

The Tapes and Mr. Nixon's Credibility

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In the wake of solemn analyses pronouncing the President's credibility to be critically, if not terminally ill, some of his assistants in the White House have disclosed that he is considering an attempt to persuade Judge John J. Sirica to make public the substance of the seven tapes which are to be given up by the President pursuant to the court's order. It is hoped, according to those White House sources, that this act will quiet public suspicions about the President's involvement in the Watergate affair. Like other White House efforts to apply a quick fix to public doubts and disbelief in this matter, this latest stratagem is too little and too late.

In the first place, the questions involving Mr. Nixon's presidency range far beyond the issue of the Watergate cover-up on which these tapes can shed some light. And even on that limited issue, these tapes will furnish, at best, incomplete and inconclusive evidence of Mr. Nixon's involvement. As Special Prosecutor, Archibald Cox, on behalf of the grand jury, asked for recordings of nine conversations and for notes and memoranda bearing on those conversations. The belated White House discovery that two of the requested recordings did not exist and the even more belated public disclosure of that fact make it all the more impossible to pretend that release of these tapes would settle the matter in any final way. White House aide Stephen Bull's sworn description of the haphazard system of keeping tabs on who checked out the tapes and whether they were even returned can hardly allay the dark and widely held suspicion that the seven available tapes may have been altered during the months when the President was promising that the tapes were under his personal control and asserting on high constitutional principle that none of them should ever see the light of day.

In short, the President has maneuvered himself into a position in which nothing he himself can do would restore his shattered credibility. In the wake of discredited White House denials, partial disclosures, untruths and admitted coverups, it is impossible for Mr. Nixon, sitting alone in the White House, to sift through the mountain of evidence still there and to present us with a conclusive case exonerating himself. Just to begin with, the case would be composed of bits and pieces of evidence which he himself had selected. His strong efforts to protect certain information by the use of such formulations as executive privilege, separation of powers, confidentiality of presidential conversations, presidential papers and the rest have left him in a situation in which only information extracted from the White House in at least a semi-adversary proceeding will have any credibility.

The issue of presidential documents is illustrative. Mr. Cox has as much as told us that the subpoenaed material was simply the thin end of the wedge in his search for evidentiary material at the White House. The papers of White House aides, including John Ehrlichman, Egil Krogh, David Young and John Dean, which bore on such investigations as that of the "plumbers" were "taken out of the usual files and put in something special called 'presidential files,'" Mr. Cox said. How is one to judge the scope and the legality of the plumbers activities—much less the President's complicity or lack of it—without access to the papers of the men who directed the plumbers?

Yet, apparently, that is just what the President wants the public and the Special Prosecutor to do. At his most recent press conference the President said, "I do not anticipate that we will come to the time when the [Special Prosecutor] would consider it necessary to take the President to court. I think our cooperation will be adequate." Shortly thereafter, he added, "We will not provide presidential documents to a Special Prosecutor." Although he went on to promise to provide "all kinds of documents," the expansive definition that has already been applied to "presidential documents" means that the President still intends to control the flow of evidence from the White House, no matter what information others may consider to be relevant to the investigations or to the question of Mr. Nixon's own involvements.

The flimsiness of Mr. Nixon's latest redoubt is amply demonstrated by John Dean's latest revelation about how bizarre the White House filing system can be. However curious, for other reasons, one might be about Mr. Nixon's personal finances, one would hardly think that the Watergate burglary and cover-up trail would lead to the President's personal estate file. But that is just where Mr. Dean says he found the now shredded notebooks and address book taken from Howard Hunt's safe. Somehow, that strips the sanctity from the term, "presidential documents."

Mr. Nixon has twisted that ponderous phrase to his own self interest so often that it now has become almost meaningless. It is going to be up to someone who has heard the witnesses and has sifted the other evidence—whether Leon Jaworski or an independent prosecutor or the House Judiciary Committee—to tell the grand juries, the courts, the congressional committees and the public what items of evidence stored in the White House, under whatever rubric, are necessary to a full disclosure concerning the charges that have been raised with respect to Mr. Nixon's presidency.