

Harper's

AMERICAN CHARACTER: Trial and Triumph



Drawings by James Wyeth

COURT ROOM 6

JUDGE GESELL

Crimes of

by Taylor Branch

Weakness



THERE IS A LARGE AND HISTORICAL callous on my right middle finger that marks how seriously I have taken the impeachment and demise of Richard Nixon. The protrusion is occasioned by six months of furious note-taking at the House Judiciary Committee, and now, after Nixon has taken his leave, it becomes necessary to distill from the impeachment drama something grand and important enough to justify so permanent a blemish. No one should be content to rest on naked history alone—on how Nixon, first to China, first to the moon, first to be driven from office, has literally outdone himself in his quest for uniqueness, or on how we are unlikely to see a two-year run of such dramatic political theater again.

Every reporter visible around the impeachment hearings thirsted for the event to go on. This was natural, since Watergate was the perfect story. It had the lure—the officially unanswered question of whether the President was a crook and/or liar. It had the grist—the riddles, trials, and peripheral disasters—that fed the scandal along the way. It also played right into the manhood and professional pride of reporters, most of whom would insist they had known from the start that Nixon was involved. Most of us in the reporters' rows felt a surge of outright vindication at seeing our ancient suspicions stamped with approval by such a classic forum as the impeachment committee. People yearned for it to be drawn out still further, and it was a serious faux pas to mention Jerry Ford's upcoming Presidency in an earnest impeachment discussion. It was like bringing up labor problems at a stockholders' meeting, or the draft at a senior prom, as everyone expected President Ford's tenure to inflict an agonizing national hangover to atone for the entertainment spree of Watergate. Ford, it was agreed, would be deadly. He would be a man appropriately beneath the times, a political sleepwalker transformed into a messiah, perhaps even a personality with some human spark, by the massive patriotic insecurities of the various establishments, including the press.

So there was both reason and excuse to surround the President's downfall with hyperbole but not to misjudge the substantive import of the impeachment itself. Watergate has been oversold almost from the beginning. Bernstein and Woodward identified Donald Segretti as the cornerstone of a "massive campaign of political spying and sabotage," raising the specter of truly evil and crafty storm-troopers at the throat of our liberty. A few observers noted with some disappointment that Segretti was actually more

of a Dobie Gillis figure, guilty of little more than occasional lapses of taste, but the image of the wily Segretti leading a band of fifty spies was never thoroughly repudiated. The search for his cohorts was apparently abandoned, however, for fear of the expected embarrassment. The Plumbers were termed "Nixon's private police force," even though their "missions," however horrifying in principle, were more like those of the Keystone cops. Master spy E. Howard Hunt canceled the planned second entry into the premises of Dr. Fielding because Krogh, the boss, felt bad about the first one.

Nixon's crimes were sins of weakness, and no matter how much they might be puffed up to dignify him as an adversary, they fell hopelessly short of good despotic material. He could not control the bureaucracy, so he tried to get around it with the Huston Plan and backed down meekly at the first resistance. He was not master of anything in the government except foreign affairs, where Kissinger outshone him, and his impotence was brought rudely home when he could not keep the Justice Department from crawling up his leg. After the Watergate break-in, a hopeless failure, he could not admit his political guilt when he had no criminal guilt, and he slowly built his own wrongs as he ran away from them. He compounded himself either out of sentiment for his aides or out of fear that one admission might lead to the chasm of his character, which is exactly what happened when the transcripts showed him to be a timid and dull man—even at the height of his power.

We were told constantly by the Judiciary Committee that impeachment is the grand inquest of the nation, an emergency political heart transplant, and, according to John Randolph, the last resort of the system before "insurrection on the part of the people." It is "Goliath's sword," to be kept in the temple except when there are tyrants and usurpers around. Yet the closest event to insurrection when impeachment was in the air came last winter when the truckers heaved rocks and shot bullets through each other's windows for a while over gas prices. There was a brief insurrection in the Congress following the Judiciary Committee vote, as the Representatives squirmed to avoid what Eric Sevareid called their "cup of hemlock." In true Congressional fashion, they first asked Nixon to *tell* them to impeach him, so they could tell the voters they were just following orders. Several other desperate ruses were on the drawing boards when Nixon rescued the Watergate



MR. FROELICH

**Instead of slaying a tyrant,
the President's peers
used Goliath's sword to swat
a pitiful, helpless midget**



MR. RAILSBACK

scandal once again by revealing a consummate lie and thereby giving the Representatives a shield of unanimity.

