

'A SENSE

For Richard Nixon, it was the beginning of the end game—the decisive passage in which his survival as President may very well be determined. He had bought a month's respite from his troubles simply by fleeing them, on diplomatic missions to Moscow and the Middle East. But in the space of five seismic days last week, he was engulfed in Watergate again, the media daily spilling over with the evidence against him, the Congress and the Supreme Court rushing simultaneously to judgment upon him. "He's caught in a confluence of events he can't control," said one sympathetic Republican pro in regular contact with the White House—and the Capital once again was caught up in the spreading certitude that Mr. Nixon's impeachment was no more than six weeks away.

The week's shocks played out to oddly muted reaction—a hush attributed by the President's men to a national ennui with Watergate. "People are numb," said one senior staffer. "They can't absorb any more." But beneath the surface quiet, the flow of events was running swiftly and inexorably against the President. The House Judiciary Committee was set to begin debating the case for his removal—though not, as previously planned, on live TV—and the Senate, without even waiting for the returns, was secretly preparing itself for the first Presidential impeachment trial in more than a century. The despond that had infected the proceedings in recent weeks fell away in the gush of scandal headlines. "There's a real shift up here," said a House Republican moderate. "I think it's the sheer quantity of immorality."

The news was a daily humiliation for the President:

- The House committee published an eight-volume, 4,133-page mass of evidence about the Watergate break-in and cover-up—the first installment of an eighteen-volume encyclopedia on the worst scandal in American political history (page 21). There were few surprises buried in the mountain of paper, and no "murder weapon"—the committee's wishful word for that single, conclusive piece of evidence that would close the case for them. But the plodding prose of the 243 summary paragraphs, and the reams of accompanying documentation, were devastating to the President's repeated claims that his single purpose from the beginning of the Watergate scandal was to get the truth out. The committee leadership is said to believe instead that the record reveals an impeachable case of obstruction of justice—"a four- or five-stage cover-up," said one source, "that began hours after the break-in and is still on today."
- The committee also made public its own transcripts of eight of Mr. Nixon's Watergate tapes—and with them a concordance suggesting powerfully that the White House versions published April 30 had been systematically edited to protect the President (page 19). Some of the discrepancies were subtle—a misquoted word, a mispunctuated sentence—and the White House insisted they were innocent. But Mr. Nixon himself was disclosed to have scissored no fewer than sixteen minutes out of one conversation in which, as it turned out, he had told former Attorney General John N. Mitchell: "I don't give a s--- what happens. I want you all to stonewall it, let them plead the Fifth Amendment, cover-up or anything else, if it'll save it—save the plan."
- The Supreme Court heard arguments in a case that could be as momentous as any in its history: special prosecutor Leon Jaworski's latest subpoena for 64 more White House conversations (page 48B). Mr. Nixon's lawyer, James St. Clair, argued eloquently that an adverse decision would reduce his client to "an 85 per cent President" and strewed the record



VALDY MCNAMERE—NEWSWEEK

OF CLIMAX'

with veiled hints that he might simply refuse to obey. But knowledgeable sources told NEWSWEEK's Stephan Leshar that the Court will in fact return a lopsided and quite possibly unanimous verdict against the President this week—a ruling that might threaten his removal if he complies and would virtually guarantee it if he resists.

■ The Senate's Ervin committee bowed out of history with its own massive, three-volume report on the scandals (page 47)—a bleak indictment terming Watergate an American tragedy and blaming it on men who shared “an alarming indifference . . . to concepts of morality and public responsibility and trust.” But the committee's most damaging shot came in a report suggesting that the President's millionaire chum, Charles G. (Bebe) Rebozo had paid out \$50,000—some of it in laundered campaign funds—for the private benefit of the First Family. Among Bebe's benefactions, said the report, were a swimming pool, a \$1,138 pool table and a \$243 Arnold Palmer putting green, all for Mr. Nixon's getaway home in Key Biscayne—plus \$4,562 toward a \$5,650 pair of diamond-and-platinum earrings the President gave Pat for her 60th birthday two years ago.

