

# Nixon Listening to Own

By Bob Kuttner

Washington Post Staff Writer

It was June 4, 1973. Former White House Counsel John W. Dean III would soon testify publicly that he and President Nixon had personally discussed a cover-up, and Dean's testimony was already leaking into print.

The President sent for tape recordings of his February and March conversations with Dean, took lengthy notes and sat down with press secretary Ronald Ziegler to assess the damage.

The discussion that followed, itself tape-recorded and made public yesterday by the House Judiciary Committee, portrays a President privately convinced that John Dean had a much stronger case against him than the White House has ever acknowledged. The dialogue with Ziegler almost resembles the scene in classic tragedy when the hero realizes too late that he may be doomed—and by his own hand.

Besides lending credence to Dean's version of events,

the June 4 tape quotes previous taped conversations never released to the House Judiciary Committee in which the President clearly seems to be advocating a cover-up. One of these took place March 17, four days before the date Mr. Nixon has repeatedly claimed he first became aware of the cover-up.

Throughout the June 4 discussion, Ziegler attempted to persuade the President that the seemingly incriminating remarks could be explained away. But the President's mood vacillated between hope and despair. At several points, Mr. Nixon suggested that the tapes show him advocating a cover-up.

In the tapes, he makes reference to Jeb Stuart Magruder, deputy director of his 1972 re-election campaign; Hugh Sloan, the campaign treasurer who resigned, and H.R. Haldeman, the White House chief of staff until the end of April, 1973, who resigned along with John D. Ehrlichman, domestic affairs adviser. Dean was fired as White House counsel then.

Commenting on the March 17 conversation," the President said:

"I don't know what the hell I was saying here, but I said 'You know, the thing here is that Magruder, Magruder put, put the heat on, and Sloan starts pissing on Haldeman . . . ' I said, 'We've, we've got to cut that off. We can't have that go to (Dean) could say there that I was telling him to cover up, wouldn't you say, for Haldeman?'"

Ziegler had an explanation.

"All of this relates more to political problems before the Ervin committee and made," he said.

The President wasn't so the one, one guy," he quotes himself, "and that's going to bring it right up to home . . . to the White House, to the President.' And I said, 'We've got to cut that back. That ought to be cut out.'"

Ziegler: "But keep in mind, Mr. President, you were not at this point talking about is the Ervin committee hearing. Now, there is no illegality in having received information, you see."

President: "Yeah."

A little later, Ziegler again suggested that, "You were talking about political problems, not illegal problems, political problems as committee hearings and course of those hearings . . .?"

But the President was substantially harsher on himself: "I know that when I talked about them, I was probably worried about the other ones, too, Ron," he replied.

"Dean could go out with probably some justification the President added a little later, "could probably say that he told the President all about this, and warned him about tis."

Speaking of the March 21 tape, Ziegler assured the President: "You can tell by your reactions that you were saying 'What in the hell is this going on?'"

And—

But the President cut him off: "I should have reacted before the twenty-first of March, actually. Dean shouldn't have had to come in to me with his 'cancer in the heart of the presidency,'

# Tapes Finds Ambiguities

which to his credit, he did." Ziegler agreed: "Yes, that's right."

"He did," President continued, "Haldeman didn't tell me that. Ehrlichman didn't tell me that."

At another point the President suggested "in fairness to Dean" that his former counsel "might well have drawn the conclusion, Ron, that the President wanted him to keep the lid on."

Throughout the discussion, Mr. Nixon alternated between expressing relief that in most places on the tapes he appears uninvolved and expressing concern that in a few places he seems to be calling for a cover-up.

Referring to a section of a March 13 tape, he told Ziegler, "there's no cover-up in this, uh—to this point, period—not one talk of cover-up."

"That's right" answered Ziegler.

"You know, not one bit," continued the President. "There's a little, there's a feeling of it through here," he conceded.

"Really the god-damn record is not bad, is it?" Mr. Nixon inquired of his press

secretary at one point. Not that the President thought it was all that good either: "It's not comfortable for me, because I was sitting there like a dumb turkey."

Ziegler's view was that whatever inference of cover-up occurred took place only in John Dean's mind: "It's a Roshoman (sic) theory," he suggested. "Five men sit in a room and what is said in that room means something different to each man based on his perception of events that preceded it . . ."

The President apparently doubted whether that would play.

"But I did say, you know," he told Ziegler, "when he mentioned Magruder, Sloan pissing on each other, and I said the good thing to do is cut it off at the pass." Here Mr. Nixon paused. "Well, that's Ervin committee, I must admit."

"Just totally Ervin committee," Ziegler agreed.

That was the long and short of the President's defense of his own role: where any hint of cover-up occurred in the Dean-Nixon tapes, it was in relation to the

forthcoming ERVIN HEARINGS, NOT A COVER-UP OF CRIMINAL MISCONDUCT.

That distinction is not accepted in the House Judiciary Committee's staff summary of charges against the President. The premise of that document is that if the President had knowledge of wrongdoing, he had an obligation to report it.

According to the committee's summary of information, "There is no evidence that when the President learned of such conduct he condemned it, instructed that it be stopped, dismissed the person who made the false statement, or reported his discoveries to the appropriate authorities (the Attorney General or the director of the FBI.) On the contrary, the evidence before the committee is that the President condoned this conduct, approved it, directed it, rewarded it, and in some instances advised witnesses on how to impede the investigators."

By the end of his session with Ziegler, there is some indication that Mr. Nixon

felt that the tapes might be worse than ambiguous.

"This crap," he told Ziegler, "it's reassuring up to a point."

"But in fact," he added, "uh, at least in this whole business, we sat there and we conspired about a cover-up (inintelligible) or not. We did talk about it on the twenty-first. That's a tough conversation. Unless Haldeman explains it—which he will. (ugh) But I think we can survive that, too."

"Absolutely," Ziegler affirmed, "We'll survive it all."

The President, however, raised the same concern with staff chief Alexander Haig. "We do have one problem," said the President. "It's that damn conversation of March twenty-first."

"But I think we can handle that . . . Bob can handle it. He'll get up there and say that—Bob will say, 'I was there; the President said—'"

The President sighed. "As you know," he explained, "we're up against ruthless people."