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Cover-Up Evidence: Seek —And Deny

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Impeachment counsel John Doar and Judiciary Committee Chairman Peter Rodino.

Contrary to contentions by President Nixon and his senior aides that the House Judiciary Committee has gone far beyond the Special Prosecutor's office in requesting evidence, both are seeking—and have been denied—the same presidential conversations directly related to the Watergate coverup.

One such conversation is Mr. Nixon's talk last April 16 with his then top aides, H. R. Haldeman and John D. Ehrlichman. The White House refusal to give that tape to John Doar, counsel for the Judiciary Committee's impeachment proceedings, follows a similar denial to Special Prosecutor Leon Jaworski.

This, then, is the latest White House strategy enunciated to newsmen by senior aides last week and reiterated by the President in Chicago Friday: accuse Doar and his staff of making reckless demands for evidence far beyond Jaworski's in their passion against the President. That shifts the question of whether Mr. Nixon was involved in the Watergate cover-up to a confused and endless procedural debate over raiding the White House files.

But the strategy is so far removed from the truth that it threatens to backfire. Republicans on the Judiciary Committee who had been steadfast Nixon supporters are infuriated over

what they consider attempted sabotage of the impeachment proceedings.

The core of the present White House strategy is its contention that Jaworski has in hand, as Mr. Nixon told the Chicago Executives Club Friday, the "full story of Watergate" and needs no more information. Senior aides had been spreading the identical word for 10 days. Thus, as so often is the case, Mr. Nixon was repeating a well-orchestrated theme.

The theme stems from Jaworski's strange luncheon with members of The New York Times Washington bureau Feb. 26. The Times men claiming it was on the record and published a story; Jaworski, claiming it was off the record, was furious. Asked at lunch whether the Watergate conspiracy would ever be solved, Jaworski replied his prosecutors had pretty well solved it. In The Times, that came out as Jaworski saying his office "knew the full story" of Watergate.

The White House has gleefully seized on that Times story as proof that the House Judiciary Committee needed only the very same documents given Jaworski. In fact, however, as of Feb. 14, Jaworski had been denied 27 additional tape recordings and the number is still larger today. Confrontation in the courts between Jaworski and the President was avoided only be-

cause the prosecution did not want to delay the Watergate indictments.

To show that Congress and the Special Prosecutor are being denied the same information, Jaworski sent Doar a letter last Wednesday containing information withheld from the public: a list of evidence denied the prosecutors by the White House. That list is strikingly familiar to Doar, containing many of the 42 tapes the White House also has denied him.

Nor does Doar's rejected list of evidence fit the President's charge in Chicago Friday that the House committee is seeking evidence "without regard to relevance." Like Jaworski's, Doar's denied requests go to the heart of whether Mr. Nixon was involved in the Watergate cover-up.

The Oval Office tapes of April 16 could be particularly important. On April 15, Assistant Attorney General Henry Petersen urged the President not to fire John W. Dean III as White House counsel because he was cooperating with the prosecutors. Nevertheless, on April 16, the President asked for Dean's resignation. As Dean waited to see Mr. Nixon, he later testified, Haldeman and Ehrlichman emerged from the Oval Office laughing—but quickly sobered when they spotted him. What had the President said to

Haldeman and Ehrlichman? Had he discussed Petersen's recommendation that he fire them immediately while retaining Dean? Did he that day direct Haldeman to review the recording of the famous March 21 meeting with Dean during which hush money for Watergate defendants was discussed? Did he talk about the break-in of Daniel Ellsberg's psychiatrist's office, which only one day earlier he had ordered Petersen not to investigate? Were Dean's interviews with Watergate prosecutors discussed? Or was none of this mentioned?

Although the White House says the Oval Office surreptitious tape recording ran out of tape on Sunday, April 15, tape was presumably replenished on Monday morning, April 16. If so, it could go far either to implicate or exculpate the President.

Since the specific relevance of the April 16 tape cannot be denied, the refusal to give it and other equally relevant documents to either Congress or the Special Prosecutor seems highly suspicious. That may be unmerited. But the transparent fiction, spread first by Mr. Nixon's aides and now by the President himself, that requests by the House investigators go far beyond demands of the Special Prosecutor, can only heighten that suspicion.