

Nixon's Eleventh Hour

Day after day, he sat in brooding isolation in his Executive Office Building hideaway, immersed once again in the past that has brought him near ruin. Before him was a black Sony tape recorder, its erasing mechanism long since rendered inoperative by the Secret Service as a hedge against any further accidents to his tapes. At intervals, his aide Stephen Bull appeared with a fresh 5-inch reel and, as quickly, disappeared; once, his man Manuel (Manolo) Sánchez brought him dinner at his desk. But mostly he sat alone, listening to long-ago conversations through a headset, scribbling notes on a yellow legal pad, twice toiling well past midnight over the recordings. Richard Nixon was deep in that solitude he has always needed to prepare himself for his crises—and this time his own people waiting belowstairs were infected with their first real doubts that he could survive.

That his Presidency had entered upon its eleventh hour could no longer be doubted. The House Judiciary Committee, having charged him the week before with obstruction of justice in the Watergate cover-up, added two more counts to its proposed bill of impeachment last week—that Mr. Nixon had abused the vast powers of his office and had unconstitutionally defied no fewer than eight House subpoenas (page 24). The latter charge was given small chance of standing up, and two more counts, based on the secret bombing of Cambodia and the President's private financial practices, were killed in committee. But Judiciary voted out its two strongest articles with a high on-camera decorousness that gave the charges greater specific gravity—and with heavy bipartisan majorities that virtually guaranteed their approval on the House floor.

And suddenly the unthinkable was imminently at hand—the first impeachment of a President in more than a century. Capitol cloakrooms were alive with estimates of the House vote, none of them happy for Mr. Nixon. Leadership guesses at the margin of his defeat began at a cautious 70 votes out of 435 and ran far higher; a NEWSWEEK survey of insiders in all 50 state delegations suggested that the majority might in fact become a deluge of 2 to 1 or worse (page 20). The Senate no longer main-

tained even the pretense of suspense and went publicly to work preparing for a trial in the fall. And not even the two-thirds majority required for conviction there was any longer much comfort to the Nixonians; the President's own head counters showed his support dangerously close to the line and still sliding, and one ex-staffer said bluntly: "It's all over."

The sense of impending doom was only

majority hardly a year and a half ago.

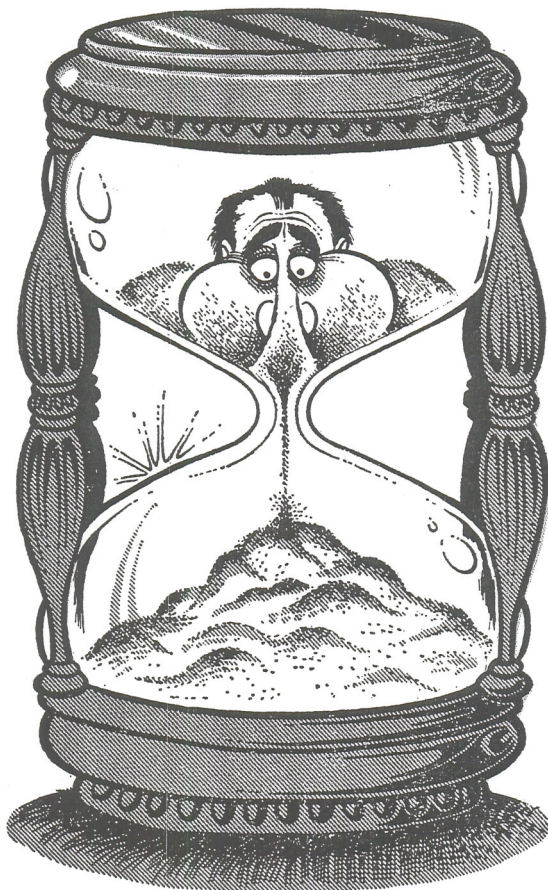
The resulting melancholy has now penetrated Mr. Nixon's innermost circle. The public protestations that he was "absolutely" confident of the outcome gave way in the space of one dismal week to the declaration that he is now "the underdog . . . [in] an uphill . . . political struggle." The private speculations inside the blockhouse at 1600 Pennsylvania Avenue were more desolate still. Mr. Nixon himself, after months of invincibly rosy and incorrigibly wrong intelligence estimates, has now been advised pointblank of the realities of his situation: that, as one staffer put it, "impeachment is a given" by an overwhelming margin in the House—and that conviction has become a real hazard in the Senate.

