

Playing Parlor Games With Legal Evidence

Post 12/21/73

A LAWYER NAMED William Dobrovir stood before U.S. District Judge William B. Jones the other day and said, "I made a very foolish mistake." That is putting it mildly—and kindly. Incredibly, for the titillation of friends at a small social gathering, he played a four- or five-minute portion of one of President Nixon's tapes which he had acquired in the course of a lawsuit on behalf of a number of consumer organizations—a lawsuit alleging that the administration's decisions on the level of milk price supports had been improperly influenced by campaign contributions made by the dairy industry. The tape (for which the White House had not claimed executive privilege) was a recording of a meeting that the President and other administration officials had with dairy industry representatives in March, 1971, the month when the price support level for milk was increased.

Mr. Dobrovir's attitude toward this evidence was cavalier. He says he told his friends that he had "the hottest item in town" in his pocket. That is a large claim for that particular tape, but never mind. By definition, a White House tape is a "hot item," no matter what it contains. It is precisely the circumstance under which

those tapes became so interesting that makes Mr. Dobrovir's action so lamentable. The truth about the multiplicity of charges of wrongdoing in the President's reelection campaign and in the White House itself has been slow in emerging. The charges themselves have created the most serious governmental crisis in this country at least since the administration of Warren G. Harding. The crisis is in part a result of the White House refusal over a long period to release the tapes and other material which might tell at least a part of the truth about the charges and denials which have swirled so strongly around Mr. Nixon's presidency.

The dual process of eliciting the truth and restoring the people's trust in their government is the most important process going on in the country these days. That process has to be meticulous, painstaking and fair and it has to be perceived as such by the public.

That is why it is so important that the procedures prescribed by the law be strictly adhered to—as they have been by former Special Prosecutor Archibald Cox and by his successor, Leon Jaworski. Mr. Dobrovir's action falls far short of that high standard. Judge Jones pronounced himself satisfied that such an incident would not occur again. We hope his confidence is justified.