

# The Nixon Tapes *247 2/18/74*

President Nixon has been maneuvered into a dangerously untenable position, if he really means what he had his spokesman say. The secret tape recordings of meetings in the President's offices are considered "Presidential papers," Mr. Ziegler has announced, and thus barred from scrutiny by the Senate Watergate investigation.

It is certainly debatable whether this stated White House position constitutes illegal withholding of evidence, whether the bounds of executive privilege have been distorted, how the constitutional doctrine of separation of powers can be invoked. But in the present state of uneasiness and suspicion, it appears to us unwise on the part of the White House—in the interests of the Presidency itself—to ask the nation to undergo an unnecessary ordeal of legal maneuvering on this point.

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These are the facts: allegations have been made under oath involving the President of the United States in certain illegal and conspiratorial acts. Such allegations have not been proved; they have been denied. Suddenly and unexpectedly, instead of being forced into an unsatisfactory judgment of one man's word against another's, the American public has learned of specific evidence which could establish precisely what Mr. Nixon knew and when he knew it—one of the major issues of the Watergate crisis.

Why this evidence came to exist, the dubious legality or propriety of its collection, why its existence was not made known long ago—these are questions to be considered; but the essential point now is to have the evidence produced and made available to the public.

What will the recordings of President Nixon's meetings with his White House counsel, John W. Dean 3d, show? They may show that Mr. Dean was possessed of a fanciful memory or, indeed, that he has blatantly lied before

the land. Or they may suggest that it is the President's memory that failed; if so, better to know it now than let the nation languish for three more years in doubt. The tapes may produce answers that would elude months of the most expert cross-examination.

The possibility should be recognized from the start that the elaborate and clandestine recording machinery might have failed at crucial moments; and it must also be noted that in expert hands tape recordings can be doctored to make persons say things that were never said. Nevertheless, failure to produce the tapes now would deeply injure the President's public credibility.

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Release of the Nixon-Dean tapes would not sweep away the whole Watergate mess. Quite enough unsavory activity has been disclosed and acknowledged to tarnish the Administration whatever the President did or did not say on specific occasions.

The mere disclosure that the recordings exist has already compromised Mr. Nixon to some extent; it is his problem now to explain it all to various Prime Ministers and others who were assured that long and ostensibly private meetings with the President were indeed confidential, and to the various governors, Senators and officials who confided in the Chief Executive. Refusal to play specific excerpts of these recordings before outside investigators will hardly relieve American embarrassment that the recordings exist.

However, refusal to produce the evidence as it pertains to Watergate would only create other problems for Mr. Nixon of a far more consuming nature—problems of leadership and credibility which might well be fatal to his Presidency. The alternative is delay, which could not help but appear self-serving. Suspicion would only redouble, Presidential pretensions to leadership would shrivel up in doubt. There can be no practical justification for failure to make this evidence publicly available. In the interests of the American Presidency and Mr. Nixon himself, the sooner it comes out, the better.