



The White House

Miss Woods re-enacts her 'terrible mistake': Did a sliding-into-third-base stretch erase the tape?

ROSE MARY'S BOO-BOO

She is the oldest of the old Nixon hands —the President's unflinchingly loyal private secretary for almost all his in-and-out political life—and last week she took on the hardest assignment of her quarter-century in his service. For three days, Rose Mary Woods, 55, sat tense and bristly before an openly skeptical Judge John J. Sirica and testified that she may have erased at least some of the eighteen minutes missing from one of Mr. Nixon's secret Watergate tapes—all, of course, by "a terrible mistake."

But her story rested on one feat of contortion and several unlucky coincidences, and in the end the perfect secretary may have done the boss more harm than good. With two tapes already reported to be nonexistent, the gutting of a third—and Miss Woods's apologia for it—rendered the President's Operation Candor very nearly inoperative. "Anyone who believes him now," said one Texas congressman, "is a goddam fool." And his credibility stood in further peril still from the unlikely source of all: the possibility that Miss Woods might return to the stand to say that she was coached in the White House to forget about the gap the first time she was questioned about it—and finally to take the blame for it all by herself.

The official story of the gap did strain belief, in court and far beyond; even Mr. Nixon's head Watergate lawyer, J. Fred Buzhardt, admitted having suspected down to the day he first broke the news in court a fortnight ago that the erasure—whoever did it—had been intentional. Miss Woods insisted that it was not. She had, she said, been interrupted by a phone call in the midst of playing back a June 20, 1972, conversation between Mr. Nixon and his then chief of staff, H.R. (Bob) Haldeman; she guessed that by accident—or really a series of them—she had punched the RECORDING button on her Uher Universal 5000, kept her toe on the operating treadle and so set the erase mechanism in motion while she was on the telephone.

Sirica's Options

But that alone required a reach, physically and imaginatively as well (page 28). And her story came in train with a whole series of damaging disclosures—that the gap conveniently started just when Haldeman and the President began talking about Watergate; that Miss Woods was allowed to handle other original tapes long after her first "mistake" was discovered, and that there are still more unexplained silences on still

more of the surviving Watergate recordings, some running up to several minutes. The doubt that so many vicissitudes could have befallen only nine tapes thus far under subpoena was palpable in the courtroom, and Judge Sirica for one was visibly less than pleased. He was said to be pondering a whole series of options, ranging from doing nothing at all to holding one or more of the principals in contempt—or referring their stories to the grand jury for possible perjury or obstruction-of-justice charges.

And therein lay the most explosive danger of all for the President: the possibility that his own Miss Woods might under pressure wind up a witness for the prosecution. Mr. Nixon's men by last week had already begun putting as much distance as possible between his cause and hers; Buzhardt's case tended to blame her for the entire eighteen-minute hiatus in the tape—not just the five minutes or so she said she had spent on the phone—and chief of staff Alexander Haig Jr. advised her curtly on Thanksgiving Day to get a lawyer of her own.

She did—her choice was Charles Rhyne, an old Nixon chum and a former American Bar Association president—and, *NEWSWEEK's* Stephan Leshner learned, Rhyne was quickly persuaded

that Miss Woods had been elected the goat of the case. He told friends that White House lawyers failed to advise her to mention the gap when she was first called to the stand Nov. 8; she didn't, and in fact argued vehemently that she had taken every precaution against erasing anything on the tapes. Further, Rhyne told these sources, she was allowed to believe that she alone was responsible for the whole gap, when she may in fact have caused only part of it—if any. She backed off from taking the full blame during her three days in court last week, and Rhyne was contemplating recalling her this week to amend her version still more. "They're throwing her to the wolves," he told a friend. "Just from the little I know, I could blow the lid right off the White House."

Mr. Nixon went right ahead trying to keep the lid on with his Operation Candor; he referred only fleetingly to Rose Mary's boo-boo in a private meeting with 37 House Democrats ("Oh," shrugged the President, "that was just an accident that happened") and otherwise kept on scattering promises to tell all soon and hang tough forever. "You don't need to worry about my getting seasick or jumping ship," he told the unshakably friendly Seafarers International Union. "I am going to stay at that helm until we bring it into port."