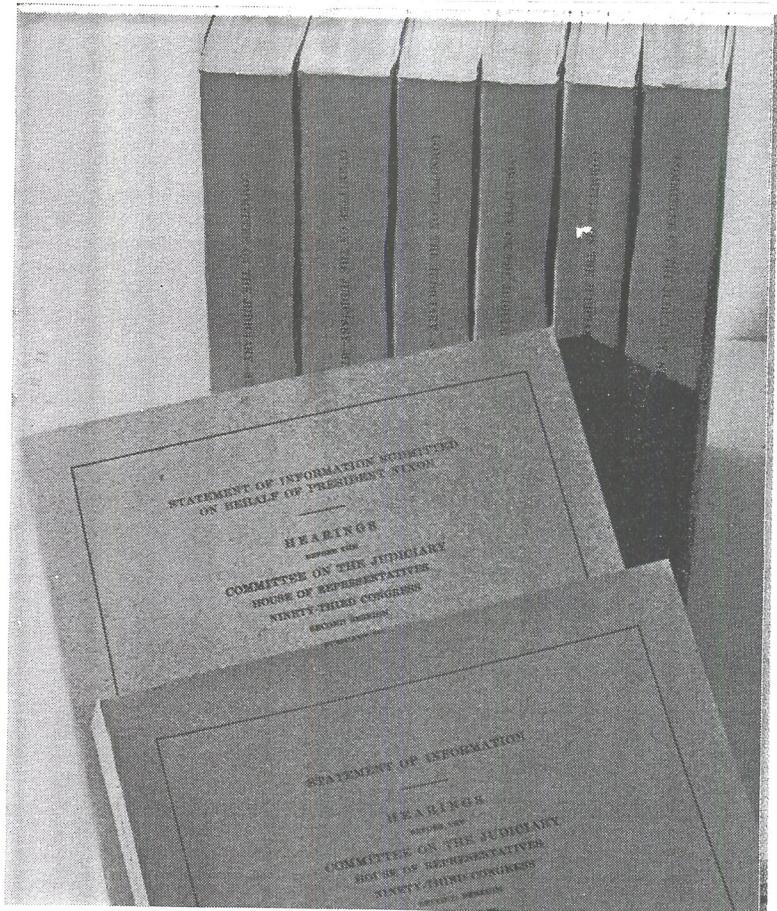
■ In the first of the major Watergate trials, John D. Ehrlichman, 49, the topmost Nixon aide yet to be placed in the dock, was convicted of conspiracy and perjury in the 1971 break-in at Daniel Ellsberg's ex-psychiatrist's office (page 48A). Ehrlichman denied ordering the burglary, and his defense witnesses included the President himself (by written interrogatory) and Secretary of State Henry A. Kissinger (in a two-minute cameo appearance). But a mostly black jury took just three and a half hours to bring in guilty verdicts against Ehrlichman, G. Gordon Liddy and two journeyman White House plumbers. Ehrlichman's four-count conviction carried a maximum penalty of 25 years in prison—and compounded the pressures on the survivors of the old crowd to plead guilty and talk.

■ The Watergate prosecution disclosed in open court that there is yet another gap—this one nineteen minutes long—in a key Watergate tape under subpoena for the impeachment inquiry. St. Clair answered heatedly that it got there accidentally when a reel of tape ran out in the midst of a conversation between Mr. Nixon and Ehrlichman on March 20, 1973. But the coincidence piqued the suspicions of some investigators working on a new theory of the celebrated \$75,000 hush-money payment to Watergate conspirator E. Howard Hunt: that the payoff was actually put in motion that afternoon and that Mr. Nixon's directive to John W. Dean III next day to “get it” was merely an effort to set him up as the point man. The prosecution, in any event, plans to turn the matter over to the grand jury already investigating the 18½-minute buzz on another tape—and if the pattern continues, one source said, the jury might be obliged to find Mr. Nixon himself responsible as the man who had acknowledged custody of the tapes.

