

answers. The panel granted John Dean immunity last week, but the law permits the Justice Department to delay his appearance for as long as 30 days, and so far there was no sign that the privilege would be waived. (When Dean does appear, however, the celebrated documents he had stored in a safe-deposit box will also be on hand; Judge Sirica ordered them turned over to the committee last week.) Other superstars—Mitchell, Haldeman, Ehrlichman, Magruder and CRP finance director Maurice Stans, Mitchell's co-defendant in the Vesco case—come later on Sam Dash's meticulous schedule.

This week, however, should still provide ample grist for the Watergate mill. After McCord and Caulfield testify, former CIA director Richard Helms, now U.S. ambassador to Iran, may be squeezed in to tell how Haldeman and Ehrlichman tried to use the CIA in the cover-up, and he is said to be ready to testify that he was led to believe the President knew what they were up to. Next on the agenda is Hunt, and the committee will try to get from him evidence linking former Presidential counsel Charles Colson to the CIA matter. Gordon Liddy will follow; he may well give the committee its first dose of the Fifth Amendment.

Also on tap, perhaps for this week, are such small fry as Reisner and Liddy's secretary, Sally Harmony. The parade of the famous, the near-famous and the potentially infamous will probably keep the Ervin committee plugging away at its four-day-a-week pace well into the summer and quite possibly into the fall. If last week's beginning is any guide at all, Watergate will be hanging over Richard Nixon's head for months to come—and perhaps forever.

and Mitchell himself. The Ehrlichman group charted this strategy, these sources said, when it was realized that Waterbugger James McCord was not going along with the cover-up "game plan."

Mitchell's response, as relayed by his friends, was as self-serving as the stories told by other Watergate figures. He resents what he sees as a plot to smear him. His friends say the plot included pressure from Washington to make sure he was indicted for his role in the Vesco case before he appeared at the Ervin hearings. Still, Senate investigators expect that his and Dean's testimony will be damaging to Ehrlichman "and others."

Mitchell says, however, that he will never implicate the President, and he doubts that Dean has the evidence to pin the cover-up on Mr. Nixon either. "This was not the President's doing," Mitchell told NEWSWEEK's Hal Bruno last week. "None of it."

## Thinking the Unthinkable

No, said the White House press secretary, the President did not intend to resign.

That the question could be asked at all was a measure of rising national readiness to think the unthinkable; that Ron Ziegler felt obliged to answer it seriously was a gauge of punctured White House aplomb. "The President of the United States has a lot to do and a lot to accomplish in his second term," Ziegler declared, "and he fully intends to do just that." But the question kept coming back from the reporters assembled at the daily White House news briefing one day last week: Wasn't the pressure for resignation steadily increasing? Did the President still regard the 1972 election as a genuine mandate? Ziegler soldiered on without a hint of retreat: "He was elected to lead this country as President in 1972, and that he intends to do." In six short months, a huge victory had become a legal crutch for a crippled President.

Richard Nixon was doing his best to present an unruffled face to the world, but all over the nation Americans were asking the same tough questions as the newsmen in the White House press room. According to a nationwide survey of NEWSWEEK bureaus last week, very few citizens believe, on present evidence, that Mr. Nixon should resign or be impeached. But quite a number are at least beginning to contemplate that stark possibility, and many sense that his covenant with the electorate has suffered damage that cannot be repaired.

"I can't bring myself to conclude he ought to be impeached," said a politician on the coast. "But I'm beginning to think he ought to consider resigning." In Massachusetts, the proud heartland of anti-Nixonism, "Impeachment With Honor" bumper stickers blossomed on the highways. The prevailing mood seemed to be not so much outrage as a suspicion that the President had not told the full story of Watergate, a concern that the nation would have to muddle ahead three more years with a Chief Executive who had lost much of his respect and influence.

"How's Nixon going to bargain with Brezhnev with this hanging over his head?" asked one Illinois county farm agent. The remainder of the Nixon Administration, predicted Prof. William Lammers, head of the University of Southern California's political science department, will be a "rancorous stalemate, sprinkled with wrenches and lurches as finally a last-minute action is taken out

of dire necessity." One GOP campaign manager thought the prospect of Spiro Agnew would keep Democrats from pushing Mr. Nixon over the rim. "You've got to think of the country," he said. "To rip the thing threadbare may not be best. It's like living with a relative who's got a drinking problem. You keep quiet."

