

'Mr. Nixon Wasn't Misled'

The writer, a Washington attorney, was President Johnson's special assistant for domestic affairs. This article is excerpted from an address before the Harvard Law School Association of the District of Columbia.

The Founding Fathers placed the impeachment process in the hands not only of a politically sensitized branch of government, but also of a politically expert one. The House and Senate are about as blue ribbon politically as juries could be. In one sense, the Congress is likely to have a better understanding of and high tolerance for political activity which may be unsavory and undesirable, but is not impeachable. This may help Mr. Nixon. In another sense, however, they will understand better than most of us how political leaders operate—and this may hurt him. The political leaders in the Congress are more likely than most citizens to conduct impeachment proceedings in the context of a realistic understanding of what it takes to succeed in politics—particularly the enormous need for attention to detail.

Presidents from Washington through Nixon have had different personalities: some have been outgoing, others introverted; some ideological, others pragmatic; some interested only in broad policy, others concerned with the day-to-day operations of government. But every successful American politician, and Presidents are the most successful, like successful lawyers, businessmen and doctors, makes his own decisions and pays close attention to details. By this I mean more than a statement than "the buck stops here," that full responsibility for Bay of Pigs disasters rests at the top or that Vietnam wars, like any others, are waged by Commanders-in-Chief. Whether a President has the publicly seductive style of John Kennedy, the overbearing intensity of Lyndon Johnson or the introverted insecurity of Richard Nixon, he will personally direct every move on major issues, particularly when those moves could decisively affect the marrow of his contemporary political career and historical judgments on the long term value of that career.

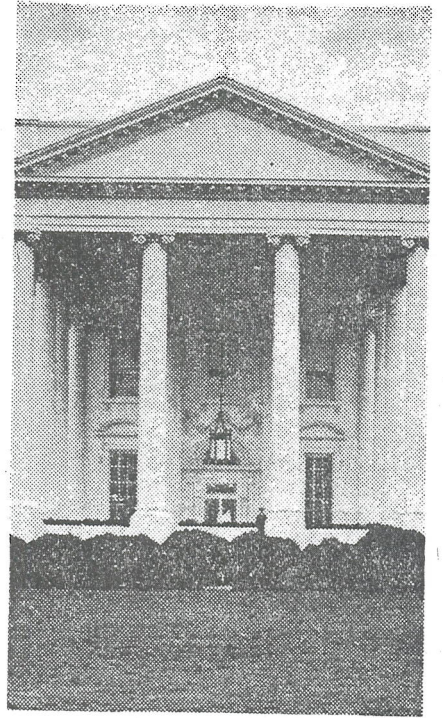
Thus, John Kennedy was involved minute by minute in the desegregation of the University of Mississippi and was so deeply concerned about his 1964 re-election that he went to Texas to try to heal local political scars. Lyndon Johnson followed major legislative proposals which bore his name, witness by witness through committee hearings, and congressman by congressman during debate on the House floor. Kennedy was not misled by bad advice when there was death and violence on the campus at Oxford, Miss. Johnson was not misled by bad advice when he lost the D.C. Home Rule discharge petition on the House floor. Each man was deeply involved in the tactical discussions and decisions relating to the dramatic events.

And Richard Nixon is not misled by bad advice, or unaware of what his closest aides do. Reasonable men may doubt his advance involvement in the DNC Watergate bugging and burglary; they must recognize that he would have been unworthy of his political success if he were not deeply involved in everything that followed the capture of the burglars on June 17, 1972.

Every one of those Presidents was intimately involved on a daily basis with his closest staff members—and those members do not act on their own authority in matters intimate to the President. The concept of a White House staff is that a President is entitled to a group of people whose loyalty runs only to him, not to the Congress and not to constituent pressure groups which often vie for the attention of Cabinet and agency heads. Even granting that Lyndon Johnson was much more involved in the minutiae of American government than Richard Nixon, it is inconceivable to me that Richard Nixon has not been involved in every aspect of the Watergate scandals since June 17, 1973. I do not believe that Ronald Ziegler would brief the press without clearing his statements with Richard Nixon direct-

ly. My own hunch would be that an analysis of the presidential logs of Mr. Nixon would show that Mr. Ziegler, or whoever was doing the press briefing on a particular day, checked either that day or the night before with Richard Nixon to find out what to tell the White House press corps. A playing of each day's tapes would show the President much more aware of the details of what his press secretaries say than most citizens realize.

This is particularly true where what is at stake is the very continuation of Mr. Nixon's presidential career. For what Watergate and its surrounding events involve is Mr. Nixon's place in history, Mr. Nixon's personal reputation, and whether he will be convicted of a crime or impeached, remembered as the man who opened the door to China or as the man who headed the



most corrupt administration in the history of the free world. Even White House aides as apparently trusted as H. R. Haldeman and John Ehrlichman would not be permitted by the President to deal, on their own, in areas as central to Mr. Nixon's personal and political life and reputation as those involved in the present scandals...

From my own perspective as a former White House aide, if the press is to be criticized in connection with its reporting of these scandals, it is not, as Messrs. Nixon and Agnew suggest, because it has been careless in printing unverified charges. It is, rather, because of its acceptance, with so little skepticism, of the myth that Mr. Nixon is somehow the uninformed victim of aides and Cabinet officers whose political enthusiasm spilled over into criminality. Yet, this myth defies the reality of presidential power and the personal, political and historical ambition that accompany the exercise of such power. We do not have to plow through the pages of "Six Crises" to know that Mr. Nixon is most attendant to details that intimately affect his political career. One need not work at the White House to reach that conclusion about any President who served there. One need only understand human nature, politics and fathers who are bound to be concerned about what their children think about them. Any analysis of impeachable offenses must be made against this background.