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The Grand Jury Revelation

By agreeing to surrender the additional tape recording subpoenaed by Special Prosecutor Leon Jaworski, President Nixon could have kept secret the terribly damaging information that a federal grand jury wanted to brand him a Watergate conspirator.

What's more, the President was fully aware that his giving up the tapes might have kept the grand jury action secret until after House impeachment proceedings were completed.

Thus, the fact that Mr. Nixon instead adopted the stonewall strategy in refusing all additional tapes seems still more inexplicable and self-destructive. It suggests that either the additional tapes are too incriminating to surrender or that the White House legal defense is based on a wooden-headed stubbornness.

On Sunday, May 5, Jaworski informed Nixon defense lawyer James St. Clair what had been widely rumored but never firmly pinned down: the grand jury early this year voted unanimously to list Mr. Nixon as an unindicted co-conspirator in the Watergate cover-up.

On that Sunday, Jaworski and St. Clair were negotiating over tapes of 64 additional Watergate-related conversations with high hopes by the prosecution that the White House would cooperate.

If Jaworski did not have to press his subpoena in court, there would be no

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immediate need to list all unindicted co-conspirators or reveal the grand jury vote on Mr. Nixon. Such information need not be given to defense lawyers for Watergate cover-up defendants until just before their trials begin many months from now. By that time, House impeachment proceedings would probably be concluded. Furthermore, there was a chance that the information might be kept sealed indefinitely.

But late on the afternoon of Monday, March 6, St. Clair passed the surprising news to Jaworski that Mr. Nixon was going to stonewall on the latest tape request after all. That forced a hearing on the subpoena behind closed doors May 10 in Judge John Sirica's court with all defense lawyers present. At that hearing, Jaworski revealed the unanimous grand jury vote against Mr. Nixon.

The wonder is that the news did not seep out to the public for another full month. A defense lawyer last week fi-

nally passed it on to the Los Angeles Times, which published it in last Thursday morning's edition. The revelation did not help the President's struggle for survival in the House. “This shouldn't affect our deliberations,” one Republican on the House Judiciary Committee told us, “but I'm afraid it does.”

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While Congress slashes away at President Nixon's new Vietnam budget covering both arms and aid, Hanoi is illegally sending more combat equipment and troops south of the old Demilitarized Zone (DMZ) than ever before in the 20-year war.

Intelligence available here puts the infiltration of fresh regular North Vietnamese troops into the South at 120,000 since the Jan. 28, 1973 cease-fire. This brings the North Vietnamese troop level to its strongest point. One reason for troop infiltration (flatly prohibited by the cease-fire accord): lack

of Communist recruits available in the South.

Hanoi's recently expanding military operations in the South include an almost wanton use of ammunition. In the last 36 hours of fighting before the Communists captured the small South Vietnamese ranger outpost at Dak Pek May 16, nearly 10,000 shells and rockets were lobbed on the post manned by only 683 rangers.

Moreover, Hanoi has emplaced strong anti-aircraft positions at strategic points in the highlands south of the DMZ, including 1,000 anti-aircraft guns and 16 surface-to-air missile launchers with a half-dozen missiles each.

Against this display of continuing support from Moscow and Peking for North Vietnam, the House reduced Mr. Nixon's arms-aid authorization request from \$1.4 billion to \$1.1 billion and the Senate seems certain to slash that further to \$900 million. Even at last year's level of military aid, the U.S. was unable to replace South Vietnamese aircraft losses on the one-for-one basis agree to in the cease-fire document.

A footnote: Despite the steady influx of Communist arms and men, the major offensive against the South long predicted for sometime in 1974 shows little sign of materializing. One reason may be Moscow-Peking pressure against it; but another clearly is the fact that Saigon's army is performing better than expected.