But it remained plain that Operation Candor still meant candor-up-to-a-point. Mr. Nixon promised one deputation of senators that he would make his tax

returns public within the week; his staff promptly postponed the delivery date and waffled on whether he really meant the returns or just some selected information from them. And the President's pledge of full cooperation with special prosecutor Leon Jaworski dissolved into a spate of name-calling hauntingly like what preceded the dismissal of Archibald Cox. Press secretary Ron Ziegler charged Jaworski's inherited staff with harboring an "ingrained suspicion and visceral dislike" for the President; he exempted Jaworski himself, but he did complain that the tapes already delivered under subpoena ought to be enough for any "reasonable men"—a signal that just happened to coincide with a request by Jaworski for some additional Watergate recordings.

Who's on First?

The President's defenses were further weakened by the demoralization and disarray of his own overmatched legal staff. Having run through three previous Watergate lawyers dating to John Dean, he was said now to be dissatisfied with his fourth, Fred Buzhardt, for his handling of the tapes case. Ziegler himself conveyed this message by praising Buzhardt with faint damns ("The difficulty of the workload led to some problems") and leaving the clear suggestion that he would shortly be supplanted by Illinois appellate judge John J. Sullivan, an old Duke classmate and Navy messmate of the President's. But Sullivan, after six dispirited days in Washington, told NEWSWEEK's Thomas M. DeFrank that he couldn't get anybody's ear and probably wouldn't take the job. Buzhardt, in any case, was magically rehabilitated the next day; Ziegler's deputy, Gerald Warren, was in the process of ducking the whole question at a briefing when somebody handed him a note, whereupon he blandly announced: "Fred Buzhardt is indeed still in charge."

The gloom inside the garrison at 1600 Pennsylvania Avenue thickened with the daily disaster bulletins from Sirica's courtroom. "We're getting our brains beat out," Buzhardt's co-counsel, Leonard Garment, conceded glumly. That the eighteen-minute buzz on the June 20 tape might in fact have been accidental was almost universally discounted on Capitol Hill; one normally sympathetic Southern congressman guessed bluntly that the Nixon men were "thumping their noses at the people and don't expect anybody to believe it." The result was a dangerous further curdling of what goodwill Mr. Nixon has left in Congress and within his own party. Even Senate Minority Leader Hugh Scott, an indefatigable loyalist, put forth a mild scold urging the President to release "everything relevant in every single tape" he ever made to recover his lost credibility. And Republican professionals around the country edged a panicky step closer to breaking openly with Mr. Nixon for their own salvation next year. "The



Buzhardt: Tapes in a tin box

dam," declared one, "is about to crack."

Nor was there any surcease from the gush of bad news. Haig himself was due on the stand this week in the tapes case, presumably for questioning about his own role—and the President's. Egil Krogh Jr., who headed the White House plumbers, pleaded guilty to a single count of conspiracy in the Ellsberg burglary case and agreed to turn state's evidence; his *accuse* too could reach into the Oval Office, though his lawyers think not. Dwight Chapin, Mr. Nixon's former appointments secretary, was indicted on charges of lying to the Watergate grand jury about his alleged complicity in Donald Segretti's dirty political tricks. Not even a 92-3 Senate vote to confirm Gerald Ford as Vice President could be counted an unmixed omen for Mr. Nixon. Ford is likely to do equally handsomely in the House this week and to be sworn in immediately before a joint session of Congress—whereupon, one Senate GOP leader wanly agreed, "it will be easier to impeach the President."

'Highly Personal'

But the tapes remained the gravest of all Mr. Nixon's immediate problems—a snarl that has entangled him like some latter-day Laocoon since their existence was first revealed last July. Buzhardt finally delivered them—or what remains of them—to Judge Sirica's court in a little metal case last week, to be locked away against any further accidents. Yet even then the surrender was grudging and incomplete. The White House argued on



'She tried pushing a tape-recorder button while holding her foot on a pedal and reaching back for a telephone—'

ground of Executive privilege that parts or all of three of them ought still to be kept secret—most intriguingly a taped conversation among the President, Haldeman and John Mitchell the day before Mitchell quit as director of the re-elect-Nixon campaign, not two weeks after the Watergate break-in. (Mr. Nixon's announced objections: the talk touched only intermittently on Watergate and at points got "highly personal.")

