



CONGRESSIONAL LEADERS HUGH SCOTT, CARL ALBERT, MIKE MANSFIELD, PETER RODINO & THOMAS ("TIP") O'NEILL

## THE NATION

### IMPEACHMENT

# Nixon: The Odds on Survival Shorten

"What's going on now has the impact of a tidal force." That was one senior presidential adviser's description of the multiple and multiplying assaults on the presidency of Richard Nixon last week. Each day brought bad news about hard fact and worse rumors about impending defections in Congress of the men and women on whose verdict Nixon's lease in office hangs. The White

House staff seemed to have no strategy or ideas on how to stem the onslaught. As a result, the vote for Nixon's impeachment in the House, long certain, seemed on the verge of gathering into a tsunami that could also sweep the Senate to conviction—and Nixon from office. Among the week's developments:

► The House Judiciary Committee concluded its remarkably bipartisan, highly effective proceedings, voting two more articles of impeachment. One accused Nixon of abusing his presidential powers; the other charged him with willfully disobeying the committee's lawful subpoenas of tapes and other evidence.

► House leaders of both parties worked out a tentative impeachment timetable that calls for the debate to begin on Aug. 19 and the vote to take place by Aug. 31. They also agreed to allow television coverage of the proceedings, which could well be even more damaging to the President's public support than those of the Judiciary Committee.

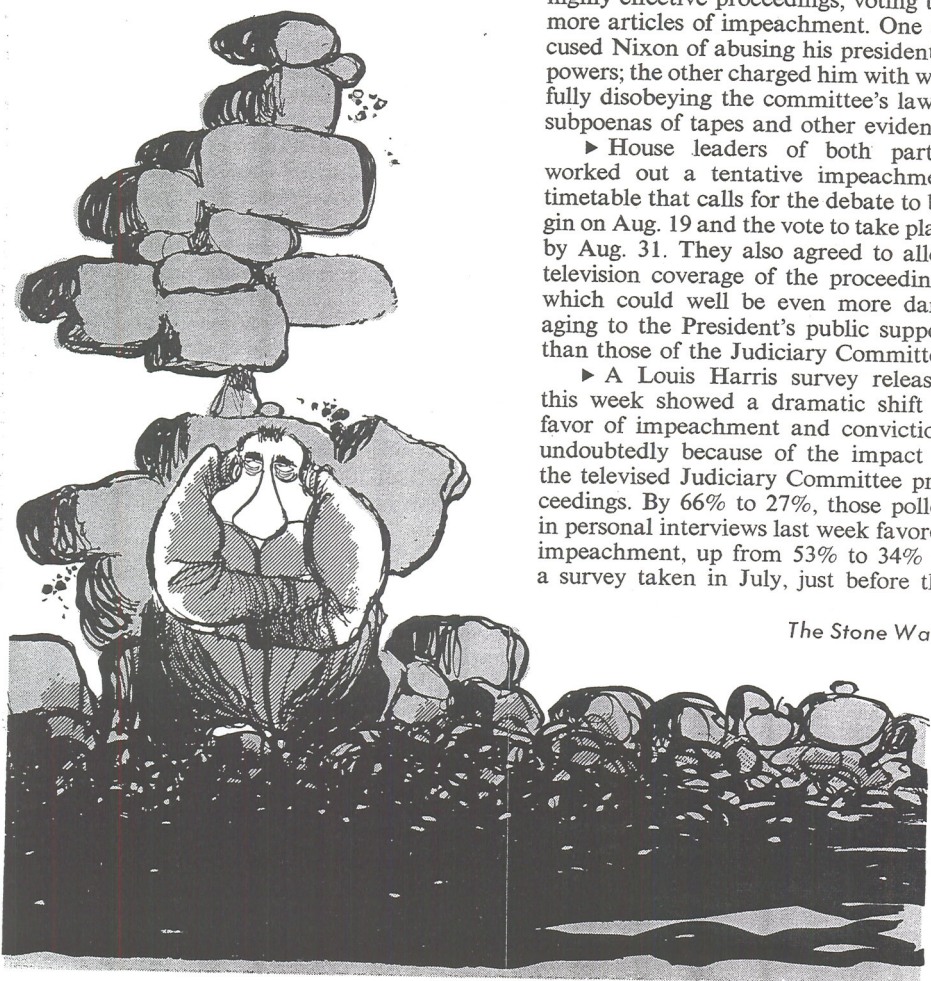
► A Louis Harris survey released this week showed a dramatic shift in favor of impeachment and conviction, undoubtedly because of the impact of the televised Judiciary Committee proceedings. By 66% to 27%, those polled in personal interviews last week favored impeachment, up from 53% to 34% in a survey taken in July, just before the