'I KEEP LOOKING FOR A BOLT OF LIGHTNING'

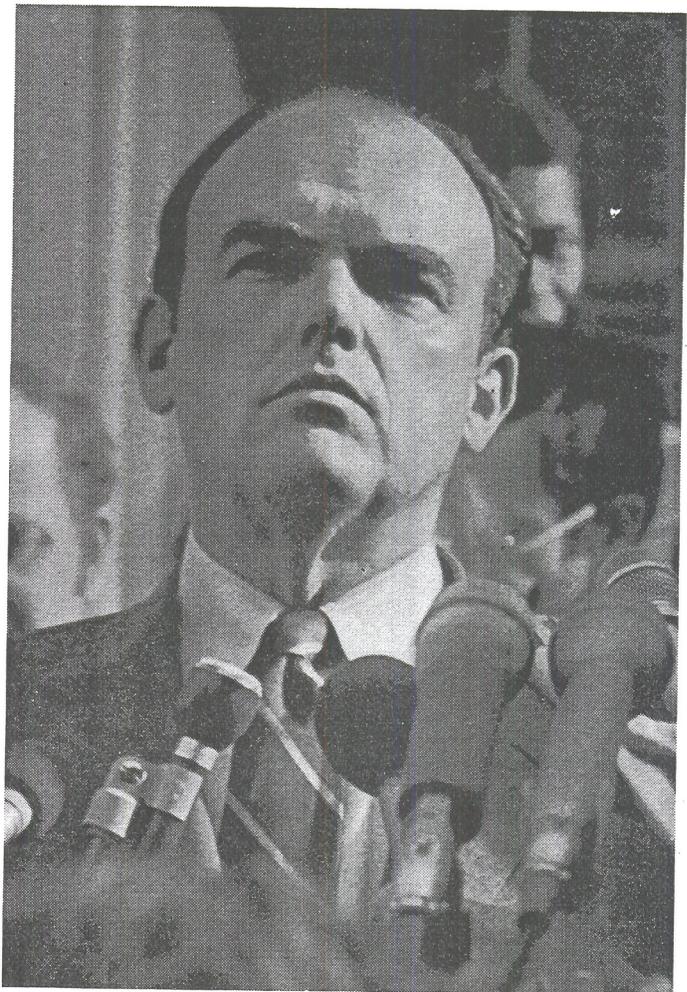
The President responded to the daily disasters as if they were not happening; he immersed himself instead in public business—mainly groping for a way to cope with inflation (page 60)—and left his defenses to his press agents and his lawyers. Both seemed overmatched. St. Clair got his long-awaited crack at Dean in cross-examination before the House committee—and failed, by all but the most partisan accounts, to shake either Dean's monotonic calm or his meticulous recall of names, places, dates and scandalous utterances by