THE LAST OPTION?

In this doleful mood, senior staffers have begun talking for the first time about the possibility of Mr. Nixon's resignation as a live option—perhaps his last. These discussions have not, so far as is known, gone on in the President's hearing; they have rather been held in confidence by a few high-level aides among themselves and in some limited informal canvassing among Republican friends. At least one of these is said to have advised that Mr. Nixon quit immediately—and to his surprise got no answering argument. One source told NEWSWEEK that the conversations had progressed to the question of whether the President could strike a deal to shelter himself from prosecution or legal harassment should he quit. Some party loyalists on the outside have in fact already begun re-

searching ways to have him granted amnesty should he step down to spare the nation further trauma.

There was no signal whatever out of Mr. Nixon's own deep solitude that he had any intention of resigning; quite to the contrary, he was said to be as determined as ever to go on with his struggle for survival. But he is very nearly bereft of organized party support, or any coherent strategy for hanging on. It was one measure of the desperation around him that his people briefly entertained the idea of his volunteering for impeachment rather than enduring the humiliation of a live-television landslide in the House. The notion was quickly discard-



Mike Lane—The Baltimore Sun

compounded at the weekend with the latest poll returns—a Louis Harris survey suggesting that the impeachment and removal of the President have now become the clear majority will of the nation. The poll was taken immediately following the Judiciary proceedings, and it confirmed their shattering impact on the President's hopes. The majority favoring impeachment in the House ballooned from 53-34 before the hearings to 66-27 afterward; even regular Republican voters tilted narrowly against him. And sentiment for conviction in the Senate swelled from a 47-34 plurality to a 56-31 majority—a stunning judgment on a man re-elected by a near-record ma-

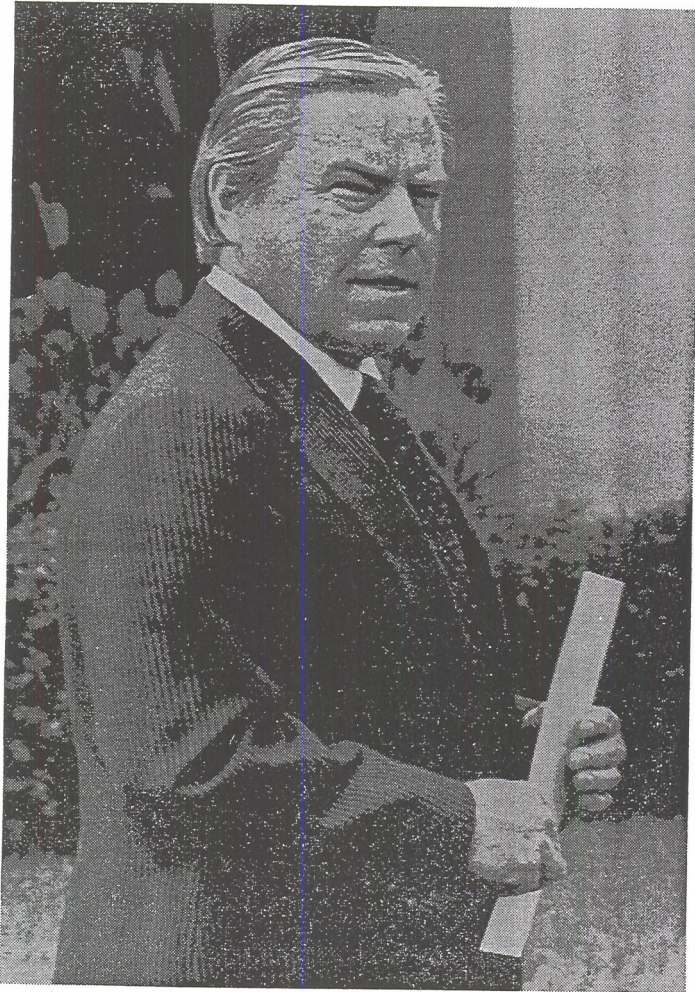
ed, and what emerged instead from the week's marathon skull sessions was a kind of helpless non-decision to carry on as in the recent past: divert, delay and hope for the best. No formal battle plan was passed up to chief of staff Alexander Haig, and none was handed down by the President. Said one staffer in despair: "We don't have the foggiest idea of what to do next."