Arizona Sen. Barry Goldwater, a conservative whose conscience has overridden a long-standing personal friendship with Mr. Nixon, decided it was time to speak up. "It is not an easy thing for me to say this about my country or my President," he declared, "but I think the time has come when someone must say to



Haynie—Louisville Courier-Journal  
"... WHAT Watergate cover-up ...?"

both of them: 'Let's get going.' We are witnessing the loss of confidence in America's ability to govern . . . I urge my President to start making moves in the direction of leadership which have suffered from lack of attention because of an understandable concern about Watergate."

### A Chins-Up Speech

Back in Washington, Mr. Nixon was all business-as-usual. He pointedly declined to watch the Watergate hearings on television ("He doesn't even have a set in his office," said Ziegler), though his new chief of staff, Gen. Alexander Haig, was sending him a daily summary of the transcript. The Brezhnev visit remained firmly on track, and on the domestic front the President met with Treasury Secretary George Shultz and his newly Republican adviser John Connally to dis-

## A VERY SPECIAL PROSECUTOR

Archibald Cox was visiting a law-school class in Berkeley just a fortnight ago when a student asked flatly if he expected to become the long-sought special prosecutor for Watergate. Cox—a highly respected Harvard Law School professor, Solicitor General under Presidents John F. Kennedy and Lyndon B. Johnson and a McGovern man in the last election—seemed amused. “I can think of only one person less likely to be asked, and that’s Earl Warren,” he remarked. “Anyone who is asked would be foolish to accept unless he was assured of complete independence.” Last week Cox was asked—and, after helping to draft the assurances he required, he took the job.

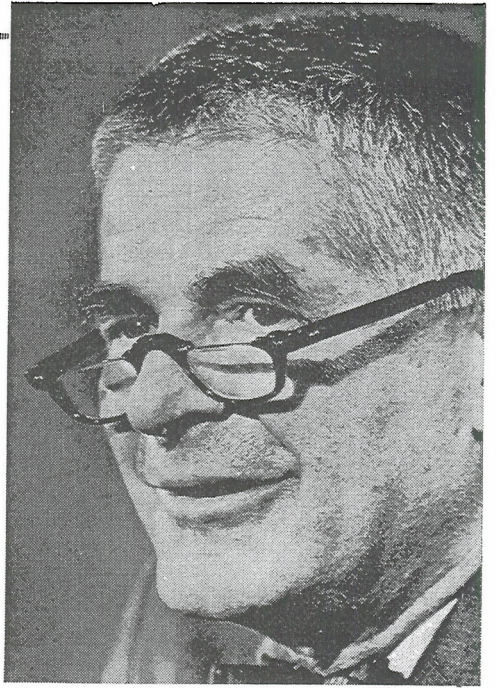
The selection of Democrat Cox, 61, by Attorney General-designate Elliot Richardson was something of a master stroke. It promised to clear the way for Senate approval of Richardson’s own bogged-down nomination and bring an infusion of unshakable integrity to the Administration’s sometimes-suspect handling of Watergate and related scandals. “Time and again he has been called to serve the public interest,” said Sen. Edward Kennedy of Cox last week, “and each time he has proven himself a man of brilliance, judgment and sensitivity.”

A graduate of St. Paul’s, Harvard

(history and economics) and Harvard Law (1937—magna cum laude), Cox first served as law clerk to Judge Learned Hand on the U.S. Circuit Court of Appeals in New York. Following a brief hitch with a prestigious Boston law firm, he moved into government—the National Defense Mediation Board in 1941, the solicitor general’s office at the Justice Department and later the Department of Labor. After World War II, Cox became one of the youngest men ever to hold a full professorship at the Harvard Law School. Among his students were both Richardson and Samuel Dash, the majority counsel for Sen. Sam Ervin’s special Watergate investigating panel.

John F. Kennedy found him a delightfully hard-boiled egghead as a campaign adviser, and named him Solicitor General in 1961. More recently Cox has served as Williston Professor of Law at Harvard. He was tapped for duty as a special mediator in the 1967 New York City school strike and as chairman of the five-man commission that investigated the bloody riots at Columbia University in 1968.