July 22, 1974 ○



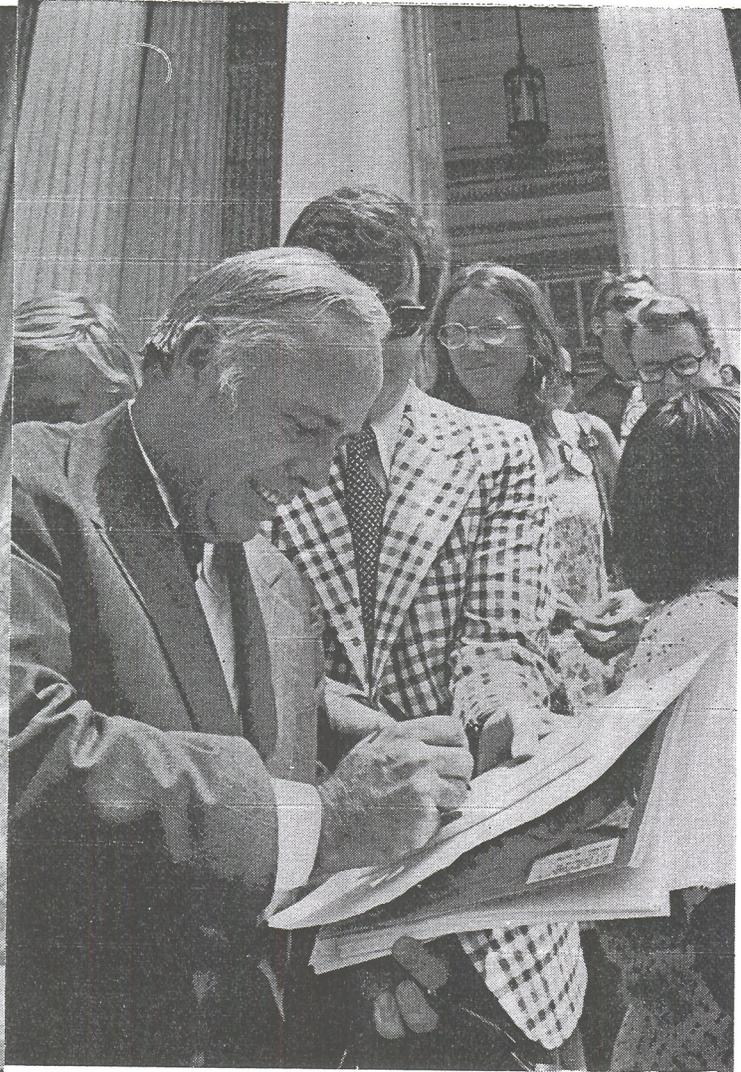
Robert R. McElroy—Newsweek

The Judiciary reports: A sum of the parts



Lawrence McIntosh

Ehrlichman: Jail for the top hand?



Wally McNamee—Newsweek

St. Clair after court: Playing poker?

the President. Even conservative Republicans came away from the eleven-and-a-half-hour confrontation disappointed. "I keep looking for the bolt of lightning," said New York's Henry P. Smith III during a break, "and I don't see it."

The President's press secretaries, Ronald L. Ziegler and Gerald L. Warren, fared little better trying to breast the daily tide of allegations. Their answers had about them the numbness of the blockhouse, ducking the accusations and attacking the accusers; thus, the Rebozo story was "warmed-over baloney," the report on the edited tapes "a hypoed PR campaign," the disclosure of the new gap a grandstand play by the prosecution—and the lot taken together part of a conspiratorial grand design to get the President by "piling on as many charges as possible." At one point, the President's men tried in visible desperation to light a backfire by floating a story that the Democratic Congressional leadership was plotting to stall the whole impeachment matter past Election Day and into next year. The supposed plotters roundly denied it; one of them, Senate Majority Leader Mike Mansfield, who has in fact been quietly arranging for a trial beginning as early as Oct. 1, called the story "pure hogwash . . . 3,000 per cent wrong."

THE CASE OF THE TELLTALE TRANSCRIPTS

The first and perhaps worst of the week's blows befell the Nixonians with the publication of Judiciary's tape transcripts. There were thousands of variances between them and the President's, most of them trivial and quite likely traceable to the committee's superior audio equipment. But the substantive differences filled 131 typescript pages, and in the White House version they fell with conspicuous regularity in Mr. Nixon's favor. Judiciary's transcripts, in contrast to his, suggested that he took the initiative in the cover-up at least eight days earlier than he has let on; that he flatly rejected

telling the whole truth as an unworkable option; that he was considerably more assertive about paying off Hunt than even his own March 21 transcript revealed—and that he explicitly acquiesced in the cover-up the day after he says he began his own "intensive new inquiries" into Watergate.