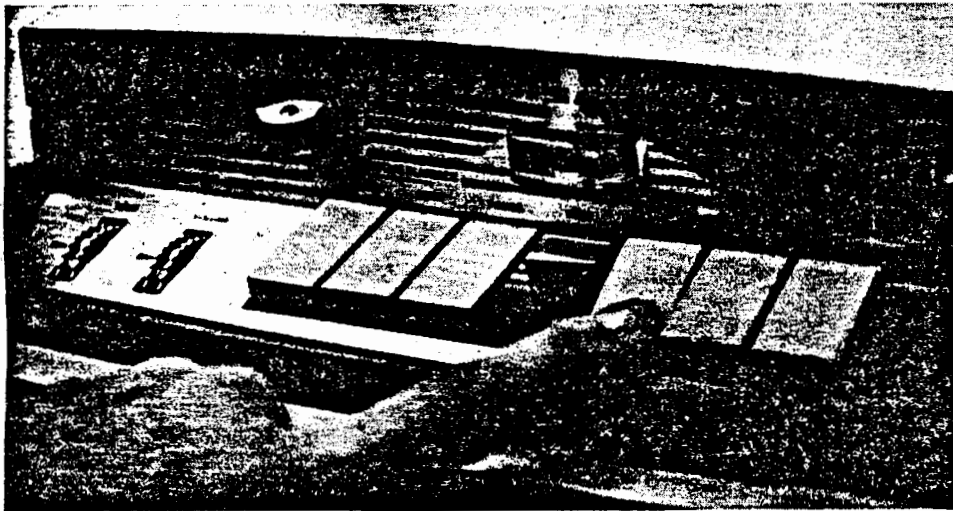
The more stunning news accompanying Buzhardt's tin box to court was the White House theory of the buzz on the June 20 tape—that the key passage had been accidentally expunged "by the depression of a record button . . . possibly while the recorder was in the proximity of an electric typewriter and a high-intensity lamp." This hypothesis, as it developed, was the product of some frantic

testing by Buzhardt himself the evening after he had disclosed the gap in Sirica's court on Nov. 21. In his own telling, Buzhardt had by then known for seven weeks that there was a buzz on the tape and for a week that the buzz ran fully eighteen minutes—loud for the first five and a half, the rest at a somewhat lower pitch. He went to Jaworski's office the morning of the 21st to plead for more time before going public. He told the prosecutors, *Newsweek* learned, that "someone"—possibly Miss Woods—might intentionally have erased part of the tape out of some misguided sense of loyalty to the President.

But Jaworski insisted on going to court that very day. Buzhardt went along, telling Sirica in chambers (though not in open court) that the erasure "could not have been accidental." It was only that

evening, so he testified last week, that he got a fresh reel of tape, put it on the recorder in Miss Woods's office, set the erase mechanism going and tried to reproduce the hum. The typewriter and the Tensor lamp going together, he said, made a noise roughly like the loud buzz of the first five and a half minutes; the lamp alone, with the typewriter switched off, produced something approximating the softer hum that followed. Electronics experts who tried subsequently were unable to reproduce the sounds, Buzhardt conceded; still, his experiment framed the basis of the White House accident theory—and Miss Woods's first guarded explanation of just what it was that she might have done.

Her version was that she was given the June 20 tape, along with the others under subpoena, at Camp David



Joe Heiberger—Washington Post

Universal 5000: Is the talk gone forever?

Doing the Twist While Erasing the Tape

How plausible is Rose Mary Woods's explanation for the erased tape, and what might experts still learn from it?

Technicians familiar with the Uher Universal 5000 recorder-playback machine that Miss Woods was using all but unanimously agree that her story is physically possible, but highly unlikely.