The Columbia experience was a rough one, but nothing like the delicate and demanding assignment that Cox now faces. At a news conference in Cambridge, Mass., last week, the straight-backed, crew-cut professor



Cox: ‘We must restore confidence’

took personal responsibility for investigating “all allegations involving the President, members of the White House staff or Presidential appointees.” It was simply not an issue that he felt could be ducked. “Somehow,” said Cox, “we must restore confidence in the honor, integrity and decency of government . . . I’m not sure anybody can do the job the way it ought to be done. All I can do is pledge my best.”

cuss the economy. He turned up smiling to present the first Presidential Citizen’s Medal to the widow of Pittsburgh Pirates superstar Roberto Clemente, posed for pictures with Ethiopia’s well-weathered Emperor Haile Selassie, held a 90-minute Cabinet meeting that skirted the Watergate crisis, and wound up the week delivering a brisk, chins-up Armed Forces Day speech beside the aircraft carrier

er Independence at Norfolk Naval Base.

The closest Mr. Nixon came to confronting the Watergate problem head-on was a meeting in the Cabinet Room with Congressional leaders to discuss his plan to set up a seventeen-member bipartisan commission on electoral reform. But few in the Congress or the country seemed to think that such a study group would cut anywhere near the heart of the Watergate affair, and it was not at all clear that the commission would get off the ground. One of the legislators at the White House meeting sensed a disturbing air of unreality about the President’s attitude. “I came away feeling very uncomfortable,” he said. “It was obvious that he was trying too hard to appear normal, as if nothing had gone wrong.”

### A Case of General Shell Shock

One didn’t have to look farther than the White House staff to see that something was very wrong and business was far from as usual. With the departure of H.R. Haldeman and John Ehrlichman (who vacated their offices and drew their final paychecks just last week) and the general shell shock prevailing among the survivors, Haig was left holding the besieged fort almost alone. “I would be hard put to say,” said one aide, “that anyone except Al is getting much done.”

Beyond the White House, the disarray was nearly as complete. The musical

chairs of Cabinet officers that had accompanied the Watergate scandal had left the Justice Department, the Defense Department, the CIA and the FBI all with new and mostly unfamiliar chiefs. At the second echelon, too, the executive gaps that Mr. Nixon had found it hard to fill even before the latest Watergate revelations were even harder to fill now. As part of his belt-up message, Goldwater complained that he had just visited the Pentagon and found that “the services are suffering, suffering from a lack of civilian direction because of vacancies not yet filled at the Secretarial levels.” And in the middle of the week, a new top-level vacancy occurred. G. Bradford Cook, chairman of the Securities and Exchange Commission, resigned after a Federal grand jury in New York reported that he had bleached all references to financier Robert L. Vesco’s \$200,000 GOP campaign contribution out of the SEC’s charges against Vesco.

The Administration’s most embarrassing vacancy, however, lay in a post that had not yet even been created. Elliot Richardson, the Attorney General-designate, had promised to appoint a special prosecutor to direct the Watergate investigation, and his confirmation hearings in the Senate were hanging fire until he found his man. The search proceeded in public view: for five days Richardson dangled the job before a succession of

### The SEC’s Cook: Another casualty



## The High Price of 'Security'

distinguished jurists, only to have three of his first four choices turn him down.

New York U.S. District Court Judge Harold R. Tyler was the first to opt out, telling friends that he would be too much under the Administration's thumb. Los Angeles attorney Warren Christopher, who had been Deputy Attorney General under Lyndon Johnson, excused himself on the grounds that "the guidelines do not provide the requisite independence which I felt was necessary to do the job." Colorado Supreme Court Justice William Erickson also declined, and the suspicion began to grow that the Administration still could not quite bring itself to allow the prosecutor a genuinely free rein. Finally, Richardson managed to tap Archibald Cox, 61, an old Kennedy hand and former U.S. Solicitor General (box). Together they sat down and worked out a set of ground rules that give Cox virtually unlimited authority over the investigation.