THE PASSIONS AND DISORDERS that Randolph and the Founding Fathers had in mind arose only in the distant past, when there were mini-insurrections against Nixon's war policies. The Committee rejected an article of impeachment on the secret bombing of Cambodia, the only charge that contained the elements of forceful, arbitrary rule. Here, for once, the President was tough and decisive. Things happened—money was spent and people were killed. He ordered more than 3,000 covert bombing missions and the creation of a clandestine command structure to hide them even from regular military channels. The President scared Gen. Earle Wheeler, chairman of the Joint Chiefs, so badly that the General testified under oath that if the Secretary of the Army had asked him about the bombing he would have lied to him. Even the classified, secret reports to the Congress about Southeast Asia were lies.

This scheme had true despotic promise, but the Committee backed away because of the political overtones. "It won't wash," said several members privately, and they seemed to concede that the voters are viscerally monarchistic in matters such as war, which arouse passion and insurrection. John Seiberling of Ohio said that he was outraged by the secret bombing but would have to vote against the article for lack of evidence. "It's still classified," he lamented. The same Committee that recommended impeaching Nixon for failure to turn over his private mutterings fell over backward when confronted with classification stamps on five-year-old bombing reports.

Nixon was driven from office not because of great, sweeping crimes but because the tapes revealed the ordinary dark spots of his personality. His impeachment would have chagrined the Founding Fathers. It was a weak plot—Macbeth's guilt without a good murder. This is not to say that he should have been spared—his poor lie became rather obstructive—but that the Nixon experience gives us almost no clue as to whether Congress or anyone else could thwart a real tyrant—someone whose granite innards and cold intelligence were matched with surpassing confidence, a President of clear and present danger. To Nixon, hubris was sneaking around the corner.

By the time the former President reached the impeach-

ment committee, he had been weakened by the press and public opinion and virtually put to sleep by the subpoenas of the prosecutors. He had slipped into hiding over the past year and was in seclusion under the dubious care of Ron Ziegler. Albert Speer called Martin Bormann the "hedge clipper" for Hitler, charged with the task of cutting down anyone ambitious and talented enough to threaten the boss, and Ziegler was assigned the contrary task of scouring the country for any audience of prominence and loyalty. All he could come up with were some strange clergymen and a few executives from the fringes of the Chamber of Commerce.

Nixon's low estate explains why one of the dominant themes in the televised debate was sympathy, with the anguished Representatives endeavoring to make the viewers feel sorrier for them than for the President. His defenders sounded the note that the "underdog" President had suffered enough, while the attackers focused on the poor example that would be set by letting the harmless miscreant remain at large in the White House. It sounded more like a parole board than a grand jury for high crimes against the state.

Although Nixon's crimes were largely beneath the dignity of impeachment, the Judiciary Committee rose to high theatric standards because of the significance of the moment. Observers were stunned at the caliber of the debate, and new statesmen were identified. James Mann of South Carolina has been proclaimed a retroactive Founding Father because of his constitutional syntax and his capacity to draw emotion from the most jaded reporters. His performance was deemed quite impressive for a Southerner, and therefore worthy of celebration. William Cohen of Maine, the Republican answer to JFK, was thought to be headed for Camelot. He is young, witty, good-looking, and a shameless cultivator of the press, which gobbles up his poetry—"We are the keepers of the flame. . . . The footprints of guilt must often be traced with the searchlight of probability." (The press did not discover Cohen, however. Long before impeachment, Nelson Rockefeller, J. Erwin Miller, and Joan Whitney Payson, owner of the New York Mets, were sending money to this freshman from Maine, backing him on the come. So were the employees of the Hughes Tool Company.) Walter Flowers of Alabama came off as the good ole boy of impeachment, showing the average fellow how he can vote against the President with a flag pin in his lapel.