Some damaging lines disappeared altogether in the White House version—the President announcing on the 21st, for example, that "we're all in on it." Others took on new meanings with new punctuation marks: a Nixon question about Hunt in his own edition ("Does he know a lot?") turns up as a Nixon declaration in the Judiciary version—"He knows . . . about a lot of things." Statements by the President are attributed to Dean instead in the White House version—that paying Hunt to buy time was "worth it" and that it was too late to "go the hang-out road" and tell the whole Watergate story. And still others change diametrically in language and sense between the White House version and the committee's. The White House has the President discussing ways to "get off the cover-up line"; Judiciary thought he said "get on with the cover-up plan."

'TO PROTECT OUR PEOPLE IF WE CAN'

But most embarrassing of all was the 2,500-word deletion from a March 22 tape of Mr. Nixon talking with Mitchell and, at intervals, Dean—a cut ordered by the President himself and discovered when committee staffers started investigating why the transcript ran a quarter-hour shorter than White House logs suggested. The President had been told everything by Dean the day before and was, by his own public accounting, newly resolved to get at and get out the whole story. But the tape shows that he neglected to ask Mitchell a single question about his own role; instead, they sat praising Dean for having "put the fires out" thus far and sorted their remaining options. One put forward by Mr. Nixon was the "don't-give-a-s--- . . . stonewall"; another was what Ehrlichman earlier had dubbed a "modified limited hang-out"—a show of candor stopping considerably short of involving the President or his principal aides. Telling all was never even mentioned; the imperative, in Mr. Nixon's own words, was "to protect our people if we can."

The disclosures plainly drew blood at the White House; Ziegler wound up arguing improbably on one hand that the excised material was of "dubious relevance" to Watergate, and conceding on the other that the boss probably should not have excised it. But the damage was already done. One Judiciary Democrat declared himself "not just permitted but compelled" to infer that the White House had tampered with the evidence. And a senior Nixon loyalist in the Senate thought that the suspicion alone had smothered whatever momentum the President had generated on his two grand tours abroad. "He's going to be impeached," the senator told NEWSWEEK's Samuel Shaffer, "and we're going to have a trial."

If so, the burden of the case that would be brought against him lay somewhere in the vast compilation of raw, unevaluated data the committee began publishing last week. The first eight volumes—ten more will be published this week—were bound in government beige and written in Judiciary gray; they tracked the tawdry history of Watergate in 243 studiously flat paragraphs beginning in December 1971, when Liddy was posted to the Nixon re-election committee to handle political intelligence, and running through April 30, 1973, when the President purged Dean, Ehrlichman and H.R. (Bob) Haldeman as the price of his own survival. Appended to the prosy running narrative was a sprawling pastiche of evidence—grand-jury minutes and Ervin committee records, John Mitchell's desk logs and Bob Haldeman's legal-pad notes, Operation Gemstone stationery and texts of Presidential proclamations.

The uncounted flatness of the presentation was deliberate; committee chairman Peter W. Rodino Jr. and chief counsel John Doar wanted first to put the basic body of facts beyond debate and let the committee, the House and the nation infer from it what they chose. But some inferences, as the committee elders well knew, fairly begged

THE EVIDENCE

to be made. The beige books were the record of a conspiracy at the summit of American government—a conspiracy in which the President's men lied to law officers and perjured themselves before grand juries; fed files into paper shredders and burned evidence in ashtrays; manipulated the FBI and plugged into secret grand-jury proceedings; bought silence with promises of pardons and payments of "support" money that somehow had to be packeted in cash and left in office lobbies or airport lockers. And threaded through it all was the flickery figure of the President, publicly protesting his sole interest in the truth, privately encouraging the effort to keep the truth from coming out.

