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'The Hush Money Hassle'

The News Business

A by-product of the media blitz that preceded the first Nixon-Frost televised interview was a nasty little dispute that still simmers. Richard Nixon's representatives claim that a Washington Post story about White House tapes was based in part on a faulty transcript; The Post insists that it is satisfied that the transcript it quoted was accurate.

Specifically, the dispute centers on whether Nixon used the words "hush money" in a conversation with his special counsel, Charles Colson, in January 1973. I doubt that many Post readers are so enthralled with the minutiae of Watergate that they care. But a larger issue is involved.

The real issue is the charge raised by Nixon's representatives and pressed vigorously that The Washington Post, the Watergate nemesis, has played dirty with the fallen President. That has implications far beyond an argument over whether two words appear on a muddy tape.

Therefore, for those who may have been puzzled by the reports on the controversy that have appeared in The Post and elsewhere, here is a primer on what may make a footnote in media manuals as "The Hush Money Hassle."

The disputed Post story appeared on page one Sunday, May 1. The headline, a page-wide banner, said: "Nixon Knew of 'Hush Money' Before Dean Meeting."

The story, written by Bob Woodward of the Watergate Woodward-Bernstein team and Scott Armstrong, formerly on the staff of the Senate Watergate committee and now a Post reporter, led off this way:

"Former President Richard M. Nixon was aware in early January, 1973, that 'hush money' was being sought to keep the Watergate burglars silent, according to transcripts of White House tape recordings never before made public."

The story then noted that Nixon has maintained that he first learned of requests for "hush money" from White House Counsel John Dean on March 21,

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1973. That, he has claimed, was when he became aware of the White House attempt to cover up Watergate.

The lead of the May 1 story was based on a transcript, previously undisclosed, of a Jan. 8, 1973, conversation between Nixon and Colson. The key Nixon statement was quoted this way in the story: "God damn hush money, uh, how are we going to (unintelligible) how do we get this stuff . . ." (More about the handling of that quote later.)

The story noted that the conversation took place the day the first Watergate trial began and a week before news stories mentioned payments to Watergate burglars. This and other new transcripts, the story said, showed that Nixon "was keenly aware that these payments were central to the cover-up and, if revealed, would present his greatest personal criminal vulnerability."

The story also dealt with material in the other transcripts. It was accompanied by two pages of transcript text. More about that later, too.)

Within hours the "hush money" reference was challenged. The first challenger was Charles Colson, who said it was inaccurate and did not appear in

the final version of the Jan. 8 transcript. This was the first indication that there was more than one transcribed version of the conversation.

The next day, President Nixon's lawyer, Herbert J. Miller, wrote to Ben Bradlee, executive editor of The Post, asking a retraction. Miller said that the transcript on which The Post had relied for the "hush money" quote was subsequently revised and that the final version contained no such reference. He

also protested The Post's failure to print the full text of the conversation as it appeared in the transcript it used. Such publication, he said, would have made it clear that "the conversation had nothing to do with Watergate."

The next morning, The Post carried a story on page three reporting Miller's claim and quoting Bradlee as saying that The Post stood behind its story. It reported that two unnamed "official sources" who had listened to the Jan. 8 tape said they heard the discussion of hush money. One, the story said, recalled Nixon using the phrase "God damn hush money."

