

Post 4/12/74

The President Who Has Nothing to Hide

THE WHITE HOUSE would have us believe that there may actually be some question about who is delaying the process of "getting the truth out" about Watergate—by which one can only be referring, at this stage, to that whole collection of crimes, improprieties and irregularities from the break-in at Democratic headquarters and its cover-up to the milk deal, the burglary of Daniel Ellsberg's doctor's office, ITT, the illegal campaign contributions and the rest. The latest White House line is that the Rodino committee is responsible for the delay, by virtue of the imprecision of its original request last February 25 for 42 White House tapes and other material. This argument is ludicrous on its face. Even assuming that the committee's original requests were insufficiently specific (its investigation, after all, was at that time in its preliminary, exploratory phase) the White House reaction was insulting as well as unresponsive; James D. St. Clair did not even have the courtesy to respond at all in any substantive way until this week; meanwhile, the President and his spokesmen were talking crudely about "fishing licenses" and "U-Haul trucks" and people coming in to "paw through the documents"—as if anything on this scale had ever been seriously proposed.

"One year of Watergate is enough," Mr. Nixon has repeatedly said, as if we haven't by now had almost two years of Watergate—by the President's considered choice. "It isn't a question that the President has something to hide," Mr. Nixon said before the Chicago Executives Club on March 15, as if the President hadn't been hiding just as much as he could hide, for as long as he could possibly hide it, by almost every action he has taken since the original Watergate burglary was disclosed to the American public in June of 1972.

Let us quickly recapitulate the record in respect to the documentary evidence currently being sought by both the Rodino committee and the Special Watergate Prosecutor, Leon Jaworski. The two are not seeking precisely the same documentary evidence—and that is an important point to which we will get around in a moment. What all this evidence has in common is, first, that it derives from a single source and, second, that the existence of that part of it which consists of presidential tape recordings first came to us as a result of almost inadvertent testimony by former White House aide Alexander Butterfield last July. You will remember that President Nixon, having spoken earnestly of his desire to get to the bottom of the Watergate case—even to lead the investigative charge, as it were—had somehow never managed to mention the existence of this crucial evidence. Then when news of it got out, and the Senate Watergate Committee as well as the Special Prosecutor (at that time Archibald Cox) first requested and then subpoenaed a very small part of it, the President mounted a time-consuming battle in

the courts to maintain its secrecy.

After suffering two adverse court rulings, the President first tried to appease Mr. Cox with summaries of the requested tapes, filtered through Senator Stennis, at the same time ordering the prosecutor to abandon outstanding demands for more material of the same sort. When Mr. Cox refused, the President had him fired. He then made available, or said he would, the nine tapes Mr. Cox had sought, of which—it turned out—two were missing and a third had the famous 18½-minute gap. Now *that* is being investigated.

Subsequently Mr. Nixon did make available to Mr. Cox's successor, Leon Jaworski, a considerable number of tapes and documents, and took the position (also since eroded) that (1) Mr. Jaworski had all he needed to have and (2) the House Judiciary Committee could have everything the Special Prosecutor had—and no more. Since then, under subpoena by Mr. Jaworski, he has in fact yielded up some more material. He has not,

however, satisfied the Special Prosecutor's request for at least 27 additional tapes, and the dicker and delay continue in relation to the stated needs of the House Judiciary Committee.

One thing is self-evident about these facts and this brief history. It is that both lend themselves readily to distortion and misunderstanding. Does it not sound—or can it not be made to sound—as if Mr. Nixon's legislative and prosecutorial investigators were being greedy? No one committed to a full investigation of such a matter, or familiar with sound investigatory practice, would consider it so, since fresh information has a way of generating further needs for supporting evi-

dence. But this is, in fact, the false impression that Mr. Nixon has carefully sought to convey, concerning both the committee and the special prosecutor.

Consider, first, how he has dealt with Mr. Jaworski's request. Twice now he has lifted out of context some thoughts attributed indirectly to the prosecutor to the effect that Mr. Jaworski believed he had "what he considered to be the full story of Watergate." That quotation comes from an article in The New York Times a short while back which went on to say something Mr. Nixon didn't quote: namely, that the prosecutor, while believing he had enough evidence in the Watergate cover-up to produce indictments, had said he would need considerably more material (including the 27 additional tapes so far denied to him) "to nail down cases and to prove the innocence of some of those thought to be involved."

The House Judiciary Committee, for its part, has quite different needs from those of the Special Prosecutor, and an entirely different mandate, or at least a far more sharply focused one. It has been charged with inquiring into whether President Nixon—and nobody else—has committed one or more impeachable offenses. That is why its requests for evidence do not necessarily precisely match those of Mr. Jaworski. We might add that to date the committee has been relatively prudent and modest in its requests, and, after Mr. St. Clair had ignored them for roughly six weeks, took pains on April 4 to explain in more specific detail why it needed the material it had asked for. When a response from Mr. St. Clair was finally forthcoming two days ago it amounted to yet another evasion and delay; a vague promise was made to give the committee at the end of the Easter recess, April 22, what the White House "expected" would be enough additional material to "permit the committee to complete its inquiry promptly." Even the ranking Republican on the committee, Rep. Edward Hutchinson, found this to be "offensive to the House."

So yesterday, Mr. St. Clair tried yet another dodge: if the House committee would forego any resort to the use of subpoena power, the White House would yield up four of the six batches of tapes, dictabelts, transcript memoranda, or notes (each relating to specific conversations concerning particular matters) which the committee has asked for; on the other hand, if the committee subpoenaed the material, Mr. St. Clair said, the White House would wait until April 22 to "comply"—a word sufficiently ambiguous to raise a question about whether the President would in the end obey the subpoena or consume still more time fighting it in the courts. The proposition apparently had a certain bird-in-the-hand appeal; it was defeated by only a narrow and almost entirely party-line vote. But the committee was right to resist it, and entirely justified in proceeding to vote overwhelmingly to subpoena all of the material it had asked for. Whatever the White House now does in this matter, in the light of its performance over the past few days—not to mention the pattern of evasion and delay over almost two years—can anyone any longer take seriously Mr. Nixon's claim that he has nothing to hide?