The volumes added little to the known public record of precisely what the President did to further the cover-up. They did include a fragmentary taped conversation with Mitchell and Haldeman on June 30, 1972, barely two weeks after the break-in, in which Mr. Nixon fretted aloud about the "risk" of more nasty secrets surfacing. They reconstructed a March 17, 1973, talk with Dean, four days before Mr. Nixon says he was put in the picture; the committee précis quoted him as having said that the trail of complicity might lead through Haldeman to him, and that accordingly "we've got to cut that off" before it got that far.

AN 'UNEVENTFUL' DAY

Buried elsewhere in the bulky appendices was an aide-mémoire Mr. Nixon dictated the night of the 21st, remarking that it had been a mostly "uneventful" day, rambling over Dean's disclosures and the danger that Hunt might "blow"—and neglecting to mention the supposed investigation he later claimed to have set in motion that very afternoon. And the books made up the closest record yet of the frantic days that March and April when everything started coming unstuck; they set down Mr. Nixon's efforts by proxy to cast Mitchell overboard, his directive to Dean to commit the modified-limited-hang-out version of the scandals to paper, his effort to flatter Assistant Attorney General Henry E. Petersen into the game with a veiled offer to make him FBI director.

The real virtue of the books, however, was not so much their nuggets of new evidence as their stitched-together synthesis of the great body of material that was already there. It is in the totality, not the parts, that committee elders see ground for impeaching a President for the first time since Andrew Johnson; they have begun laying theories of Mr. Nixon's culpability before groups of Judiciary members in informal evening "seminars," and will submit the hypotheses to formal scrutiny by the full membership in closed-door sessions late this week.

The most moderate of these theories is that Mr. Nixon at the very least failed in his duties of "superintendency"—that he was responsible for the acts of his subordinates and ought to have moved vigorously to end the cover-up at the first suggestion it was going on. But the committee

leadership is thought to believe that the evidence would sustain a far stiffer charge. NEWSWEEK's Henry W. Hubbard has learned that Rodino already has a set of draft articles of impeachment in his inside breast pocket; No. 1 among them is said to be the Watergate cover-up—and the contemplated charge is that the President actively directed a two-year conspiracy to obstruct justice.

Nor does the leadership's working list end with Watergate; at least four other possible articles have begun taking form in discussions among the committee's senior Democrats. One likely starter is a blanket "abuse of office" count, charging the President with having misused various government agencies including the FBI, the CIA, the Internal Revenue Service and the Department of Agriculture. Another would sweep together Mr. Nixon's personal financial peccadilloes. A third would embrace the political police operations run out of the Nixon White House. A fourth would be a catchall for a wide miscellany of remaining allegations, grouped under the umbrella charge that Mr. Nixon violated his constitutional obligation to "take care that the laws be faithfully executed."

ST. CLAIR'S CASE

St. Clair's defense against all this has rested heavily thus far on a single calculated risk: that he can bring down the entire case by showing that it was Dean, not the President, who put the March 21 payoff to Hunt in train. Most of the committee's Democrats and some of its Republicans think he is wasting his time; their view is that it would be enough to show that Mr. Nixon acquiesced in buying Hunt's silence, not that he ordered it, and that the cash drop in any event was only one episode in a conspiracy of silence that spanned fully two years. But St. Clair nevertheless focused on the money in the slender volume of evidence and argument he appended to Judiciary's huge compendium. His narrative of the cover-up targets in on Dean as the prime mover from the beginning—and as the man who triggered the payoff with a phone call to campaign deputy Frederick



Rodino, Dean: A showdown with St. Clair

C. LaRue before his now-famous meeting with the President on the 21st.

The witnesses St. Clair paraded before the committee did only mixed service to his cause. Mitchell did help St. Clair construct his counterchronology of the payoff, insisting that he gave LaRue the final go-ahead on his own—not, as investigators suspect, on a signal via Haldeman from the President. His memory, however, turned magically gauzy on nearly everything else, and his impact diminished accordingly. Said Illinois Republican Thomas F. Railsback: "He personifies the great stonewall."

