

A New Tale of the Tapes

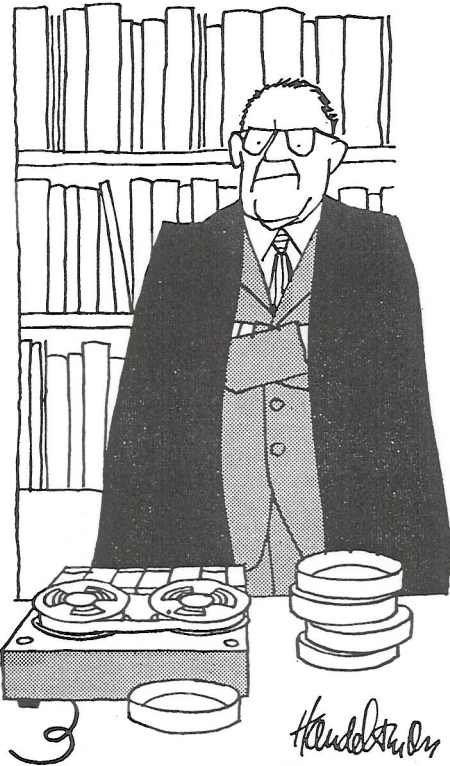
President Nixon has always been haunted by what biographer Garry Wills identified long before Watergate as a genius for deflation—a gift for looking bad even when he is doing his best. He came home last week from the twelve-day blitz called Operation Candor, his most spectacular effort yet to persuade the nation that he is innocent of the scandals all around him and will shortly produce the evidence to prove it. But the modest good he achieved was spoiled overnight by a devastating new disclosure about his secret Watergate tapes—the discovery that, quite apart from the two already reported to be nonexistent

publican governors conference that no more “bombs” were about to fall.

The skepticism when the latest blockbuster landed barely 24 hours later was palpably heavy. Watergate Judge John J. Sirica suggested that the White House turn over the surviving recordings to him immediately to assure “that nothing else happens.” The Watergate prosecution, openly suspicious, talked of taking the case of the non-tapes to the grand jury. An Ervin committee investigator said straight out that the tapes had been tampered with in order to clear Mr. Nixon of complicity in the Watergate cover-up—“an obstruction of jus-

three weeks ago and warned bluntly: “You’re on your way to impeachment.”

The alarm set Mr. Nixon off on his extraordinary fortnight’s flurry of public and private teach-ins—the tour on which he was driven to the humiliation of declaring “I’m not a crook” and promising some time soon to prove it. The initial returns were moderately favorable. The flood of mail spilling into Washington included a few more cheers for the President; the troubled elders of the GOP professed themselves pleased and said his blizzard of promises was at least a good beginning. But whatever time and goodwill he won diminished perceptibly the afternoon last week when his lawyer, J. Fred Buzhardt, stood wan and subdued before Judge Sirica and disclosed the eighteen-minute gap in the



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“Due to technical difficulties in the preparation of the tapes, the part of John Dean will be played by Frank Sinatra”

ent, a third is partly blotted out by eighteen minutes of mysterious buzzing. The deflation this time was swift and deadly. “The patient in Operation Candor,” one Republican congressman said dourly, “is hemorrhaging badly.”

The explanation for the latest convenient lapse in Mr. Nixon’s sound system was no more implausible on its face than his earlier excuses: tape recorders are intermittently afflicted by buzzes, whistles, whines and run-out reels. But the odds against three such accidents among only nine tapes under subpoena did not help the President’s credibility, and neither did the fact that he kept the new gap secret through at least a week of Operation Candor—including a session at which he assured a shell-shocked Re-



Operation Candor comes to Macon: Even then he knew

tice to hide the obstruction of justice.”

The effect on the President’s recovery effort was unmistakable. He began it in desperately reduced straits: Louis Harris, in a poll completed just as Operation Candor was taking flight, found that two Americans in three who have an opinion think Mr. Nixon has been lying about the tapes—and that, partly as a result, the number who believe he should resign has risen dangerously from 14 per cent in May to 43 per cent in mid-November. While 47 per cent of those polled still wanted him as President, the margin was onionskin and the trend ominous. Even so, it took considerable time for the danger to make itself perfectly clear to the President; he decided to move, NEWSWEEK’s Hal Bruno reported last week, only after one politically savvy adviser broke through the circle of lawyers and managers surrounding him

tape of a talk between Mr. Nixon and his sometime chief of staff, H.R. (Bob) Haldeman, on June 20, 1972, just three days after the Watergate burglary. “Well, there goes Operation Candor,” said one Senate Republican. “I don’t think the American people would believe the President now if he was questioned under truth serum.”

