bible country, in which many lifelong residents still see card playing and dancing as evil, and tolerate only a thirst for moonshine liquor. Ervin, who drinks only moderately and spoils fine bourbon by mixing it with ginger ale, has a keen taste for the difference between good and bad home brew.

Ervin's father Sam Ervin Sr. was a self-educated, sharp lawyer who passionately hated F.D.R. and the kind of centralized authority that Roosevelt seized. As early as age 15, "Little Sam" began visiting his father's one-room office across from the county courthouse to learn law the way Father had, by reading one dry legal text after another.

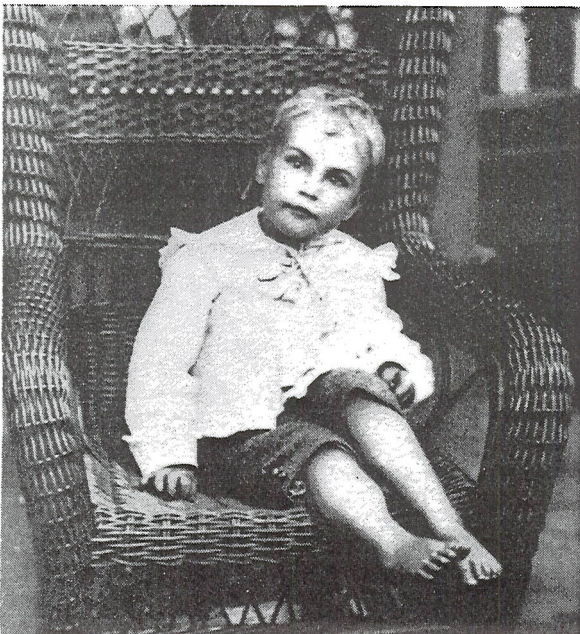
Sam went at 16 to the University of North Carolina, where he developed a lifelong fondness for poetry (favoring Tennyson, Kipling and Shakespeare)

WITH WIFE MARGARET IN NORTH CAROLINA



STEVE NORTHUP

LITTLE SAM AT THE AGE OF TWO (1898)



GIVEN FIRST OATH OF OFFICE AS A SENATOR BY VICE PRESIDENT NIXON (1954)





## The Hill Country Sayin's of Sam Ervin

*"I found that an apt story is worth an hour of argument," says North Carolina's Sam Ervin. "A story that fits a point that you're trying to make sort of tends to arouse your audience, to get their attention if you're about to lose it. And a good story is a good way to relieve tension." Thus Ervin sums up his liberal use of hill-country anecdotes and other witticisms to make points in congressional debate or simply to amuse his friends. A sampling of the Senator's folksy stories on a variety of subjects:*

**ON DRINKING:** A constituent of mine bought some moonshine liquor and gave a portion to a friend. Sometime thereafter my constituent asked his friend what he thought of the liquor. "Well, it was just right," said the friend. "What do you mean, 'just right'?" my constituent retorted.

"I mean that if it had been any better, you wouldn't have given it to me," the friend replied. "And if it had been any worse, I couldn't have drunk it."

**ON IGNORANCE:** There is this man who is known as the most ignorant man in Burke County, North Carolina. Somebody once asked him if he knew what county he lived in, and he an-

swered flat out, "Nope." They asked him if he knew the name of the state, and he again answered, "Nope." Well, they then asked if he had ever heard of Jesus Christ. "No," he answered. Finally, they asked if he had ever heard of God. "I believe I have," he said. "Is his last name Damn?"

**ON BIG WORDS:** I once knew this preacher back home who liked to use words that he sometimes didn't quite understand. One time he brought in a visiting preacher, and after introducing him to the congregation he told him to preach loud, "because the agnostics in this church are not very good."

**ON LAWYERS:** There was a young lawyer who showed up at a revival meeting and was asked to deliver a prayer. Unprepared, he gave a prayer straight from his lawyer's heart: "Stir up much strife amongst the people, Lord," he prayed, "lest thy servant perish."

**ON JURIES:** One time when I was presiding over a murder trial in Burke County, they had special veniremen summoned in from another county to make sure that the accused got a fair hearing. I asked one of these jurors if he could be fair, and he answered: "I think he is guilty of murder in the first

degree, and he ought to be sent to the gas chamber. But I can give him a fair trial."

**ON POLITICS:** People in public life are sometimes subject to the same embarrassment as that of a young man who was persuaded to become a candidate for the state legislature. His father tried to talk him out of it. "Son, don't go into politics. Before it's over, they'll accuse you of stealing a horse." Sure enough, the young man lost and went back home where his father recalled his horse-stealing prediction. "Pa, it was much worse than that," the young man lamented. "They dern near proved it on me."