### A Test of Muscle

Cox's appointment was widely acclaimed, and it will probably clear the way for Richardson's swift confirmation. But a host of other problems await the Administration on Capitol Hill. Mr. Nixon last week vetoed a bill that would have made his director and deputy director of the Office of Management and Budget subject to Senate confirmation, and in what promises to become an early test of his post-Watergate muscle, Senate opponents started an energetic campaign to override the veto.

Military appropriations for Indochina are another urgent problem. Two weeks ago, the House voted down new funds for U.S. bombing in Cambodia, and last week the once-hawkish Senate Appropriations Committee voted unanimously to cut off all funds for military action in Cambodia and Laos. The final vote will come after Memorial Day, and it is widely assumed that Congress will for the first time use the power of the purse to try to force a change in the President's conduct of the war. Congress's newfound independence was already affecting Henry Kissinger's bargaining power in his renewed talks with the North Vietnamese representatives in Paris, and foreign chanceries were wondering whether President Nixon could continue to play so forceful a role in world affairs (page 47).

His fundamental problem with Congress was that support for the President had become a political liability rather than an asset. "Senators up for re-election are going to bend over backward to vote against the Administration," one high-ranking Republican leader conceded. Congress, having long bridled at Presidential supremacy, showed every sign of taking advantage of Mr. Nixon's sudden vulnerability. The President might, as Ziegler said, have a lot to accomplish in his second term, but it was difficult for the time being to see how he would go about it.

May 28, 1973 □

The Watergate scandal had long since transcended the mere burglary and bugging of Democratic National Committee headquarters. But as the story continued to unfold last week, that episode emerged as part of the end game in a slow, sad process of the corruption of power—a progression that began in concern for the national security, went on to the bending of ethics and laws and ended in outright police-state tactics as the Nixon Administration lost all sense of the difference between the nation's welfare and its own.

The week's blockbusters, falling with almost cadenced regularity, included the eye-catching allegations that Henry Kissinger, hitherto untouched by the widening scandals, had approved FBI wiretaps

wishes to domestic assistant John D. Ehrlichman (who finally drew his last Federal paycheck last week, along with Dean and Presidential Assistant H.R. Haldeman), and Ehrlichman later indicated to Mr. Nixon that Dean had cleared the White House staff of complicity.

Over at FBI headquarters, meanwhile, interim director William D. Ruckelshaus was facing a battery of newsmen under klieg lights ("You mean he's going to answer questions?" marveled an old FBI hand) to confirm a suspicion that had emerged in the closing hours of Dr. Daniel Ellsberg's Pentagon-papers trial two weeks ago—that the whole secret-police apparatus that was to become Watergate had actually been set in motion in the spring of 1969, two years earlier



Wally McNamee—Newsweek

Helms: A presumption of complicity

on his own National Security Council aides; that White House aides feared a senile J. Edgar Hoover might parlay this involvement into genteel blackmail of higher-ups, and that highly respected former CIA director Richard Helms, now U.S. ambassador to Iran, may well have known more about the Watergate than he had previously let on. But the week's worst news was the emerging picture of an almost routine resort to illegality by top government officials.

That impression was reinforced when Richard Nixon's own distance from the Watergate scandal shortened appreciably. In response to published accusations by fired White House counsel John W. Dean III (NEWSWEEK, May 14), Presidential press secretary Ron Ziegler admitted that the President had never ordered or received an in-house investigation directly from Dean, despite Mr. Nixon's references to such a counsel's report in two television addresses. The President, White House sources said, had actually communicated his

than previously supposed. Thirteen government officials, some of them members of the top-level National Security Council, and four newsmen were tapped by the FBI under direct orders from the President.

### Wrestling the Secret Service

The logs from these taps, one of which had recorded Ellsberg, had been reported missing from the FBI since July of 1971 (the straw that finally forced dismissal of the Ellsberg case), but Ruckelshaus disclosed that the FBI recovered them from Ehrlichman's safe a fortnight ago, provoking what he facetiously called an "arm-wrestling" session with Secret Service men assigned to the White House.

It was these early wiretaps that connected Kissinger with the undercover tactics. In the early months of the Administration, NEWSWEEK learned last week, Mr. Nixon became "enraged" over a leak to The New York Times that reported all too accurately that the U.S.



UPI

Kissinger: Tap day at the NSC