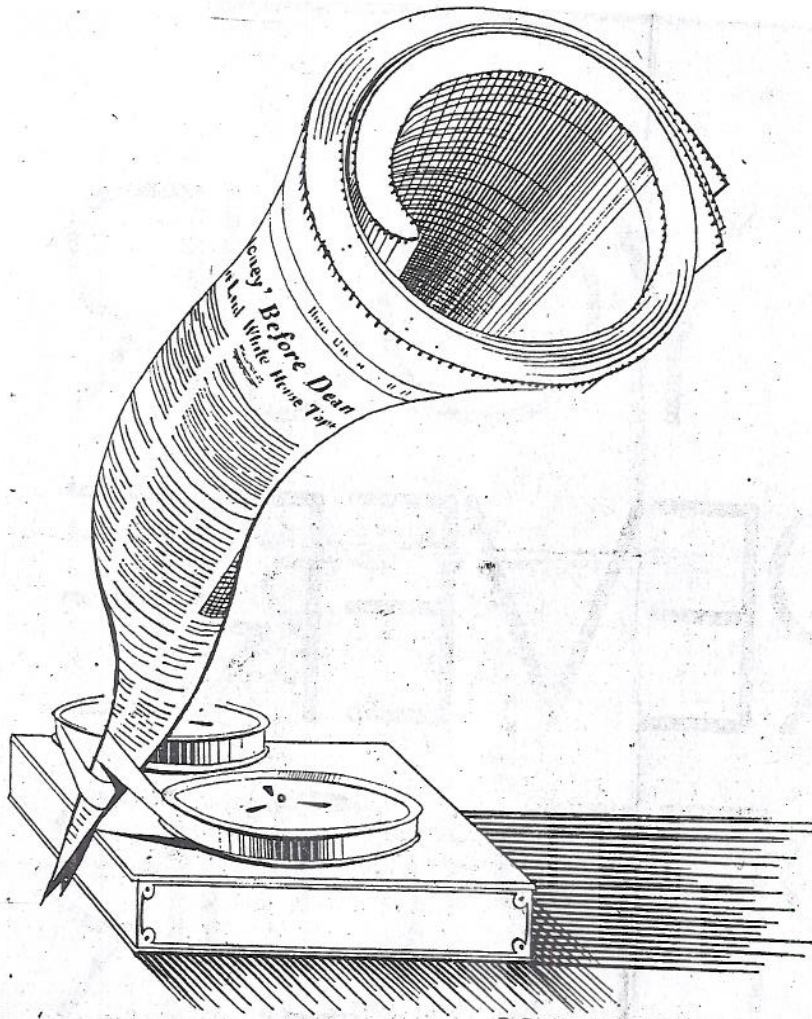
This story also reported a new assertion by Colson that he was "absolutely certain" that there was no reference to "hush money" in the Jan. 8 conversa-

tion. The May 3 story was flawed in one respect. It asserted that a spokesman for Watergate Special Prosecutor Charles Ruff had denied a claim by Nixon's lawyer that Ruff's records confirmed that a second transcript of the Nixon-Colson Jan. 8 meeting showed no discussion of hush money.

There was no such denial. What Ruff's spokesman denied was that Ruff had told anyone what his records showed. The misstatement has been explained by Post editors as a semantic slip. It was not corrected.

The May 3 story produced a new letter from Miller. He again declared that The Post was relying on a "defective" transcript, demanded a retraction and urged that the full text of the Jan. 8 conversation, both as it appeared in the transcript The Post used and in what Miller called the "official transcript," be published.

On May 5, James Neal, the chief prosecutor in the Water-



By David Suter for The Washington Post

ate cover-up trial, provided new information in a radio interview with Fred Graham of CBS News.

Neal said the transcript used by The Post was a "preliminary draft." He explained that the prosecutors were not "sufficiently comfortable" that they could hear "hush money" on the tape so they decided not to put that version of the transcript before the jury. Therefore, he said, "the final transcript did not contain those words." As it turned out, that part of the Jan. 8 transcript was not used in the trial in any version.

The next day, Miller fired off another letter to Bradlee repeating his charges, and again urging The Post to print its full transcript of the Jan. 8 tape. Even this transcript, though defective, would show The Post's story was wrong, he said.

That letter produced a response from Bradlee and a story in the May 7 Post.

Bradlee conceded that there was more than one version of the Jan. 8 transcript. He also conceded that only one version—the one used by The Post—has Nixon using the words "God damn hush money."

But he disputed Miller's claim that the version without those words was more authentic than the one upon which The Post based its story. He said that The Post had "completely reliable corroborative evidence that the tape of the conversation does in fact contain the reference to 'God damn hush money'."

Bradlee paraphrased Neal's explanation for the removal of the phrase from the transcript prepared for trial, and he quoted Neal as saying: "Some members of the (Watergate) task force could hear 'hush money' and some couldn't. . . . I would never say it is not on the tape."

The May 7 Post story, written by Woodward, led with the Neal statement quoted in Bradlee's letter. It also quoted Bradlee's reference to "completely corroborative evidence." Like

the Bradlee letter, it did not discuss or describe that evidence.

In that story The Post told its readers for the first time that there was at least one transcript of the Jan. 8 conversation that did not contain a reference to hush money. It quoted, for the first time, the full Nixon hush money statement as it appeared in the transcript The Post used. It also quoted the parallel text, without mention of hush money, from the second transcript.

On May 11 Miller wrote Bradlee, repeating his dissatisfaction with the Post's responses and questioning Bradlee's claim that "completely reliable corroborative evidence" supports The Post's version. "It is very convenient," said Miller, "for a newspaper to hide behind faceless and nameless sources. . . ."

As of this writing that is where the situation stands.

Two sets of questions are raised by all this. The first set relates to the authenticity and accuracy of the tran-

script used by The Post. The second concerns The Post's handling of the May 1 story and its repercussions.

The transcript unquestionably was an authentic document, prepared by FBI technicians. Its cover bore this notation: "Final transcript of taped copy originally obtained from the court, of reduced audibility."