MR. BUTLER



MR. HOGAN

THE MEMBERS OF THE COMMITTEE fell into roles which helped bring this sampling of Congress alive. Harold Donohue—ancient and doddering, with sleep creeping across his powdery white face—was there to remind people what Congress had escaped from. Aides with instructions would pinch him. Barbara Jordan was the Orator, with a thunderous contralto voice and the clipped, British diction of those blacks who learned parlor speech to prove something. She was one of the few members to scorn sentiment in favor of force, fire, and brimstone, and she often had the people in the gallery leaning back in fear—ready to confess their most racist notions and their most heretical doubts about the Constitution she praised. Charles Sandman was the Rotary Special, the kind of jovial politician who gets along by convincing businessmen that they aren't getting a fair shake in life. He was the Committee's most effective performer, reveling in his pipeline to Babbittdom, and his job was to hammer home the news that the lowly President was being persecuted: "You know it, and I know it. Everybody knows it!" Jack Brooks of Texas played the Salty Partisan, one of a dying political breed that draws all sustenance and inspiration from considerations of political party. He is wily and shrewd, the Democratic strategist, and he is credited with the baldest lie of the televised hearings: "There can be no satisfaction in impeaching a President of the United States." Brooks himself seemed positively elated when the cameras were still, and his backroom sarcasm always drew a large huddle of reporters. "We've got 'em now," he would say, referring to the Republican adversaries. "Let 'em talk." Brooks would light up his cigar like a new father and break out of the huddle with a spring in his step. More than once, as he left the chambers, I heard him whistling "Frosty the Snowman." Delbert Latta served as one of the strategic counterparts to Brooks for the Republicans, and he specialized in aggressive low-road politics. He played the Snake, and his function was to personify those ugly and universal instincts that make people hang their heads in moments of sober self-analysis. The idea was to make everyone doubt that they were clean enough to judge the President. Latta possesses the harsh, air-hammer voice of a racetrack barker, which seemed appropriate on the dirty side of any argument, as when he attacked former minority counsel Albert Jenner as a befriend of whores. Mr. Latta offered this information in an effort to

explain why Jenner no longer stood with the President.

Charles Wiggins of California struck me early on as the most intriguing member of the Committee: chief Nixon defender, a rough-hewn man with actor Lorne Greene's silver hair and Ponderosa face. In discussions, Wiggins has a habit of being relentlessly to the point; he very seldom employs red herrings, ad hominem subversion, or any of the other political ploys that give opponents time to rest their brains.

Reporters at the Judiciary inquiry always regarded it as a badge of merit to score a debating point off Wiggins, and they could be seen off in a corner studying evidence, then darting at Wiggins to make a hit, then back to the corner—usually wounded. Though the Congressman's jaw muscles would twitch under the assault, he would evenly reel off statutes while pointing out the logical flaws that he thought introduced bias into the question. "I am not a nitpicker," he said several times, "but, goddamn it, somebody's got to stand up for the law around here." Wiggins said privately that he had weighed the evidence against Nixon before the televised hearings and decided that it came to "not even five" on his own scale, which required seven for a vote of guilty.

After the vote, Wiggins told me that he was committed to his judgment that there was insufficient evidence to convict the President as a matter of law. He would lead Nixon's defense on the House floor, and he would also, if asked, help St. Clair in the expected Senate trial. He was certain of his position, which, like St. Clair's, was based on the proposition that there was no hard evidence that Nixon knew of the cover-up before March 21, 1973. He drew that line with Nixon, and was willing to stand by it.

It was at this point that St. Clair and Alexander Haig called Wiggins down to the White House for a preview of the now-famous two-and-a-half-minute conversation of June 23, 1972, showing that Nixon was "knowledgeable" only six days after the burglary, or fully nine months earlier than Wiggins had been led to believe. The White House men probably wanted to find out for sure whether Wiggins' commitment to the precarious defense that the new tape shattered was a blind one or a legal one. Wiggins told them that Nixon no longer had a defense or a chief defender.