public committee debate started. According to the poll, a majority (56% to 31%) now believe that Nixon should be ousted from office, up from 47% to 34% in the earlier sampling. In July, a Harris survey found that most people (55% to 27%) thought that Nixon would not be found guilty. Now 47% to 40% say that he will be found guilty.

► As the White House began complying with the Supreme Court's order to yield 64 tape recordings, Presidential Counsel James St. Clair disclosed another mysterious gap on one of the tapes. He reported to Federal Judge John J. Sirica that five minutes and twelve seconds was missing from a tape of a crucial April 17, 1973, meeting on Watergate involving Nixon and top assistants.

► A Washington grand jury indicted former Treasury Secretary John B. Connally, who was once a Nixon favorite and was the President's initial private choice to succeed Spiro Agnew as Vice President, on charges of accepting bribes, perjury and conspiring to obstruct justice. The indictment accused Connally of accepting \$10,000 from a dairy cooperative in exchange for his urging the Administration to raise federal milk-price supports in March 1971 and of later lying about the deal.

► U.S. District Judge Gerhard A. Gesell sentenced former Domestic Affairs Adviser John Ehrlichman, once described by Nixon as one of "the finest public servants it has been my privilege to know," to a term of 20 months to five years in prison. Ehrlichman was convicted last month on conspiracy and perjury charges growing out of the burglary of Daniel Ellsberg's psychiatrist's office in September 1971. (Ehrlichman will appeal the verdict.) The sentence was the stiffest yet received by a pres-



The Stone Wall

idental intimate for crimes growing out of Watergate and related events.

► House Minority Leader John Rhodes announced that he would make a statement early this week on his position on impeachment. He carefully kept his own counsel on what he would say till the last moment, but he was known to be anguished over the evi-

dence, and the mere possibility of so important a conservative Republican leader abandoning Nixon doubtless deeply alarmed the White House. Rhodes' support cannot save Nixon in the House, but his defection could very well seal his fate in the Senate.

The series of events, actual and possible, staggered the President's aides. Just after the Judiciary Committee voted the first article of impeachment, Press Secretary Ronald Ziegler flatly predicted that the full House would reject the articles of impeachment. As the week went on, however, the White House's show of public optimism evaporated. On Friday, Deputy Press Secretary Gerald Warren repeated the official line that the President believed the facts did not support the allegations of misconduct, but conceded that Nixon was "in the role of underdog." In the privacy of their offices, however, many White House aides were grimly resigned to the inevitability of impeachment. But they insisted that, as one put it, "his conviction in the Senate is at least a debatable proposition."

Nixon had scarcely returned to Washington from a 16-day stay at San Clemente before a search was on in the White House for a new strategy for survival. Until the Judiciary Committee vote, Nixon and his aides had attempted to exploit partisan divisions on the

panel. Ziegler went so far as to disparage its proceedings as a "kangaroo court." That strategy was shattered, however, by the defection of six Republicans in support of one article of impeachment, seven in support of another, the introduction of a third by a senior Republican. Now a new course had to be found among the President's rapidly dwindling options. Confessed one adviser: "It's a grinding experience. There is puzzlement about how to take hold of the problem."

**Saving His Shot.** Some White House aides urged Nixon to deliver a television address rebutting the charges, much as he saved his political career with his "Checkers" speech in 1952. "That was hashed about," one adviser reported, "but it was decided that he should save his shot for a later point"—either during the House debate or, more probably, after the House vote.