Neither did the crumbling coalition of Republicans and Southern Democrats upon whom Mr. Nixon had bottomed his defense. The single national party leader actively advocating the President's innocence was Gerald Ford, and he has

sonal loyalty to Mr. Nixon, partly to avoid the final alienation of those party members who still revere the President.

His peril lies in being drawn into the ruin around the Nixon Presidency—a blight that has generated criminal prosecutions against a Vice President, four Cabinet officers, two top-ranking aides and a score of lesser courtiers. Former Treasury Secretary John Connally, 57, became the latest on the roster last week, with his indictment on charges of having taken \$10,000 in payoffs from the dairy industry for his favors (page 30); the possible penalties include nineteen years in prison, a \$50,000 fine and the

He was haled before Federal Judge Gerhard Gesell, under conviction on one count of conspiracy and two of perjury in the break-in at Daniel Ellsberg's ex-psychiatrist's office. "I am the only one in this room," he said stiffly, "who really knows whether I am guilty or not guilty of the charges against me. Your honor, I am innocent of each and every one of the charges in this case." But Gesell set him down with a short, sharp rebuke for his role in "this shameful episode in the history of our country"—and, with due discounts for his public service, sentenced him to twenty months to five years in Federal prison.



UPI photos

While Rhodes agonized over his decision, the Veep golfed with O'Neill: A prospect of more comfortable coattails

lately toned down his pleading to the circumspect line that Mr. Nixon is not "guilty of an impeachable offense." But Ford has thus far resisted the counsel of old Republican friends that he abandon the cause altogether in the interests of his own credibility. Much of Washington now simply assumes that he will be President in the not very distant future—even staffers lunching at the White House mess last week gossiped *sotto voce* about who *his* Vice President might be—and the Veep himself is quite aware of the meliorating role he would thereupon be required to play. He has accordingly stuck to his defense, partly out of per-

nearly certain ruin of his own Presidential ambitions. Within the week, John W. Dean III, 35, lately Mr. Nixon's accuser but once his trusted in-house counsel, was sentenced to one to four years in prison for his star role in the cover-up. "I realize the wrong I've done," he told Judge John J. Sirica wanly. "... To say I'm sorry is really not enough."

'I AM THE ONLY ONE'

And John D. Ehrlichman, 49, who once shared unrivaled power with H.R. (Bob) Haldeman a short step below the Presidency itself, was dealt the sternest penalty yet against any of the Old Crowd.

Even the President's retreat to EOB Room 175 was an act of pain rather than escape. He was under Supreme Court order to surrender 64 more of his Watergate tapes for use in the cover-up trial of six of his old associates, and he spent more than 30 hours hunched over his Sony screening them for any fragmentary claims of Executive privilege he could find. The delivery began on schedule, Presidential lawyer James St. Clair arriving in Sirica's court twelve minutes under the deadline with a Secret Service escort and tapes of twenty conversations in a silver-gray suitcase. But the embarrassments began even before the

judge played the first reel in camera—the disclosure of yet another gap, this one five minutes and twelve seconds long, in yet another key conversation. St. Clair insisted that it got there when a tape ran out unnoticed; investigators unkindly calculated that there ought to have been more than an hour's recording time left on the spool—and that the gap had been edited out of the published White House transcript of the tape.

