

Destruction of Evidence

Part 1/16/74

WELL, AT LEAST you can say this for it: it is the clearest explanation we have had yet of anything that has come out of the Watergate case. Yesterday a panel of technical experts jointly selected by the White House and the office of the Special Watergate Prosecutor testified in Judge Sirica's court that the mysterious unintelligible 18-minute hum, with variations in its pitch and intensity, in a key presidential tape recording was not the result of some unconscious slip of the foot, as Rose Mary Woods, the President's personal secretary, has suggested. Accidents as they say—and as the White House did say in court when the gap was first discovered—will happen. But it is hard to imagine how this could have been anything other than a deliberate happening. As the six experts reconstructed the event, in a unanimous finding, no fewer than five and possibly nine separate erasures had been made within the 18-minute segment by hand manipulation of the tape recorder controls at various points in the course of a portion of tape which was supposed to have recorded a conversation between President Nixon and H. R. Haldeman on June 20, 1972, just three days after the Watergate break-in. Although the experts said none of the 18-minute segment can be reconstituted, they did state their belief that there were fragments apparently "missed by the erase-head" during which "speech-like" sounds could be detected. The clear implication of their report is that there was a selective erasure of certain portions of the gap, in addition to whatever else was done to it to render it inaudible. So someone manipulated the recorder by hand to effect particular and permanent erasures. That much we know—the only question is who, and why?

The conversation in question cannot be reconstructed from the tape. What remains to be done is to reconstruct the circumstances under which it was erased. From sworn testimony before Judge Sirica, we know of three people who had custody of this evidence recently—the President, Miss Woods, and Stephen B. Bull, a presi-

dential aide. From the experts' report, we know that the alteration of this evidence was "almost surely" done on Miss Woods, Uher 5000 recording machine. For her part, Miss Woods has given the court what is presumably her best possible explanation of what might have happened—an "accidental" erasure while she was distracted by an in-coming phone call—and this, of course, can no longer be taken seriously (if it ever could have been) in the light of the expert's findings. Moreover, the testimony of other White House officials, taken together with that of Miss Woods, is so thoroughly shot through with contradictions and discrepancies that there is no coherent or reasonable explanation on the record, and certainly nothing that can now be reconciled with the findings of the panel of experts.

Judge Sirica will now have to recall the witnesses and perhaps add some new ones when he resumes his hearings on this matter today. Presumably, the complete record will go to a grand jury for a determination as to who may have destroyed this evidence—and why. Hopefully, we will find out the real facts of the matter in due course. But even this would only settle the essential questions with respect to this one missing segment of the President's tapes, and it is not necessary to have the final verdict on that issue to recognize the magnitude of what has now been revealed in the report of tapes experts. Another crime has been committed. Another event has demonstrated the worthlessness of sworn White House testimony in a federal court on a criminal matter. More proof has been provided—if more were needed—of the utter bankruptcy of the White House defense. In a year or more of all but unbelievable events, one thing few people would believe was that evidence in the possession of the White House would be tampered with in such a crude and readily detectable way as to make its discovery virtually inevitable. What can this represent but utter contempt for the judicial process and for the opinion of the American people? The only answer one can think of is the absence of any defense at all.