**ON SENATORS:** Once a question was put to a Senate chaplain, Edward Everett Hale. "Doctor, when you pray, do you look at the tragic condition of the country and then pray that the Almighty will give the Senators the wisdom to find solutions?" The chaplain replied, "No, I do not. I look at the Senators and pray for the country."

**ON NEWSMEN AND THE PRESS:** I am one of the few men in public life who doesn't complain much about his treatment at the hands of the press. The press takes me to task every once in a while, but they have always been very kind, not attributing my hypocrisy to bad motives. They have always attributed it to a lack of mental capacity.

and a knack for memorizing it. Always a hearty laugher, especially at his own jokes, he was elected president of his senior class and chosen its "best egg."

Shortly before graduation day in 1917, Ervin enlisted as an infantry private in World War I. He was wounded in action twice in France and won the Silver Star for "conspicuous gallantry" and the Distinguished Service Cross.

After returning for brief law study at Chapel Hill, Ervin passed the North Carolina bar examination. But he decided that he needed more training and entered Harvard Law School as an ad-

AS A SOLDIER IN WORLD WAR I (1918)



vanced, third-year student. After earning his degree ('22), he then began an unusual career in which he never reached for opportunities but had them thrust upon him. While he was still at Harvard, some friends, without his knowledge, nominated him as a Democratic candidate for the North Carolina legislature. Although eager to begin his law practice, he grudgingly accepted and, to his surprise, won in his Republican district. Ervin's talent for the deft oratorical put-down surfaced in Raleigh. When the state legislature in 1925 was convulsed by a Bible-belt debate over whether to allow the teaching of evolution in public schools, Ervin helped prevent such a ban by ridiculing it. "Only one good thing can come of this," he protested. "The monkeys in the jungle will be pleased to know that the North Carolina legislature has absolved them from any responsibility for humanity in general and for the North Carolina legislature in particular."

After serving three scattered terms, Ervin left the legislature to devote full time to practicing law with his father. "It was from him that I got the feeling that the freedom of the individual—no matter how lowly he is—is fundamental," Ervin recalls. The elder Ervin was especially incensed at any hint of police brutality. Young Sam was reluctantly drawn away from law practice by a series of appointments that Governors or other officials persuaded him to accept: in 1935 as a county court judge,

in 1937 as a superior court judge, in 1948 as a state supreme court justice.

During his six years on the North Carolina supreme court, Ervin gained a reputation for making sound judgments and writing clear, well-reasoned decisions. His aim, he says, was to "write decisions that didn't need interpretation," which are a rarity on many courts. Ervin is proudest of his role in the case of a black man who had been convicted of raping a white woman. Suspicious, Ervin pored over the trial's 1,200 pages of testimony, decided that the evidence was inconclusive, and had the man freed. The Senator still recalls what the relieved but resigned man said: "Boss, we never get off death row. We are on death row from the day we be here until the day we die."

**Turmoil.** Ervin's judicial career was briefly interrupted in 1946, when he was urged to run for the congressional seat held by his younger brother Joseph, who, suffering from painful osteomyelitis, had committed suicide. Ervin agreed only on condition that he would not seek re-election; he preferred to stay in North Carolina. That preference was abandoned again in 1954, upon the death of one of the state's most colorful Senators, Clyde Hoey. Governor William Umstead insisted that a reluctant Ervin replace Hoey.

The new Senator arrived in Washington at a highly emotional time—and was sworn into office by Richard Nixon, then Vice President. The Senate was





WHITE HOUSE CHIEF OF STAFF HALDEMAN

the staff investigators until public hearings begin. And the chairman ordered the start of those hearings moved up so that they would begin after the Easter recess, which ends April 25.

Ervin and Baker took an even stronger step, indirectly criticizing Weicker. They issued a short press release stating: "In the interests of fairness and justice, the committee wishes to state publicly that it has received no evidence of any nature linking Mr. Haldeman with any illegal activities in connection with the presidential campaign of 1972." The chastised Weicker, admitting "I know when I've been zinged," said he had no such evidence against Haldeman—but indicated that he still thought Haldeman ought to quit because "he is chief of staff—and I hold him responsible for what happened."

**Watchdog.** The Ervin orders to hurry up the start of the hearings seemed necessary to keep rumors from running wild, but it shortened the time for careful staff investigation into the exceedingly complex and clouded affair. A priority aim of the committee would seem to be to unravel the tangled role played by White House Counsel Dean. He had insisted on sitting in on FBI interviews with White House personnel, and had asked for all FBI reports, but more as a White House watchdog, it seemed, than in a search for truth.