For one thing, Miss Woods's story also described an improbable sequence of contortions. At the ringing of the telephone, she said, she must have jabbed at the tape machine with her right hand, missing the STOP button and hitting the RECORDING instead; then she twisted backward and to the left, grabbing a telephone 5 feet away from her typewriter; she tucked the receiver between her shoulder and chin and may even have stabbed the appropriate button on the telephone with the same hand; then she settled down for a five-minute telephone call, taking occasional notes; and through all this action, her left toe was set firmly on the tape machine's pedal

control, allowing the tape to run on and erase itself.

In a courtroom demonstration of this scenario, Miss Woods took her foot off the pedal even before picking up the imaginary phone—and at best, her theory explains less than a third of the eighteen-and-a-quarter minute erasure. And even if the contortions were granted, said Uher distributor Sidney Rosen, it didn't make sense to press the STOP button at all, since simply lifting a foot from the pedal would stop the tape. In court, Miss Woods testified that she used both techniques on occasion.

The machine could have erased all eighteen minutes of the tape in about twenty seconds if Miss Woods had pressed RECORDING and hit the foot pedal hard, putting it into a "fast rewind" mode. But that would have meant that Miss Woods had already listened to the missing conversation, and she testified that she had heard none of it. It would also have left a high-pitched squeal on

the tape, not the low hum that is heard throughout the gap. That hum, experts say, might have come by induction from Miss Woods's high-intensity desk lamp, her electric typewriter, or the recorder itself—but only if the machine were in a normal, forward recording mode.

Proximity: Presidential counsel J. Fred Buzhardt offered another theory. In experiments with the Uher recorder, Buzhardt testified, he had approximated the hum by placing the machine in close proximity to Miss Woods's lamp and typewriter. The noise, he said, fell in volume when the typewriter was turned off—which might account for an audible drop in the hum's pitch about five minutes into the gap. Buzhardt's clear implication was that Miss Woods concluded her phone call, shut off her typewriter, and did something else while the tape ran on for another thirteen minutes. The trouble with this version was that Buzhardt acknowledged he was only able to reproduce the hum by using the keys on the recording machine—without the foot pedal connected.

However the erasure occurred, there is a slender chance that the conversation might be recovered. At the weekend, the tape was delivered in a steel box by six armed U.S. marshals to New York's Federal Scientific Corporation, to find out—among other things—whether computerized "signal enhancement" techniques might be able to restore an audible signal. Dr. Thomas Stockham of the University of Utah, one of six technical experts invited by Judge John Sirica to examine the tapes, told *Newsweek* that it would be "premature and guessey" to make any predictions but said he hoped to "have those answers in January."

Most experts, however, discounted any chance of recovering intelligible conversation. "If it had been a simple erasure there might have been a chance," says Harold K. Lipset, a San Francisco investigator who has worked with electronic surveillance and detection devices for more than two decades. "But with that hum on top, that conversation is gone."

last Sept. 29 to transcribe for Mr. Nixon. The June tape included back-to-back conversations first with domestic-affairs counselor John Ehrlichman, then with Haldeman. But Haig called her on the morning of the 29th to tell her that Cox had been "a little bit confused" in his subpoena—he had lumped the two aides together in one meeting with Mr. Nixon—and that all he really wanted was the Ehrlichman session alone. She said she labored 29 hours that day and the next trying to set down the gist of the meeting from a bad tape on a lo-fi tape-recorder; it turned out, so the White House said, to be a privileged policy talk on a higher-education bill and other matters—not including Watergate.

'Buzzes and Buzzes and Buzzes'

Miss Woods's account of Oct. 1, her first day back in her own White House office, was one of those secretarial nightmares: a day in which she came in exhausted, got 50 or 60 phone calls and in between labored to finish the transcrip-



Wally McNamee—Newsweek

Rhine: 'I could blow the lid off'

tion with the unfamiliar Uher recorder. She let the tape wind on past Ehrlichman into the Haldeman conversation, she said, "so that I could be sure that John Ehrlichman was gone from the room..." She was three minutes and 40 seconds into Haldeman, in her account, when the phone rang. "And that is the time," she said, "that through some error on my part, some way in turning around to reach one of my phones which buzzes and buzzes and buzzes, I pushed the RECORD button down." That was a mistake—she was reaching for the STOP button—but it alone would be harmless; it takes two simultaneous errors to erase a tape accidentally, and Miss Woods would only guess at the second: "I must have kept my foot on the foot pedal."