Republican Congressmen made some suggestions. Senator Jacob Javits renewed his proposal that Nixon temporarily turn over his duties as President to Vice President Gerald Ford under the 25th Amendment until the impeachment trial is concluded. Adopted in 1967, the amendment was intended to cover cases when a President is temporarily incapacitated for mental or physical reasons, but Javits believes it can be applied to impeachment as well.



NIXON AT THE WHITE HOUSE  
"An uphill struggle."

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Two pro-Nixon Republican Representatives, Sam Steiger of Arizona and Charles S. Gubser of California, suggested that the President ask for a *pro forma* vote for impeachment in the House and a speedy trial in the Senate. That would enable him to avoid a damaging televised debate in the House. It would also keep House Republicans from having to pass judgment on their President.

**Trial Balloon.** It is a measure of the hopelessness of his position in the House that Nixon mulled the idea over and directed speechwriter Patrick J. Buchanan to loft it as a trial balloon at a breakfast with newsmen. Buchanan obliged, but within hours both the Democratic and Republican leaders in the House made it clear that they would not permit the constitutional proceedings to be short-circuited. Before the end of the day, Buchanan punctured the proposal for good. "The only real advantage was to Republican members of the House," he said, "but they're going to have to walk down to the well of the House and fall on their swords."

In the end, Nixon's perplexed and frustrated strategists hit on no new grand strategy for fighting impeachment in the House. Publicly, White House aides refused to discuss the subject. Said Warren: "Our strategy will become clear as events unfold in maybe five days, ten days or 20 days." Added Communica-

tions Director Ken W. Clawson: "Did Eisenhower tell the Germans when he was going to invade Normandy?" Privately, aides planned a soft-sell campaign to discredit the charges by contending that they are too flimsy and general to be considered grounds for impeachment—the same arguments voiced by Nixon supporters on the Judiciary Committee. One White House political strategist declared: "During the Judiciary Committee debate, inference was king, innuendo was queen, and together they reigned triumphantly over the proceedings."

Nixon Aides William F. Timmons and Dean Burch will press that argument on wavering Republicans and other undecided members of the House in the coming weeks. At the same time, they plan to shift the fight against im-

peachment to political grounds, trying to focus attention on Nixon's accomplishments, particularly in the area of foreign policy. Arm twisting will be taboo. Explained one Nixon supporter: "It's counterproductive." Other White House aides, notably Buchanan and Clawson, will attempt to communicate the same line to the public, while Presidential Aide William J. Baroody Jr. will work with pro-Nixon organizations like Rabbi Baruch Korff's National Citizens' Committee for Fairness to the Presidency Inc. Said Warren: "We face an uphill struggle, but in a political struggle you have a chance to win." At best, however, the White House strategists hope to narrow the margin for impeachment and make it less bipartisan; they have no hope of carrying the House.

Before the Judiciary Committee

TIME, AUGUST 12, 1974

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ST. CLAIR & AGENT DELIVERING TAPES

vote, House leaders believed that no more than 39 Republicans (out of 187) would desert Nixon and come out for impeachment. The bipartisan nature of the Judiciary Committee debate and vote caused that number to grow sharply last week. Estimates ranged from 50 to 80, the figure predicted by California

over to two lawyers, J. Fred Buzhardt and St. Clair, who prepared copies for the White House of the reels containing the subpoenaed conversations to be sent to Sirica. Twenty of the tapes were delivered to the judge on Tuesday and another nine on Friday.

Asked by Assistant Special Prosecutor Richard Ben-Veniste on Tuesday whether any tape segments were missing, St. Clair told Sirica: "Not to my knowledge, Your Honor." Then Ben-Veniste pointed out that a White House transcript of the President's April 17, 1973, meeting with Ehrlichman and Chief of Staff H.R. Haldeman ended at 4:35 p.m. while St. Clair had told the court that the reel of tape was "removed full" at 4:20 p.m. After checking, St. Clair reported to Sirica that five minutes and twelve seconds of the 45-minute conversation had not been recorded because a Secret Service technician was changing tape reels.