Dean's role seems pivotal, and the Ervin committee may have a tough time finding out just what it was. Last week Press Secretary Ziegler refused to respond to a series of questions that TIME put to him about both Dean and the President. Assuming that Nixon had no advance knowledge of the Watergate wiretapping, what did the President do when he heard about it? Did he summon his top aides and ask them about it? If not, why not? Did he rely entirely on Dean to conduct a White House investigation? What did Dean report? Was the President satisfied with whatever Dean told him, or did he question others? Does he feel that he now knows all about how Watergate happened and



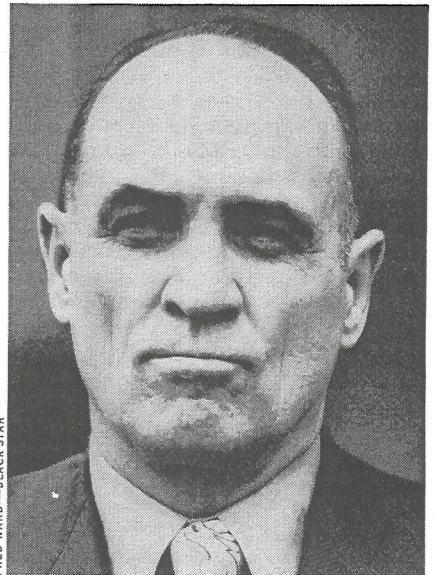
PRESIDENTIAL COUNSEL JOHN DEAN IN HIS OFFICE AT THE WHITE HOUSE

who was involved? If so, why does he not reveal all and spare himself the potential embarrassment of having the Ervin committee do so?

Those questions go, of course, to the heart of just how much Nixon can be hurt by the whole sordid affair. A survey conducted for the *Wall Street Journal* by a Princeton, N.J., polling firm disclosed last week that Watergate is arousing widespread concern and is seriously damaging the President and his party. Clearly, Nixon and his staff are going to have to face up to the consequences of Watergate and the manner in which the President's re-election campaign was conducted. It is not enough to issue indignant denials and then claim that aides can discuss the matter only in secret or behind the closed doors of grand jury rooms.

Ervin is not going to stand for that kind of evasion. For him, the Watergate investigation is a matter not just of high politics or powerful personalities but also of the most profound constitutional principles. In a far different context (a criminal case in which Ervin as a state supreme-court justice argued to free a convicted man), he stated his first concern. "What may be the ultimate fate of the prisoner is of relatively minor importance in the sum of things," he wrote. "His role on life's stage, like ours, soon ends. But what happens to the law is of the gravest moment. The preservation unimpaired of our basic rules of procedure is an end far more desirable than that of hurrying a single sinner to what may be his merited doom."

The judicial Sam Ervin may well



CONVICTED WIRETAPPER McCORD

conclude, after a fair hearing, that Nixon's top aides did not behave illegally or unethically in last fall's presidential campaign. If so, they have nothing to fear from his committee. But if they are not clean, they can expect no forgiveness for sins against the spirit of the Constitution from this persistent libertarian, who declares that "open and full disclosure of the governing process is essential to the operation of a free society." Mindful of the past, vigilant of the present and concerned about the future, Senator Sam Ervin warns: "Throughout history, rulers have invoked secrecy regarding their actions in order to enslave the citizenry."



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**ON BIG WORDS:** I once knew this preacher back home who liked to use words that he sometimes didn't quite understand. One time he brought in a visiting preacher, and after introducing him to the congregation he told him to preach loud, "because the agnostics in this church are not very good."

**ON LAWYERS:** There was a young lawyer who showed up at a revival meeting and was asked to deliver a prayer. Unprepared, he gave a prayer straight from his lawyer's heart: "Stir up much strife amongst the people, Lord," he prayed, "lest thy servant perish."

**ON JURIES:** One time when I was presiding over a murder trial in Burke County, they had special veniremen summoned in from another county to make sure that the accused got a fair hearing. I asked one of these jurors if he could be fair, and he answered: "I think he is guilty of murder in the first

degree, and he ought to be sent to the gas chamber. But I can give him a fair trial."

**ON POLITICS:** People in public life are sometimes subject to the same embarrassment as that of a young man who was persuaded to become a candidate for the state legislature. His father tried to talk him out of it. "Son, don't go into politics. Before it's over, they'll accuse you of stealing a horse." Sure enough, the young man lost and went back home where his father recalled his horse-stealing prediction. "Pa, it was much worse than that," the young man lamented. "They dern near proved it on me."

**ON SENATORS:** Once a question was put to a Senate chaplain, Edward Everett Hale. "Doctor, when you pray, do you look at the tragic condition of the country and then pray that the Almighty will give the Senators the wisdom to find solutions?" The chaplain replied, "No, I do not. I look at the Senators and pray for the country."

**ON NEWSMEN AND THE PRESS:** I am one of the few men in public life who doesn't complain much about his treatment at the hands of the press. The press takes me to task every once in a while, but they have always been very kind, not attributing my hypocrisy to bad motives. They have always attributed it to a lack of mental capacity.