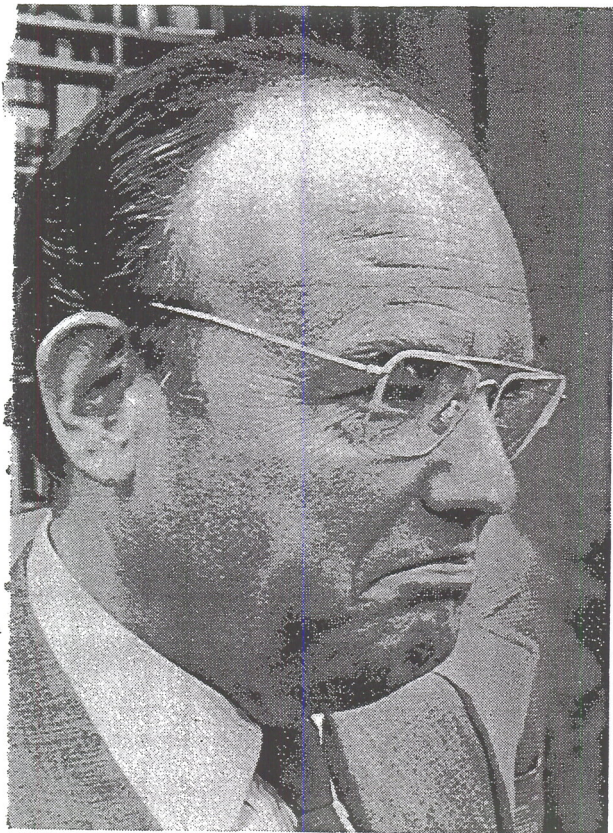
But the real agents of the abrupt collapse of Mr. Nixon's position were the 38 oddly sorted men and women of the Judiciary Committee. The President's people had tried to undercut them as a partisan "kangaroo court," and made considerable headway in the raggedy, leaky days before Judiciary went on-camera; a Harris poll then gave them a 48-36 negative rating.

THE SMOKE-FILLED ROOM

But their six-day run on network TV turned all that around; their poll rating skyrocketed to 65-29 positive, the favorable glow reaching even into the South, and some of Mr. Nixon's own partisans praised them for their evenhanded equity. Their roll-call votes on the two key counts—six Republican ayes on Article I, seven on Article II—effectively destroyed the charge that the whole affair was purely a left-Democratic vendetta. And their debate, once the majority coalition got the hang of it, became a national total-immersion seminar in the evidence of the Watergate crimes. The one decisive "murder weapon" remained just beyond their reach, but the cumulative circumstantial detail was overwhelming. "For those who are looking for the smoking pistol," said New York Republican Hamilton Fish, "I am just afraid they are not going to find it, because the room is too full of smoke."

The psychic impact was devastating to Mr. Nixon's cause—a contagion of impeachment fever that coursed over the Hill and threatened the disintegration of his support. NEWSWEEK's 50-state House survey counted 276 votes committed to or tilting toward impeachment, with 59 more "persuadable" either way; even a 50-50 split of the neutrals would send the case to the Senate with more than 300 votes—and a momentum that could well prove irresistible. Other head counts, including the Nixonians' own, were at least equally discouraging for the President. Some Republican congressmen sent back word that he would be lucky to command 100 votes on the floor. Majority Leader Thomas P. (Tip) O'Neill took Jerry Ford golfing in Sutton, Mass., and presumably passed on his own latest tally: 116 or 117 for Mr. Nixon—and a near 3-to-1 avalanche against him.

The unkindest cuts of all fell in precisely those strongholds Mr. Nixon had most counted on: the Republican heartland and the Democratic South. The dominoes were set toppling in Dixie when conservatives as purebred as Walter Flowers of Alabama and James Mann



Ehrlichman (left) and Dean after sentencing: Victims of the blight

of South Carolina argued eloquently for impeachment in the Judiciary hearings. Till then, White House aides had comforted themselves with the notion that their man in the Democratic South, Joe D. Waggoner of Louisiana, would bring in 70 anti-impeachment votes. But after the impeachment proceedings, Waggoner himself conceded that there had been considerable slippage, and one conservative Southern ancient reckoned aloud, "Joe'll be lucky to produce 30 votes—and I won't be in that number when the saints go marching in."

The early returns from Republican precincts, even in the bosom of Middle America, were hardly more hopeful for the President. The NEWSWEEK survey counted only 81 of the 187 House Republican votes even relatively solid for him, with 62 moving toward impeachment and 44 more undecided. Nor was there any organized effort at reasserting party discipline behind a Republican President. The scent of doom was heavy on the Hill, and with it the conviction that the Nixonians were politically bankrupt—that they had neither debts to call in nor punishments to mete out. "The show is over," one party strategist told NEWSWEEK's Hal Bruno. "There's nothing he can do to save himself."