What was lost was everything the two men said about Watergate. The tape was played in open court—the first ever to be aired in public—and was disappointingly trivial when it could be heard at all through a cacophony of whirrs, whistles, whines, rattling papers, clatter-

ing china and other intrusive background noises. There were audible snippets of Mr. Nixon ordering consommé for lunch; telling Ehrlichman that press conferences were better for him than speeches; complaining that the press had favored Hubert Humphrey in 1968; dictating a note to the governor of South Dakota—and then the humming until, precisely eighteen minutes and fifteen seconds later, the conversation resurfaced with some speculations about the upcoming Democratic convention. The only clue to the missing material was some notes of



Sirica: His Honor was displeased

Haldeman's suggesting that he and Mr. Nixon had in fact discussed Watergate, but as a problem in public relations, not in public corruption. "What is our counter-attack?" he had jotted. "PR offensive to top this—hit the opposition w/ their activities... we should be on the attack—for diversion..."

If the two men said anything incriminating to either one of them, the tape revealed nothing of it. Nor did Miss Woods; she said she hung up her phone after a conversation of no more than six minutes, saw the RECORDING button down—and "practically panicked." She rewound the

tape, played it back to where she had left off, discovered the hum, dashed to the Oval Office and, as she recounted it, told Mr. Nixon, "I am terribly embarrassed." She blurted out her explanation, she said, and the President told her, "Don't worry about it, that is not one of the subpoenaed tapes... it is too bad, but don't worry about it."

The skepticism was heavy. Sirica had prosecutor Jill Volner read back the transcript of her earlier testimony on Nov. 8, when she remembered having been told not to push the RECORDING button—"and I think I used every possible precaution to not do that." Mrs. Volner asked what precautions. "I used my head," Miss Woods snapped then. "It is the only one I had to use." Sirica listened to the reprise, then impatiently asked Miss Woods why she hadn't thought to mention her little mishap on the 8th. "I was petrified," she said. "It was my first time ever in a courtroom... all I can say is that I am just dreadfully sorry."

Mrs. Volner, too, picked at the visible



Lawrence McIntosh

Krogh: A plumber pleads guilty

holes in the story. She put Miss Woods through a courtroom re-enactment of the incident—and noted for the record that her foot came off the pedal when she reached for an imaginary phone. That afternoon, Miss Woods re-created the "accident" in her own office, with a photographer on hand; the resulting pictures showed her in an awkward sliding-into-third-base stretch with her chair rolled back from the recorder, her left hand scooping up the receiver and her left toe presumably pressing down on the treadle—where it would have had to stay for eighteen uninterrupted minutes to account for the entire erasure.

Why Push the Button?

"And why did you push any button at all when you picked up the telephone?" asked Mrs. Volner.

"Because normally if I have the START on I would push the STOP button so the machines wouldn't run on and on," said Miss Woods.

"Isn't it a fact that if you took your foot

off the foot pedal the machine would have stopped?"

"Yes, probably would have."

"Why did you push a button?"

"Because—I don't know why . . ."

The first day, Miss Woods seemed willing to concede that, while she was on the phone for only five minutes or so, she might have caused the entire erasure—"Obviously my judgment of timing is bad." But the second day, she insisted she couldn't account for any more of the buzz than the time she had spent on the phone, and by the third, she questioned whether the whole reconstruction was accurate—and thus whether she could have caused any of the hiatus at all. "I don't know if I left my foot on the pedal," she said. "I am telling you what everybody *thinks* happened, or you are *saying* it happened." The resulting confusion

left the court—and the beleaguered Nixon defense—with three hypotheses rather than the pat one put forward by the White House, and Buzhardt himself conceded from the stand that that theory had been "just a possibility all along."