TIME has learned, however, that the technician, James Baker, now stationed in Texas, would not have needed more than a minute to change reels of tape. Moreover, it was learned that the missing portion was apparently clipped from the end of one tape and the beginning of another.

## THE NATION

G.O.P. Representative John H. Roussetol. The *Washington Post* surveyed the House and reported that only 14 Republicans were willing to say that they opposed impeachment of Nixon, while 116 said that they were undecided. Moreover, Representative Joe D. Waggoner Jr. of Louisiana, a fervent Nixon backer, has told leaders that fewer than 30 Southerners (out of 121) plan to vote against impeachment.

Nixon's position has also deteriorated in the Senate. A few months ago his supporters thought that they had up to 50 votes against conviction. Now key Republican Senators believe that there may be as many as 60 potential votes for conviction, including up to 15 Republicans.

**Knuckle Rap.** House leaders of both parties met to discuss procedures for the impeachment debate and vote, and Judiciary Committee Chairman Peter W. Rodino Jr. huddled with Majority Leader Thomas P. ("Tip") O'Neill Jr. on the committee's final report, due next week. The leaders agreed to open the proceedings with 55 hours of general debate, with Judiciary Committee members limited to 15 minutes and all other Representatives to five minutes. That discussion will be followed by 21 hours of debate on motions on the articles. The Representatives will be allowed to propose amendments to eliminate an article or particular paragraphs of articles but will be prohibited from introducing new articles or amending any article with new language.

As a last-ditch alternative to impeachment, some Republican Repre-

sentatives, with concurrence of Gerald Ford, proposed that the House censure the President. In lieu of impeachment, the motion would merely chastise Nixon for "moral insensitivity, negligence and maladministration"—a featherweight rap on the knuckles. The notion was so strongly opposed by the Democratic leadership that it was given little chance of even reaching the floor.

With the impeachment drive gathering momentum, Nixon conveyed an impression of beleaguered isolation. Watergate left him time for only one appointment: a session to review Treasury Secretary William E. Simon's recent trip to the Middle East. Afterward, Simon said: "I have never seen the President in a more positive and affirmative frame of mind." The few White House aides who saw Nixon recently also insisted that he was in good spirits. One said: "I've never admired him more. How he can take all of this I don't know, but you can be with him and never know anything is wrong. He's like a general who has lost the war but still stands at the command post, directing the troops."

Nixon spent most of his working time secluded in the Lincoln Sitting Room of the White House or in his hideaway in the Executive Office Building, listening to the tapes that the Supreme Court directed him to turn over to Judge Sirica. The judge will decide which parts of the tapes may be used in the trial, scheduled to begin Sept. 9, of six former Nixon aides charged with participating in the Watergate cover-up. After listening to each tape, Nixon turned it

**Messed Tapes.** For almost a year after the taping was disclosed in July 1973, the tapes were guarded by Retired Major General John C. Bennett, who resigned his White House job last April to become a vice president of a pipeline company in Alaska. Says Bennett: "It is hard to believe that there was tampering with the White House tapes, yet it is just as hard to believe that tampering did not occur. I have a feeling that, somewhere along the line, someone messed with those tapes."

As the pressures on Nixon mounted, it seemed inconceivable that he did not from time to time let his mind dwell, however briefly, on the one course of action that would ease them immediately: resignation. Aides said that such a step was out of the question. But it offered definite benefits to the beleaguered President. If convicted by the Senate, Nixon, now financially hard pressed, would forfeit his presidential pension of \$60,000 a year, plus up to \$96,000 annually to maintain a staff and office, and Pat would lose her right to a \$20,000 annual pension if he died before she did.

Also, resignation might allow Nixon to work out a deal with prosecutors and Ford to void any possibility of criminal prosecution after he left office. It would lessen the chance of additional evidence being made public that would further tarnish his image. It would help retain his emotional base of supporters. And it would keep him from becoming the first U.S. President to be impeached and convicted. By staying in office and fighting impeachment to the end, Nixon was gambling with his place in history—and the odds, at least as of last week, were turning sharply against him.