The linchpin for Mr. Nixon was House Minority Leader John Rhodes of Arizona—and one index of the President's weakness was that Rhodes has been publicly agonizing for weeks as to whether he could support his President in the coming crunch. Solid sources told NEWSWEEK that Rhodes in fact was leaning against at least two and probably all three articles of impeachment, and last week he dutifully began a series of small GOP-only "rap sessions" aimed at keeping the

party from tearing itself irrevocably apart over the issue. But his long passage of indecision was itself damaging to the President, and his expected resolution of his torment this week was hardly more comforting; he was reported ready to declare against impeachment—but to announce at the same time that Republicans should consider themselves free of any party obligation except to vote their own consciences.

THE CENSURE DRIVE

The leadership of the floor fight against impeachment thus fell by default to the men who had carried it in the Judiciary Committee. Two of them, California's Charles Wiggins and Indiana's David Dennis, started their own series of briefings on the case for the President. And a third, Ohio's Delbert Latta, began circulating a petition to head off a vote on impeachment with a slap-on-the-wrist motion to censure Mr. Nixon for "negligence and maladministration"—and drop the matter there. The temptations were powerful for Republicans and Southern Democrats agonizing over the hard choice; Latta drummed up nearly 60 signatures in an afternoon, John Rhodes's first among them, and hoped for 175 by next week. Even the Vice President said he preferred censure, but a sense of futility hung over the effort, given the solid opposition of the Democratic leadership—and the swelling bipartisan sentiment for Mr. Nixon's trial.

A heavy House vote to impeach could in turn ravage the President's tenuous claim to the magic one-third-plus-one he needs to survive in the Senate. He needs 34 votes there; his liaison men count only 36 or 37 (box, page 23), six of them "soft," and a close reading suggests that

even that census is dangerously optimistic. Some of the most influential names on his list were persuadable for conviction for various personal and political reasons—among them Minority Leader Hugh Scott, Arizona's Barry Goldwater, Mississippi's John Stennis, Georgia's Herman Talmadge and Tennessee's William Brock. And at the weekend, Michigan's Robert Griffin, the No. 2 man in the Senate GOP hierarchy and a chum of Gerald Ford's, sent off his own discreet threat to jump ship. In a letter hand-carried to the White House, he warned Mr. Nixon that he will surely be impeached—"unless," Griffin added pointedly, "you choose to resign"—and that he cannot count on Griffin's vote if he stone-walls a Senate subpoena for his tapes.

For months, Mr. Nixon had been sheltered from all these impinging realities by botched intelligence-gathering. His people thought till the end, for example, that they had a chance at an even split in the Supreme Court tapes case (it went 8 to 0 against him) and that the Judiciary vote at worst would be a narrowly partisan 22 to 16 for impeachment (it reached 28 to 10 on one article). His answering strategy was geared to his own combative temper; it was Mr. Nixon himself who sent press secretary Ronald Ziegler forth with the attack on the committee as a kangaroo court, to disastrous effect for his own cause. His men now have got their numbers straight but not their tactics. "They miscounted the Court, they miscounted the committee," said one source in regular touch with the White House. "Now, they're counting accurately—only now it's too late in the game."

The result in the White House was something near total disarray—a floun-

dering search for some way to arrest the tide. Two GOP congressmen offered the suggestion that Mr. Nixon volunteer for impeachment without a House debate; the trial balloon floated through heavy flak for 24 hours and was finally shot down by the President himself. Rhodes urged yet another full-dress TV defense. Goldwater suggested that he take questions live before a joint session of Congress; some staffers doubted that the President could stand up to it physically, and one party pro called the idea "great—except he can't answer the questions." Some sympathizers thought he should make a dramatic act of contrition at the Senate trial, appearing as his own star witness and submitting himself and his Presidency to cross-examination.

But one idea after another was discarded, although St. Clair and speechwriters Pat Buchanan and Ray Price did join Mr. Nixon at Camp David over the weekend. White House aides promised only that a strategy would soon be forthcoming ("We're running it off on the Xerox now," one said wryly) and took up an ad hoc holding pattern. Ziegler fell silent, and with him the rhetoric of counterattack. The PR line dialed down from strident to somber, playing on the perils of an impeachment trial that could drag on through much of a year. The tone of the defense turned lawyerly—a point-by-point assault on the evidence, aimed no longer at killing the case in the House

but at holding down the margin of defeat. And the overriding imperative was delay. "We play for time," shrugged one staffer, "and hope for a miracle."