Strict Constructionist

The tantalizing collateral mystery was why Mr. Nixon and his legal staff—having been alerted on Oct. 1 that there was at least a short gap on the tape—kept it secret for nearly two months. Buzhardt continued blaming the "ambiguity" of the original subpoena, which was based on sketchy information and which in fact did call for a tape of a single meeting among Mr. Nixon, Halde-

man and Ehrlichman between 10:30 a.m. and noon on June 20. The prosecution filed a supporting memorandum in August correcting the time and noting that Ehrlichman "and then" Haldeman went in to see the President between 10:30 and 12:45. But Buzhardt, to Sirica's open incredulity, said that "only the most careful reading" could have caught these nuances; all summer and fall, accordingly, he stuck to the strict-constructionist view that Cox meant only Ehrlichman's conversation, which didn't touch on Watergate, and not Haldeman's, which did.

This version tidily explained the President's long silence and even Miss Woods's failure to mention the buzz on Nov. 8; the assumption, said Buzhardt, was that the accident befell an unsubpoenaed tape and was

YOUTH SQUAD AT WORK

Perry Mason would have smiled. Could Presidential secretary Rose Mary Woods show the court, the young prosecutor asked, just how she had accidentally erased a segment of the Watergate tapes? Miss Woods donned a pale-blue set of earphones, switched on the tape recorder in front of her and stepped down on the floor pedal with her left foot. Then assistant special prosecutor Jill Wine Volner told her to reach in the direction of the phone. "Before I did anything else, I had to take these off," Miss Woods told her, removing the earphones. Suddenly, the recorder stopped; Mrs. Volner looked down. "Right, and you just picked your foot off the pedal," she said quietly.

In recent weeks, life has been full of such small triumphs for Jill Volner and her partner, Richard Ben-Veniste. Since the firing of their former boss, Archibald Cox, the two 30-year-olds have gained the spotlight by pitting their considerable talents against the generation-older White House lawyers—and the results of questioning witnesses for the grand jury and Judge John J. Sirica have been sensational. Last week, for example, while Mrs. Volner zeroed in on Rose Mary Woods, Ben-Veniste got Presidential counsel J. Fred Buzhardt to admit that he believed until Thanksgiving eve that there was "no innocent explanation" for the eighteen-minute gap.

Honors: For his persistence, Ben-Veniste has been termed cocky and brash and disparaged by the White House as a "clever prosecutor." But his record is as formidable as his reputation. After receiving law degrees and academic honors from Columbia and Northwestern, Ben-Veniste in 1968 went to work in the office of the U.S. Attorney for the Southern District of New York, where he prosecuted major cases in organized crime



Volner: The hemline is irrelevant

and labor racketeering. He was the third-ranking lawyer in the prosecution of Martin Sweig, onetime aide to former House Speaker John McCormack, when his two superiors abruptly quit—and Ben-Veniste took over to win the case. Last July, he enlisted in Cox's army, assuming charge of the six-lawyer Watergate task force in October.

The task force's "No. 2 man," Ben-Veniste says, is Mrs. Volner, a former Department of Justice lawyer whose participation in some ten trials exceeds the limited courtroom experience of any of her Watergate colleagues. A Chicagoan who had originally planned to apply her law degree to a journalism career, Mrs. Volner nearly flunked out of Columbia in her freshman year. She returned a year later, graduated on the dean's list in 1968 and took a job in Justice's organized-crime and racketeering section. Less controversial than Ben-Veniste, Mrs. Volner has her own set of problems. During

the 1972 trial of two union officials for extortion, a male court reporter reprimanded her for wearing a miniskirt—"My hemline is irrelevant to the proceedings," she maintains—and only last week, a factual dispute with Miss Woods brought a somewhat sexist put-down by Judge Sirica. "We have enough problems without you two ladies getting into an argument," he chided gently.

