

The 37-Day TV Special

For 37 days, through all 35 witnesses, I sat glued to the tube. Instead of using my press card to go sit in the cavernous Senate Caucus Room I chose to see the Watergate hearings the way millions of Americans were seeing it. This is how it came over, to me at least.

Above all, Richard Nixon was on trial. Not just in Sen. Howard Baker's sense of "what did he know and when did he know it?" but in terms of how he has been conducting the office to which the voters twice elected him.

The President was always there, just off-stage. Bits and pieces of intriguing conversation gave us a glimpse, but not a whole picture. Nobody charged him with having plotted the June 17, 1972, Watergate break-in or with knowing of it in advance, despite what the polls say so many Americans believe. And it was essentially John Dean's word alone that Mr. Nixon was up to his neck in what, beyond dispute, was a cover-up.

If the President himself remains a shadowy figure in relation to all that "Watergate" has come to mean, his modus operandi now is much clearer. The imperious John Ehrlichman made that perfectly clear and H. R. Halde- man added to it. They barked orders in the President's name to sundry staffers and assorted bureaucrats, not just to get the government's business done but to have it done Mr. Nixon's way. Their power was immense and their use of it engendered both fear and hatred along with obedience. L. Patrick Gray, a pitiful figure, collapsed under the weight; Henry Peterson and, to some extent, Richard Kleindienst talked back.

The concentric circles around the Oval Office were two: the White House staffers and those at the Committee for the Re-election of the President who did what they were told and the Nixon appointees in the departments and agencies who sometimes did and sometimes didn't. This second group, of which the CIA's Richard Helms is a prime example, bent as little as they thought possible, trying first of all to protect their bureaucracies. If anything came through at the Senate hearings, it was that Richard Nixon and his small inner circle felt besieged by the vast bureaucracy (e.g., Internal Revenue) which simply refused to abandon its bureaucratic ways, for this (or any other) President in matters smelling of the illegal.

Ehrlichman, whose curled lower lip seemed to characterize him most clearly, denied any "paranoia" in the White House, but he could not escape the evidence of what the plumbers were up to. On this point, the senators failed to develop from Robert Mardian the full basis of the Nixonian fear, beyond the various recitations of the activities of domestic bombers and trashers — yet it seems central to an understanding of how Watergate came about.

Who was lying and who was telling the truth? There was no Perry Mason among the senators or staff lawyers who asked a key question that broke open the case. Yet the reticent witnesses, above all John Mitchell and to a considerable degree Maurice Stans, left me with more than a lingering suspicion that it was their underlings — Jeb Magruder and Hugh Sloan — who had finally decided to tell the truth. As to John Wesley Dean III (who

turned out, on the tube, not to be the pretty boy of his photographs but something of a weasel in appearance), he came across as at least as guilty as he confessed to be. Dean was not an attractive fellow but he did produce a mass of incriminating documents and accounts of conversations. The efforts to explain away the documents were only partially convincing. And Halde- man's account of what he heard on the (selective) tapes seemed more to back up Dean than to disprove him — especially on Mr. Nixon's remark concerning the purported \$1 million in hush money. The President's statement that the tapes could be read two ways added to this impression.

The two most notable quotes were Ehrlichman's on Gray ("let him hang there. Let him twist slowly, slowly in the wind") and Chairman Sam Ervin's outburst against verbal obfuscation ("I can understand the English language. It is my mother tongue.") The one epitomized the inner circle attitude toward all who would not do its bidding without hesitation or complaint; the other the senatorial frustration in trying to wade through lies to truth.

Ervin's homilies and Biblical quotations were overdone. Baker's legalisms and constant refrain of non-judgment until all the evidence is in were far too repetitious. Sen. Edward Gurney, who started out as the White House patsy, ended up asking some crucial questions. Sen. Lowell Weicker's righteous indignation sometimes obscured his righteous intentions — but he was damned good. Sen. Joseph Montoya was badly prepared and fell into traps. The other two senators, Herman Talmadge and Daniel Inouye, more often than not were superb questioners. Talmadge has the knack of asking the simple but lethal question in the backwoods Georgia courtroom manner; of all the senators, I would least like to face him if I were lying. Inouye had a coolness and calm and incisiveness. The pity, however, is that Talmadge

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and Inouye did not, or so it seemed to this viewer, have enough backup staff work to press their talents to the utmost.

We learned a lot about lawyers, too. On the whole, chief counsel Sam Dash (despite an irritating small smile that flashed on and off) did a good job. But Ehrlichman, maybe with that snide crack at "the professor," threw him off course and then proceeded to cut him up. Minority counsel Fred Thompson gradually became more minority (i.e., pro-Administration). Some of the second-string committee lawyers should be sent back to the minors for seasoning.

As a lawyer John Mitchell was as appalling as Tony Ulasewicz was as a cop. Crusty old John Wilson outpointed Chairman Ervin but blew his advantage with his "that little Jap" off-camera crack at Inouye. To me the most pitiful lawyer of all was Herbert Kalmbach. Somehow I had expected a man of toughness; instead I saw a limited man without the perspicacity to see where the White House gang was leading him and without guts to stop it.

The sum of it all is a tangled web. But despite all the lawyers and all the legalisms, the TV hearings were basically a battle for public opinion. And on this score (especially after revelation of the Nixon tapings) the burden finally was put on the President to prove his innocence, however contrary that may be to the law. I await with great interest his coming statements.

Overall, I would say (at this point in time) that from James McCord, who made so evident the minds of those who live in the conspiratorial world, to Henry Petersen, who epitomized the honest bureaucrat struggling with political dynamite, it was an education. An education in the Constitution (Ervin and the 4th Amendment), separation of powers, executive privilege, crime and punishment, a lawyer's role — and in how much difference there is between the schoolbook view of the presidency and the actuality of the administration of Richard Nixon.