Dean's day-long confrontation with St. Clair made vastly better theater—a crackling duel that brought the drowsy closed-door proceedings suddenly alive—but added little in the end to the case for the defense. Dean handled St. Clair's thrusts with an icy cool, breaking his rhythm by turning questions or stretching out answers. At one point, he said he had

a vague sense of having told Mr. Nixon about the hush-money payments well before March 21. At another, St. Clair confronted him with his own sworn word that the payment to Hunt was "left hanging" on the 21st. All he had meant, answered Dean, was that he didn't think Mr. Nixon was telling *him* to arrange the drop; the tapes would have to "speak for themselves" as to whether the President wanted Halde- man to do it. St. Clair could not shake him. "The questions were eloquent," Harlem Democrat Charles B. Rangel said sardonically, "but the responses were devastating."

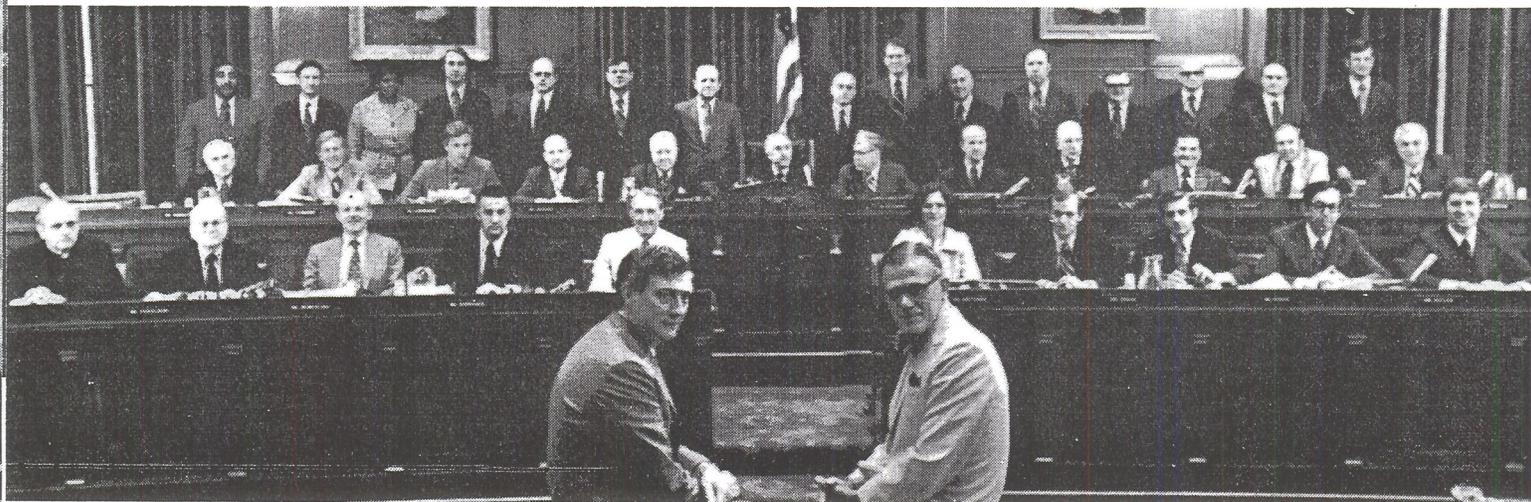
St. Clair professed himself "very satisfied" with his week's work, and in one sense he did accomplish his mission, arming the committee's hard-core Nixon partisans with at least a slender countertheory to push in party caucuses and in Judiciary's own impending great debate. But his hopes of thereby splitting the committee on party lines were greatly diminished by events outside the hearing room. Republican "persuadables" who had gone wobbly about impeachment turned suddenly persuadable again. "I don't think St. Clair helped the President," said one, and another echoed: "No one is buying St. Clair's hush-money argument any more."

whatever else it means, cannot be invoked to hold back evi- dence in a criminal case, and that Mr. Nixon accordingly must give up the tapes. And some sources were convinced that the six might well become eight by decision time—that Burger and Blackmun would throw in their hands to unite the Court and make it harder for the President to ignore or disobey the decision.

