

Joseph Kraft

# The Tapes: Setting Up A Defense

Part 1/2/13

President Nixon is past worrying about credibility on Watergate. Now he seeks mainly to guard against criminal prosecution.

That is the conclusion which emerges from the testimony of his secretary, Rose Mary Woods, in the case of the erased White House tape. For her statement, which falls apart as an account of what actually happened, hangs beautifully together as a defense against charges of obstructing justice.

The basic facts are not in doubt. On the morning of June 20, 1972, the first working day after the Watergate burglary, the President met seriatim with his two top White House aides, John Ehrlichman and H. R. Haldeman. Tapes were made of both meetings.

On July 23 of this year, the Watergate special prosecutor issued a subpoena asking for, among other things, tapes of the "meeting of June 20, 1972, in the President's Executive Office Building office involving Richard Nixon, John Ehrlichman and H. R. Haldeman from 10:30 a.m. to noon (time approximate)." On Aug. 13 a memorandum from the prosecution further stipulated the same meeting with the same men, with the times more exact, and indicated that two aides had met with the President in sequence.

On Sept. 29 the tapes were given to Miss Woods for transcription. On Oct. 1 she transcribed the tape of the June 20 meetings. On Nov. 8 she testified about the tapes and their transcription before the judge in the Watergate case, John Sirica.

At that time she made no mention of any gap or erasure in the June 20 tape. Asked about the danger of an accident distorting some of the taped material, she said: "I used every possible precaution."

On Nov. 21, the day before Thanksgiving, the President's lawyers told Judge Sirica that an 18-minute section of Mr. Nixon's talk with Haldeman was missing from the tape. On Nov. 26 Miss Woods testified that she had inadvertently erased some of the Haldeman section from the tape.

As recounted by Miss Woods, the er-

ror required an extraordinary number of coincidences. First there was a telephone call which came in just as Miss Woods began the Haldeman material. Miss Woods stopped the transcription to take the call. By coincidence she did not stop it the simple way, which was to take her foot off the power treadle.

Instead, she pressed the button for stopping the playback. By accident she pressed the wrong button—the button for recording. By accident she kept her foot on the pedal which activated the machine. Thus by accident the original recording was erased. By further accident the erasure covered material which, judging by written notes from Haldeman, related to Watergate.

All of that is very hard to believe. The more so as in a reprise of the action Miss Woods took her foot off the pedal as she picked up the phone. But

there is one thing harder to do than to believe that story. The harder thing is to prove that it is false. For by a strange miracle, all the questions raised about the episode run into the ground.

Who called Miss Woods, for example? She doesn't remember. How long did the call last? She thought about five or six minutes, but it might have been longer. So she may have erased the full 18 minutes, or perhaps there was some other slip or person which caused the break.

How come Miss Woods did not re-

port the erasure when she testified on Nov. 8? Because she was told that the tape of the Haldeman conversation was not under subpoena. By whom? By the President himself, for one thing. But where did that idea come from? Well, the White House chief of staff, Alexander Haig, had indicated in giving her the tape on Oct. 29 that there was no need to transcribe the Haldeman section because the prosecutor's request was—according to him—ambiguous about which tapes were being sought.

In short, a manifestly fishy story featuring blunders galore is set against an impenetrable alibi which fits perfectly together in every detail and involves only three persons—the President himself and his two most loyal servitors. The only reasonable conclusion is that disclosure of the taped material would have incriminated the President and Haldeman. That the President has the brass to hide behind such an absurd story only reinforces the impression that there is no way to bring him to account short of impeachment.



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*Rose Mary Woods*

By Frank Johnston  
The Washington Post