Hot Seat: Undeterred, Mrs. Volner kept up the questions about the physical details of Miss Woods's "terrible mistake": Why had she kept the recorder covered, thus hiding the tapes? How had she managed to push an extension button while cradling the phone? Wasn't the position uncomfortable? Mrs. Volner disconcerted Miss Woods by pacing up and down with the secretary's copy of the troublesome tape; if she was momentarily sidetracked, Ben-Veniste cued her in a whisper. And when the testy Miss Woods left the hot seat, Ben-Veniste moved on Buzhardt with a scathing sarcasm and near-total recall of the countless Watergate facts.

Ben-Veniste and Mrs. Volner say that they're not intimidated by their White House opposition—"We're lawyers. So are they," says Ben-Veniste; "I think they respect us"—nor by the magnitude of the Watergate case. To duck the flood of Watergate questions, they often get together for home dinner parties with the other lawyers in the group. And they try to avoid paranoia; Mrs. Volner shrugged off suggestions that the burglary of her Washington apartment last week—the second since she joined the task force—might have been Administration-inspired. For all their seeming casualness, however, the two are putting long hours and obvious dedication into their work. "You have to live the case," says Ben-Veniste. "There is very little room in the Watergate area for anything less than a total professional effort and commitment."

NATIONAL AFFAIRS

therefore "inconsequential." It was only on the 14th, he said, that he called together everything involved in the case, determined that the recording was indeed covered by the court's orders—and discovered that the gap was eighteen minutes long instead of four or five. He reported all this next day to Haig, who said irritably that it was "a mighty late date" for such momentous discoveries, and then to Mr. Nixon, who professed himself "baffled" by the length of the gap and asked if Buzhardt could explain it.

'I Don't Want to Listen'

Buzhardt didn't have an answer, and in fact seemed by his own testimony to have gone out of his way not to get one from the presumptive best witness—Rose Mary Woods. He said she reminded him of the buzz-out in late October and offered to play it back to him; he was, he

with it on the 8th under the mistaken impression that the two lawyers were representing her. And, *Newsweek* learned, Rhyne was dubious that the White House team could have neglected to ask her about the buzz. "They're all lawyers, they've been around," he said; the implication was that they had constructed the official story without her. The dangers to Miss Woods were plain. "My client is being tried," Rhyne told Sirica in a hushed bench conference, and afterward he told a friend: "They sent her down here like a lamb to the slaughter. You wouldn't believe what they had asked her to do."

Other mysteries stippled the court record. One was the discovery of the new unexplained silences on the seven surviving tapes; the White House argued (and technical experts tended to agree) that even a trivial background noise could have set off the sound-activated system and left blank spots if nobody happened

made-up, filibustered the first question for 21 minutes, took only five more all told and quit with a thicket of hands in the air waving for recognition.

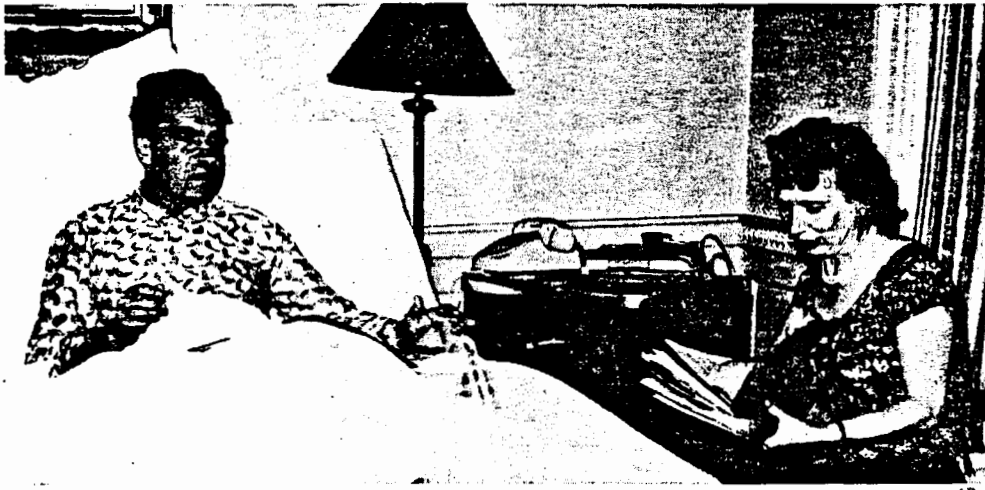
The senators were hardly more impressed. Several of them, including Hubert Humphrey, came in having already agreed among themselves to go gently on Watergate. But they still had to interrupt a long opening soliloquy on football to get Mr. Nixon on the subject at all, and by the end of a long, rambling cocktail-hour séance, the six senators forgot about protocol and began getting up to go without waiting for the President to dismiss them. He did bring heads snapping up, as several recalled later, by declaring abruptly: "I am going to release my tax returns." But the senators who bore this happy news to reporters outside were promptly undercut by the White House, which said Mr. Nixon meant only to include data from his returns in some of his forthcoming Watergate white papers.

