

Nixon Seen Ending Watergate Disclosure

Aides' Lawyer Said to Get Data

By Bob Woodward and Carl Bernstein
Washington Post Staff Writers

The lawyer for former top presidential aides H.R. Haldeman and John D. Ehrlichman has been secretly receiving copies of documents and papers that the White House has turned over to the Watergate special prosecutor, according to informed sources.

Apparently no other former presidential or campaign aide under investigation in the Watergate case has been offered such help, the sources said. Most of those under investigation, such as former presidential counsel John W. Dean III, have been hindered in their attempts to review their White House files.

A spokesman for special prosecutor Leon Jaworski said that Jaworski was not aware of the arrangement and would not comment.

Upon being told of the practice by a reporter yes-

terday, a senior lawyer on Jaworski's staff was critical of such an arrangement. He said he was not aware that it violated any law, but that steps might be taken to discourage it anyway.

Legal authorities said yesterday that access to government evidence by potential defendants in a criminal case is controlled by the prosecutor or the court. According to court decisions, defendants get access to government evidence just prior to or during the trial, not during the investigation.

U.S. District Court Judge Gerhard A. Gesell recently ruled that former White House aide Egil (Bud) Krogh was not entitled to access to his files in the White House. Krogh pleaded guilty on Nov. 30 to a charge of criminal conspiracy in the 1971 break-in at the of-

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Summaries of Tapes Withheld

By Carl Bernstein and Bob Woodward
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The White House has decided to scale down President Nixon's campaign to aggressively defend himself in public against charges arising from the Watergate scandals, according to White House sources.

Accordingly, the White House will not publicly release transcripts or summaries of presidential tape recordings and will resist attempts by the Senate Watergate committee to obtain such materials, the sources reported.

The decision was reached on Wednesday after the President and his senior advisers concluded that the contents of the tapes, if disclosed, could convince growing segments of the public that the President was involved in the conspiracy to cover up Watergate—even though the tapes might not legally incriminate him.

According to senior presidential aides, the White House tape recordings indicate that—at a minimum—Mr. Nixon had knowledge of the Watergate cover-up at least several days before March 21, 1973, the date that the President maintains he first learned of it.

Two presidential aides who had consistently maintained Mr. Nixon was not involved in the conspiracy to cover up Watergate, now tell The Washington Post they are no longer convinced.

Their latest comments reflect mounting concern in the White House about the President's future and a developing strategy aimed less at regaining public support than avoiding the impeachment or forced resignation of the President.

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Instead of publicly releasing the transcripts, the President and his senior advisers decided Wednesday that any such material would be made available in the future only to the House Judiciary Committee—which has begun a preliminary inquiry into the possible impeachment of Mr. Nixon—the sources said.

As part of the same decision, the public release of information on other Watergate-related matters—in what has been called "operation candor"—including Mr. Nixon's role in the ITT and milk fund controversies—is in question, the sources said.

"That problem is still in some dispute and I still think there is room for movement," said one senior presidential adviser who unsuccessfully argued for immediate release of the ITT and milk information. "But as of now the only possible release of anything would be requests from the Judiciary Committee. That way we at least give the appearance of cooperation."

In the case of the tapes, release to the committee would be far less damaging than making their contents public, the sources said, because most senior White House aides believe the transcripts do not comprise legal proof that the President broke the law in Watergate.

However, the White House has ruled out public disclosure because—in the words of one source—"most of the public and news media would read the transcripts and conclude that the President was involved in a conspiracy."

The sources said that, at a minimum, the tapes show that the President was aware that there was an organized effort to deceive the public and "contain" Watergate because it represented a threat to Mr. Nixon's reelection in the 1972 campaign.

"It is unclear whether he was aware of offers of executive clemency or the payments of money to the seven convicted Watergate conspirator for silence," said

one source familiar with the contents of some of the taped conversations. "That is obstruction of justice and a crime—the other, the containing of the Watergate was just good politics."

The sources said that the distinction, though important legally, would probably be ignored by the public. They predicted that any demonstration of presidential involvement in efforts to conceal or contain aspects of Watergate for political purposes would be widely interpreted as criminal involvement.

In a July 23 letter to the

Senate Watergate committee, the President himself said the tapes to which he had listened were ambiguous and "contain comments that persons with different perspectives and motivations would inevitably interpret in different ways."

White House sources said this week that the problem is much more serious than that letter indicated.

The sources said that the transcripts of the tapes indicate that former presidential counsel John W. Dean III was wrong in some of his key allegations against the President.

However, the sources refused to be specific about which of Dean's allegations might be shown mistaken by the tapes. Dean's testimony before the Senate Watergate committee included assertions that the President indicated as early as Sept. 15, 1972, that he knew of the Watergate coverup; that Mr. Nixon told him on March 13, 1973, that he had authorized executive clemency for at least one of the seven convicted conspirators and there would "no problem" raising money to buy their silence; and that, on April 15, 1973, the President told him he had been "kidding"

about the alleged offer of clemency.

The White House has said that no tape recording was made of the April 15 conversation. The March 13 conversation was among the tapes the White House had once considered releasing publicly.