That hope has never been lower in the Nixon White House; its people from the top down were functioning, or trying to, in an atmosphere of deepening foreboding and gloom. The President was almost entirely invisible, locked away with his tapes and his options, and in his absence a sense of drift afflicted his Administration. Haig, himself heavily burdened by Watergate, felt obliged to send a proxy message to a routine Cabinet-level meeting reminding everybody that the business of government must go on even in "these difficult days." That the words needed saying cast a pall on the proceedings. "I felt," said one participant, "as if I had been at the bedside of someone with only a few days to live."

THE WAY AHEAD

The low ebb in morale fed the pervasive speculation that Mr. Nixon might yet resign—a sense of expectancy heightened in direct proportion to the dangers immediately before him. His Presidency and his place in history are directly at hazard. So is his depleted personal fortune: a move started in the Senate to make him start paying his own \$30,000-a-month lawyers' bills if he is impeached, and his forced removal would strip him of a pension and staff allowances totaling \$156,000 a year—a point that some of his longtime financial supporters have reportedly raised. The House debate, as one aide put it, is likely to be "gruesome" for Mr. Nixon and the outcome is now conceded even by his most optimistic retainers. And his conviction by the Senate has become a palpable threat; some influentials there are thinking of forcing an early test vote on some procedural issue—and holding out the expected top-heavy vote against the President as an inducement to him to stand down.

The perils of quitting are equally real, and not only to Mr. Nixon's page in the history texts. The Watergate grand jury stopped short of indicting him only because of his office; to resign without some shelter would leave him open to criminal charges, assuming anybody any longer had the heart to press them, and to a long, humiliating train of grand-jury and trial subpoenas as well.

Various amnesty proposals have been under quiet discussion in Washington for several months—among them one plan, informally test-marketed by a Republican leader, for a joint Congressional resolution accepting Mr. Nixon's resignation as "a complete and sufficient plea in bar" against any future prosecution. There are substantial constitutional questions about whether Congress can legislate immunity for any man, even a President, and still larger doubts that Mr. Nixon as a private citizen could be spared the pain of witnessing in the Watergate trials. The proponents of amnesty tend to believe that these problems would

NIXON'S SENATE COUNT

The last line of Richard Nixon's defense against impeachment charges would come in the Senate, where 34 votes would save him from conviction. NEWSWEEK's Samuel Shaffer has obtained the White House list of the 36 senators now counted on to support Mr. Nixon—though some of them may be shaky. Just one more senator is counted as persuadable.

DEMOCRATS: Allen, Alabama; Byrd, Virginia; Eastland, Mississippi; Johnston, Louisiana; McClellan, Arkansas; Nunn, Georgia; Stennis, Mississippi; Talmadge, Georgia.

REPUBLICANS: Baker, Tennessee; Bartlett, Oklahoma; Beall, Maryland; Bellmon, Oklahoma; Bennett, Utah; Brock, Tennessee; Cook, Kentucky; Cotton, New Hampshire; Curtis, Nebraska; Dole, Kansas; Domenici, New Mexico; Dominick, Colorado; Fannin, Arizona; Fong, Hawaii; Goldwater, Arizona; Griffin, Michigan; Gurney, Florida; Hansen, Wyoming; Helms, North Carolina; Hruska, Nebraska; McClure, Idaho; Roth, Delaware; Scott, Pennsylvania; Scott, Virginia; Stevens, Alaska; Taft, Ohio; Thurmond, South Carolina; Tower, Texas.

PERSUADABLE: Aiken, Republican, Vermont.



St. Clair and the tapes: More gaps?

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dissolve out of a simple national will to leave Mr. Nixon alone should he step down. But there has been no affirmative answering signal from him, and the proposals have languished as a result.

The rote denials that Mr. Nixon was even considering quitting still issued daily from the White House; the unremitting public line was that his health was good and his spirit unbroken by the reverses that have lately befallen him, and that he remains determined to make a fight for his survival. But he spent his days in isolation even from his senior staff, venturing out only for two evening cruises aboard the yacht Sequoia. In the silence at the top, the corridors of the White House were whispery with gallows humor about freshening up old job résumés, and topside staffers endlessly war-gamed strategies to quiet their own doubts. "There's a sense of impending something around here," one aide said helplessly; the answer was locked away in EOB 175, where Richard Nixon brooded alone over his Sony, his yellow pads and his playback of the days that had brought him low.