'A CRISIS WITH THE AMERICAN PEOPLE'

St. Clair hinted broadly in Court and out that Mr. Nixon might indeed stonewall the Supreme Court and so force a constitutional collision unprecedented in U.S. history. But the more common guess was that St. Clair was simply trying to bluff the Justices—"He's playing poker," said one adversary—and that the President would fall back instead on a slow and patchy show of accommodation designed to tie the case up in further litigation. To defy the Court, said one senior Watergate investigator, would be to provoke "a crisis with the American people . . . There would be a resounding reaction to disobedience all over this land."

Even in their garrison mood, the President's men hope he



George Tames—New York Times

The Judiciary Committee with counsels Doar and Jenner (foreground): Stitching together the evidence

The slippage could become a landslide should Mr. Nixon defy the Supreme Court—a course that Jaworski himself termed "inconceivable" and that almost surely would seal the end of the Nixon Presidency. The choice may shortly be upon him; the Court, NEWSWEEK's sources said, lined up 6 to 2 against Mr. Nixon after hearing the case last week, and may be unanimous on judgment day this week.

THE ANATOMY OF A DECISION

The Court, according to these sources, tilted heavily against the President from the first, but divided into three factions. Four Justices—William O. Douglas, William J. Brennan, Thurgood Marshall and Potter Stewart—were said to have favored a broad, bold ruling rejecting Mr. Nixon's claim of Executive privilege and ordering him to surrender the tapes for judicial inspection. Two more conservative brethren, Lewis F. Powell and Byron R. White, reportedly agreed on the result but worried, as one source put it, about "trying to write a textbook" on Presidential privilege; they held out for a decision on the narrowest possible legal ground. The doubters were Chief Justice Warren E. Burger and his fellow Nixon appointee, Harry A. Blackmun, and even they were reported unmoved by St. Clair's sweeping assertion of privilege. What troubled them more, sources said, was the question of whether Jaworski had legal "standing" to sue his nominal employer, the President.

But, as NEWSWEEK's sources told it, the 4-2-2 split became a solid 6-to-2 majority when the activists agreed to rein in their impulse to write law for the ages. The result instead is expected to be a narrow holding that Executive privilege,

will not undertake anything quite so suicidal. They believe that, as one sympathetic outsider put it, the Nixon Presidency has become "a pain people live with" and that America has gone cold to any news about Watergate short of megaton-range explosive force. Mr. Nixon's champions accordingly offered only perfunctory answers to the week's allegations, on the presumption that no one is reading them any more. The President himself abandoned Washington for a two-week holiday in San Clemente.* His public defense was taken up by Vice President Ford, who simply waved away the case against Mr. Nixon with the assertion that the evidence "exonerates him from any impeachable offense."

The President's strategy was at once simple and precarious—a gamble on sheer sensory overload on the Republic as his best hope for survival. It was sorely tested by what one GOP senator called the "quantum shocks" of last week, and it will be tried again this week with the Supreme Court decision and the further one-a-day flow of casebooks from the Judiciary Committee. "If it's true that the public is numb," said one Nixon staffer, "then we have a good chance of beating impeachment." But others in the capital have begun to read the stillness as a sign that the verdict is already in. "There's a sense of *climax* up here," said one Senate Republican—a feeling that the Congress is plunging at daily accelerating speed toward its own hard days of judgment on whether the Nixon Presidency will stand or fall.

*Private as well as public problems awaited Mr. Nixon at the Western White House—notably a \$228,440 mortgage payment he could not scratch up out of savings depleted by his back-tax bills. He postponed but did not solve the problem, plunking down a fraction of the principal plus \$17,000 in interest and negotiating a six-month extension on the remainder.