"Dean need only be right on one charge or appear to be right on one charge and in the present atmosphere that might be enough to take the President down," one of the sources said.

Another source described the situation as follows: "Any time you play something back it's the impressions of the listener that count... you would almost have to have been in the room at the time to judge... something could be said tongue in cheek and be very funny, but if it was meant seriously it could be very damaging."

The sources emphasized that the transcripts also reveal embarrassing language and attitudes on the part of the President. One source said they demonstrate Mr. Nixon's reported concern with "petty" political retributions and another said: "There are a lot of really nasty comments about individuals."

The most damaging mate-

rial to the President's case, the sources said, is not necessarily contained in the seven tape recordings already turned over to the Watergate special prosecutor, but in the tapes of nearly 500 conversations and meetings recently subpoenaed by the Senate Watergate committee.

Public release of transcripts or summaries of the seven initial conversations would set a precedent the White House wants to avoid and would also tend to give legitimacy to the Senate subpoena for more tapes, the sources said.

According to White House officials, the President and his advisers have decided to resist the Senate request at all costs and will either ignore it or try to stave off its demands by engaging in a protracted court battle.

The decision to agree to the release of taped materials to the Judiciary Committee was virtually inevitable, the same sources said, because any clear signal of non-cooperation with that committee might enhance the chances of impeachment.

The decision to scale down "Operation Candor" was made after an intense debate in the White House over whether to release the tape transcripts. Presidential aides arguing for disclosure said that a majority of the public already assumes the worst and the transcripts might at least clear suspicion of the President in some areas.

"Even if the tapes are am-

biguous on the question of the President's involvement in the cover-up, my feeling is that ambiguity is better than conviction by 75 per cent of the American people," one senior White House official said. "To me, that's a definition of progress if we can show that."

Other aides argued to the contrary, that public disclosure would at minimum do permanent harm to the Presidency and be demanding to Mr. Nixon personally.

The decision to withhold the taped conversations and scale down "Operation Candor" was reached after several weeks of vacillation that, according to White House sources, was indicative of the growing indecisiveness in the policy-making process there. The President, according to numerous members of his staff, increasingly isolated himself to the point where he rarely solicits or accepts advice from even his closest aides.

Press Secretary Ronald L. Ziegler now plays a pre-eminent role in the White House staff hierarchy and has become the President's most trusted adviser and most frequent companion, according to several sources.

Ziegler passes out many work assignments in the President's name — a job that normally has been handled by the White House chief of staff. But Gen. Alexander M. Haig, the chief of staff, now is removed from many policy-making decisions and his influence with the President has diminished, the sources said.

Haig has maintained a

grueling work schedule and is nearly exhausted, according to White House officials. He also has been known to make pessimistic and cynical comments about the President's situation, two sources there said. Another source described Haig as "disillusioned," adding: "He's gotten a real education and has seen some things he had trouble believing."

Morale among the staff apparently is so low that senior presidential aides regularly joke with both insiders and outsiders about the deterioration of the Nixon Presidency and its possible demise.

A contributing factor in the decision to scale down "Operation Candor" and withhold disclosure of the tapes was the experience earlier this month in releasing details of the President's finances and taxes, according to several White House officials.

They said the President and many of his aides were upset with what the White regarded as negative press and public reaction to those disclosures. At one point, two sources related, the President bitterly asked if he would also be expected to "disrobe" in front of the press corps.

Lawyer for Haldeman, Ehrlichman Said to Get White House Documents

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office of Daniel Ellsberg's psychiatrist, and has since been granted to his White House files to develop mitigating information before he is sentenced.

John J. Wilson, the attorney for Haldeman and Ehrlichman, has been receiving copies of his clients' documents, papers and notes under an informal agreement with J. Fred Buzhardt, special White House counsel who is handling the President's Watergate defense, the sources said.

Wilson only receives copies of material requested by the special prosecutor, the sources said, but Haldeman and Ehrlichman personally have been given easy access to the rest of their files.

The sources said that Wilson has not been given

many documents because not many have gone to the special prosecutor, but that he is counting on getting copies of everything that is sent.

"The White House is out of line in making such an informal agreement," one senior Justice Department attorney said yesterday. "It will only add to the suspicion. It's like telling Haldeman and Ehrlichman what evidence is being developed against them by the prosecutors. . . if it was my case I'd go to court to stop it."

White House sources said this week that President Nixon still calls Haldeman occasionally and has wedded his own defense in the Watergate case to that of his two former top aides.

Wilson is in regular contact with Buzhardt, the sources said and was in the White House as recently as

two weeks ago to discuss the Watergate case.

James J. Bierbower, the attorney for Watergate conspirator Jeb Magruder, said yesterday that Magruder had no such arrangement with the White House. "But I wouldn't think any such arrangement was unusual," Bierbower said. "I think a person should be entitled to access to his files no matter what."

Several experienced Washington criminal lawyers have questioned the propriety of Wilson representing both Haldeman and Ehrlichman because the interests of the two clients may not always be the same.

Wilson, an experienced, controversial, widely respected attorney, has said that the interests of his two clients do not conflict so he is able to represent both.