The doubts were compounded by the critical importance of the Haldeman tape in establishing how early Mr. Nixon learned that his people had been involved in Watergate—and whether he personally set the cover-up in motion. The 20th is the earliest recorded date on which any of his men are known to have discussed the break-in with him: first domestic counselor John Ehrlichman and then Haldeman in successive meetings that morning, later ex-Attorney General John Mitchell in a four-min-

(TO PAGE 25)
Newsweek

exactly "an Apollo system," the tapes that did get made were in fact audible.

More mysterious still was the clear suggestion already on the court record that Mr. Nixon's own secretary, Rose Mary Woods, had played the tape through starting on Sept. 29—fully six weeks before the date on which the gap was supposedly first discovered. Till then, so far as the spectacularly ragged White House logs show, the June 20 reel was locked away with the rest of the President's tape library; it is not listed, for example, among the 22 recordings Haldeman checked out in April, when the cover-up was beginning to come unstrung, or the nine more reels he was allowed to take home in July, after his shotgun resignation, but it was delivered to Miss Woods at Camp David along with the other subpoenaed tapes on the 29th to be transcribed. She remembered starting out on one "very bad" tape that took her 31 hours to put on paper; she guessed under questioning that it must have been the Haldeman and Ehrlichman conversations of the 20th—but her catalog of the difficulties she had in getting it down included no mention of a gap of eighteen minutes.

'He's Been Awfully Down'

The news that such a gap has now materialized was broken by Buzhardt first in Sirica's chambers, later—at the judge's insistence—in open court. Buzhardt, his voice nearly inaudible, conceded that the White House had known about the problem for a week and had run "a large number of technical tests" trying unsuccessfully to pierce the interference or explain its existence. "All other tapes are audible," he promised. But assistant special prosecutor Richard Ben-Veniste said the gap raised at least "the potentiality of obstruction of justice or contempt of court." And Sirica himself, his feelings contained behind his normally stony mask, suggested that the White House give him the remaining tapes now—"not because the court doesn't trust the White House or the President," he added quickly, but because such safekeeping seemed in order "in view of what has transpired." He gave Mr. Nixon till this week to decide whether to surrender them voluntarily—or under a new subpoena.

The President did rather blunt the news by saving it till Thanksgiving eve, when Congress was scattered, politics muted and the First Family itself safely ensconced (with Bebe Rebozo) for a long holiday weekend at Camp David. Still, the bad tidings took the glow off what had been at least a mildly rewarding missionary swing through the South—the last dependably friendly region left over from Mr. Nixon's New American Majority of only a year ago. His people laid on the tour as much for the President's own sagging morale as for pure public relations—"He's been awfully down lately," confessed one aide—and they advanced it as industriously as a

Haldeman and Ehrlichman reported to Mr. Nixon on the break-in—"and may well have received instructions." The question now was whether the meat of the conversation survived the apparently irreparable interference on the tape.

The credibility of the story was further compromised by the length of time it took the President to get around to telling it. The official version was embarrassing enough; the gap, so his lawyers said, was discovered during a routine playback and reported to Mr. Nixon on Nov. 14—a week to the day before anyone told Judge Sirica. Buzhardt blamed the delay a bit lamely on the ambiguity of the subpoena, which could be read to call for the tape of a single Nixon meeting with Haldeman and Ehrlichman together; the two men in fact came in separately, he argued, and the White House wasn't sure a tape of Haldeman alone was technically covered by the order. But Buzhardt's legalisms were hardly flattering to a President who had just spent a week assuring various public and private audiences that, while his makeshift rig of small Sonys and hidden lapel-size mikes wasn't

ute telephone chat shortly after 6 p.m.