Up Against the Wall

The imbroglio over the erased tape only fed a suspicion that had been spreading in Washington anyway: that Operation Candor was too little, too late. The danger signs of disaffection among Republicans were already flaring around the country. One respected party leader flatly refused a White House request that he sign and submit a ghost-written newspaper piece defending the President. "There wasn't," he said, "a single sentence in it that I agreed with." Another similarly declined an SOS for help in the candor blitz, ostensibly because he was too busy, actually out of fear that to back Mr. Nixon now is political suicide. And the anxieties were only increased by Miss Woods's week in court. She became an object of sympathy among party pros, not because her story persuaded them but because she was thrust forward to tell it at all. "The President," said one man intimate with both him and Miss Woods, "is at the point of devouring his own children."

It is precisely within his own party that Mr. Nixon now stands in greatest jeopardy. His strategy rests heavily on the simple and accurate calculation that there are not enough votes in the House to impeach him. "We've got nothing to impeach him for," said one Democratic hierarch there, nor was there any great surge to find something—not even in the nearly universal suspicion that the Watergate tapes have been tampered with. But the process is in motion, and if the impulse to desert Mr. Nixon spreads unabated through his party with the coming of an election year, his calculus for survival may be disastrously altered. One old but now exiled Nixonian read the wondrous tales of the tapes last week and guessed sadly, "He has to have his back against the wall." He does—and short of some magical turn in his fortunes, he may find himself standing there increasingly alone.

Newsweek, December 10, 1973



The oldest Nixonian: Rose Mary visits the boss in a hospital, 1960

remembered, "in a hurry and said, 'No, I don't want to listen.'" Buzhardt, Haig and another White House lawyer, Sam Powers, saw her on Nov. 15, the day after the extent of the erasure was discovered, and—in Buzhardt's telling—still managed to avoid the critical issue: how her five-minute gaffe could have blanked out eighteen minutes.

"Wasn't that something that was on your mind?" asked prosecutor Richard Ben-Veniste.

Buzhardt said yes—"the whole matter was very much on my mind"—but he neglected to pop the central question then, or even in a subsequent encounter with Miss Woods on the 20th. "Did somebody tell you not to talk to Miss Woods?" asked Ben-Veniste. Buzhardt said no. "Did the President or General Haig directly or indirectly . . . imply that you should not?" Buzhardt said no again.

All of this fed Charles Rhyne's gathering anger at the way his client had been treated. He charged in court that, for one thing, Miss Woods had been "rehearsed" in her original story by Garment and Powers and had been sent to court

to be talking, but the prosecution was suspicious nevertheless. There was, moreover, the disclosure that Miss Woods had recently checked out another series of tapes and had turned them back in only last week. These, as it developed, included the new set Jaworski wanted, all of them from the days early last January when, according to John Dean, White House staffers were discussing whether to promise Executive clemency to the Watergate spymaster, E. Howard Hunt, to keep him quiet—and when Mr. Nixon himself may have agreed to grant it.

The President maintained a lofty distance from the proceedings, tending conspicuously to the problems of the people—mainly energy and the Middle East—and scaling back his frenetic Operation Candor datebook to the Seafarers speech and two more private audiences with deputations from Capitol Hill. Neither of these sessions went especially well. Mr. Nixon, for one thing, was relentlessly talky; some of the House Democrats—mostly sympathetic conservatives—said he came in looking heavily