There is still room for doubt about whether Wiggins



MR. SANDMAN

MR. COHEN

would have moved so resolutely against Nixon if he and his cohorts had not been so blatantly deceived. I think he would have. He has shown consistency in his devotion to the law. In the midst of the storm over resignation, he set himself apart from the Republican flannelmouths in Congress by stating that Richard Nixon might have to go to jail, after prosecution, if the United States is really a country of equal justice. Mercy is a matter for judges.

THERE WAS ELOQUENCE AND HEROISM in the crucible of statesmanship, but it was not, by and large, the noble sweat of leaders falling on their swords to save the Republic. By the time of the vote, almost no careers turned on the impeachment decision, and what kamikaze votes there were flew in both directions: Wiley Mayne of Iowa voted against impeachment at his dire peril, while Caldwell Butler voted for it. Even in those cases, the martyr's path was difficult to discern, for Mayne was likely to lose his seat and Butler to retain his no matter how they voted.

The anguish seemed to come not from fear of political extinction but from the psychic distress of presuming to be the President's peers. It is true that Jaworski's grand jury had no difficulty in that regard, but those ordinary journeymen and workers were not paid to think of themselves as an equal branch of government; therefore, they carried no burden of guilt or unworthiness about actual duties in the past. The Representatives did. The awe and majesty of Presidents had been created partly out of their own fervent wish that the chief executive could develop some supernatural wisdom and command to make up for the Congress's inability to see beyond the crush of the day. It was jarring when Nixon, with his tapes and his overall behavior, went to extraordinary lengths to batter down their genuflective dreams. The distance between his pious grandeur and his lowly character was so great as to undermine the moral operation of politics. The credibility gap, the exalted promise, and the claim of virtue are all necessary to allow politicians their cherished place as lightning rods of hopes, and Nixon threatened to expose these tools to constant scorn. They could not stand by him.

Nixon also worried those few Congressmen who realized that he would unavoidably tarnish everything traditional and "straight." From his empty talk of "great goals" to

his worship of the hearth, Nixon was an embodiment of the progressive era—running, striving, family intact, beliefs in line, taking succor from the race and its challenge, trying to make something of himself. He is so representative that his exposure and humiliation might be taken as a sign that his world view is grotesquely out of phase with the times. Nixon was not overcome by the superior strength of closet socialists and reformers in a great battle, as he would like to think. He and his era just ran out of gas and fell at their feet. In a historical context, Nixon and the crisis of confidence in government did not cause the country's slow descent; it was the other way around.

With Nixon gone, politics will no doubt return to normal. Congress will be active enough both to retain its new spot in the limelight and to push President Ford into the responsibilities Congress might otherwise inherit. Congressmen will join all responsible media voices in the formidable task of conferring the halo and aura of power upon Mr. Ford, so that he will be held accountable should the political and economic decline continue. The myths around him are important as the glue of democratic innocence and as the protectors of the Congress—which will hail Gerald Ford with enough hosannas to set him out on the public doorstep like an empty milk bottle.

Whatever people ultimately decide about the downfall of Richard Nixon—whether it was a tragic constitutional refresher, an atavistic morality play, a trial run for mediocre heroes, or a blow for some basic ethical restraints—his long travail revived the theater of America for a while. Watergate has been the first scandal in several lifetimes to provide enough suspense, color, and diversity of character for decent fiction. A truly extraordinary collection of backgrounds and psyches had to be lined up for the scandal to proceed—from Liddy and the Cubans to Nixon and his various captors—and their personalities will be studied as the public faces of our time, a time when a lot is public. Both the heroes and the villains have the feel of being over-ripe and unequal to the times, but that only adds to the comic flavor that is required to keep these characters in perspective as representatives of past dreams and future windmills. Nixon and Watergate have been a beesting on the national behind and must be pondered in that light lest the genuine heroes also swarm around us, buzzing with their nonsense. □

Taylor Branch is Harper's Washington editor.