But the Mitchell conversation has already been reported lost to history, officially because Mr. Nixon placed the call from an unbugged phone in his residential quarters, and the eighteen-minute buzz during the conversation with Haldeman the same day seemed to doubters to be an impossible coincidence. The cover-up by then was already in motion—former White House staffer Gordon Strachan has sworn that Haldeman ordered him to see that their files were "clean"—and Haldeman came to the President's office after a crash conference on Watergate with Ehrlichman, Mitchell, John Dean and then-Attorney General Richard Kleindienst. The Watergate prosecutors, in seeking the tapes, found it "almost irresistible" to conclude that

□ Newsweek, December 3, 1973

straight-out campaign trip. Some unpleasantness crept in—hostile signs and chants (“Nixon must go!”) at Georgia’s Mercer University, and a brief swivet with the media over an apparently friendly slap the President dealt an Air Force sergeant in an airport crowd near Orlando, Fla. (page 70). But the crowds were tonic, the preprinted SUPPORT THE PRESIDENT signs were profuse and the scenes made a welcome diversion from Watergate on the evening TV news.

The finale was another of Mr. Nixon’s show-and-tell sessions with Republican officeholders—this time the GOP governors’ meeting in a Holiday Inn in Memphis—and his people counted it successful mainly because nobody shouted at him. The governors are a thinned-out band (at nineteen) and have begun worrying about further attrition next year if Watergate remains an issue. Many didn’t even want to pass a resolution supporting the President. They did largely because New Hampshire’s Meldrim Thomson threatened to make a fuss; then they concocted a text one governor confessed was “all eyewash”—a chary endorsement of Mr. Nixon’s announced intention to come clean at last.

The confrontation, given the tensions now running between the President and his party, was surprisingly gentlemanly. Mr. Nixon wooed the governors with a rare statement of contrition—“If I have added to your burden, I am sorry for it.” He reminded them at some length of the heavy burdens of his office—“I don’t play bridge, I don’t play poker, I don’t play golf. I work sixteen hours a day.” He promised once again to disclose everything pertinent about the scandals, though he did leave the governors in some confusion as to what forum for

disclosure he might choose and whether he meant to include the Watergate tapes. At one point, Oregon’s Tom McCall asked a question most of his colleagues were thinking—whether those Republicans who stand with the President were going to be “blindsided by any more bombs.” “If there are any more bombs,” Mr. Nixon answered, “I’m not aware of them.”

‘We’ll Let You Know’

That response came back to haunt the President next day. Till then, his notices among the governors were privately mixed (“He has no idea yet how much this mess hurts,” said one) but publicly loyal to the President; the official line was that the conferees were going back home reassured that Mr. Nixon is in sound physical and emotional shape and that he means in some still undefined way to produce proof of his innocence. The problem was that they also went home taking the no-more-bombs pledge seriously. “If anything happens,” Mr. Nixon promised, “we’ll let you know about it.” In the event, White House staffers did let them know about the botched Haldeman tape, but not till nearly an hour after the wire services had carried the news; the damage by then was done. “This,” harrumphed McCall, “shows a lack of comprehension of what a bombshell is.”

This bombshell, to be sure, lacked the megatonnage of some of its predecessors—the dismissal of Archibald Cox, say, or the first revelation that two of the Watergate tapes were missing. But it did further undermine Mr. Nixon’s defenses in what now promises to be a long, corrosive struggle for survival. New special prosecutor Leon Jaworski was

pushing for indictments across the whole range of Watergate cases—even some where the White House raised the issue of national security (page 34). The Ervin committee was plotting a big finish for its flickering inquiry: guest-star appearances by former Treasury Secretary John Connally and perhaps Rebozo. And the House Judiciary Committee was digging into its impeachment inquiry, hiring a Wisconsin trial lawyer, Richard Cates, as its first senior staffer and piling up masses of allegations about the President in Room 1118 of the Cannon Office Building to be sifted for evidence of high crimes and misdemeanors.

The impeachment process is likely to be a glacially slow one; the committee is still shopping for a nonpartisan, non-controversial chief of staff—a Republican Federal judge would do nicely—and even then will move no more swiftly than the currents of politics require. But the present guessing among professionals of both parties is that those currents will quicken with the turning of the year, when indictments start showering down on the Nixonians, when cold houses and darkened factories bring the energy crisis home, and when Republicans down to the clubhouse level begin worrying whether they can afford Richard Nixon in an election year. The word in the Grand Old Party last week was that the President has roughly till the New Year to make good his pledges to prove his innocence. “That’s when the meter starts running,” one Republican strategist said dolefully, and the open question among the pros was whether the promises of Operation Candor will then be enough to buy Mr. Nixon any more time.