But was it accurate? The White House tape, which is in court custody, should be the final authority but it is doubtful that even it would resolve the question. Woodward says he has sources who heard "hush money" and Bradlee says he has reliable evidence that the words are on the tape. But Neal has said that some of those who listened to the tape could not hear those words.

In an interview published in the Washington Star May 8, Leon Jaworski, the former Watergate prosecutor, said that the transcript he saw, which was "made from tape recordings which had been cleaned up by experts so that the maximum of clarity would ensue," contained the phrase "hush money." But he added that he did not know whether a later transcript was prepared that eliminated the reference.

What about The Post's handling of the May 1 story?

I am satisfied that Woodward and Armstrong did not know that the transcript they were using was not the only version of the Jan. 8 conversation. Nixon's lawyers have said that the reporters should have recognized that their transcript did not match up exactly with that portion of the Jan. 8 transcript used in the Watergate trial. But that was said with the benefit of hindsight.

The transcript used by The Post was, after all, labeled "final." It also had the reference to "reduced audibility," and, again with hindsight, that should have been in the story.

Beyond the good faith of the reporters' reliance on the transcript, which I accept, Nixon's people have challenged the validity of the headline and the lead on the story, even assuming that

the transcript was accurate.

Although it was a strong lead, extracting every ounce of impact from the material at hand, I feel that it did not overstep journalistic bounds. It seemed to me to be a reasonable interpretation of what the transcript showed.

That brings us to the handling of textual material. As I have noted, The Post carried two full pages of transcript text along with its May 1 story. But none of that text was from the Jan. 8 transcript. This omission is explained as an unfortunate desk decision. There wasn't enough space for all the transcripts that had been prepared for publication and that one was left out.

It was a bad decision, made worse by the failure to include in the story itself the full "hush money" quotation. Miller has seized on that omission as signifi-

cant, asserting that the full quotation would have made it clear that the conversation was not about Watergate.

As noted earlier, the story ended the hush money quote with the words "How do we get this stuff . . .," the three periods indicating that it was not complete.

In the actual transcript used by The Post the word "stuff" was followed by this, still attributed to Nixon: "(unintelligible) with Kennedy, when Kennedy said (unintelligible)."

The complete quotation pointed up the poor quality of the tape, and it should have been used. But it is hard to see how it would have had the effect claimed by Miller.

The Kennedy references fit in with the thesis that Watergate was being discussed. Woodward and Armstrong pointed out in the May 1 story that at the time of the conversation, Sen. Edward Kennedy (D-Mass.) was investigating Watergate and had subpoenaed the bank records of Nixon's personal attorney, Herbert Kalmbach, who had raised money to help the Watergate burglars.

It wasn't until the May 7 follow-up story that The Post published the full quotation—saying incorrectly, by the way, that it had appeared in the May 1 story. The May 7 story also disclosed, for the first time, the way that part of the Nixon-Colson conversation appeared in the transcript Miller calls the "official" version. It went like this:

"PRESIDENT. I don't know. But anyway we've got that on the (unintelligible). I don't know how (unintelligible). How do we get such things (unintelligible).

"COLSON. With Kennedy, when Kennedy said (unintelligible)."

Note that the transcripts not only

have quite different versions of what was said but they attribute the Kennedy references to different speakers.

So what does it all add up to? My own conclusions are these:

1. The May 1 story was written in good faith in the belief that it relied on an accurate transcript. The lead on the story, while strong, was not faulty. Giving the story the top page-one position, with a banner headline was a gross overplay, in my opinion, and it undoubtedly intensified the subsequent flap.

2. The Post was at fault in not publishing its Jan. 8 transcript. It should have appeared with the May 1 story. Having failed to do that, The Post should have published it, along with the other version, after the dispute began. Also, the bobtailing of the hush money quote in the story was unfortunate.

3. By normal journalistic standards The Post has dealt adequately with the Nixon protests, but just barely. One sensed a reluctance, a foot-dragging in the coverage.

In addition to its failure to carry the competing transcripts in a way that readers could compare them, I think The Post has been remiss in not providing a better explanation of just what Bradlee meant by "completely reliable corroborative evidence."

4. Finally, and most important, I cannot argue with The Post's refusal to print a retraction of the May 1 story on the basis of what is now known. As the trial prosecutor has said, some people heard "hush money" on the tape and some didn't. Bradlee and his reporters are satisfied that they have support for the version of the transcript The Post used. Unless conclusive new evidence is produced, it looks like a stalemate.

That is not to say, of course, that if Woodward and Armstrong had known that there was a version or versions of the Jan. 8 conversation without "hush money" the story should not have been written differently. I am confident it would have been.