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The President's Second Spring Offensive

THERE ARE almost as many Watergate anniversaries by now as there are Saint's days. A year ago yesterday, for example, the President rendered his first major statement to the American public on Watergate. In it he said, among other things, that on March 21, immediately upon receiving "new information" about the involvement of persons in his entourage, he had launched his own investigation and

"... ordered that all persons in the Government or at the re-election committee should cooperate fully with the FBI, the prosecution and the grand jury. I also ordered that anyone who refused to cooperate in telling the truth would be asked to resign from Government service . . . I directed that members of the White House staff should appear and testify voluntarily under oath before the Senate [Watergate] committee . . . I was determined that we should get to the bottom of the matter and that the truth should be fully brought out no matter who was involved."

In an odd commemoration of that statement, Mr. Nixon yesterday released transcripts of tape recordings of actual White House conversations he was having at that time on this particular subject—and they don't do a thing for the version of events quoted above. Here, for instance, are excerpts from the March 21, 1973, meeting among the President, John Dean III, and H. R. Haldeman:

President: . . . I think I want another Grand Jury proceeding and we will have the White House appear before them. Is that right, John?

Dean: Uh, huh.

President: That is the point, see. Of course! That would make the difference. I want everybody in the White House called and that gives you a reason not to have to go before the Ervin and Baker [Watergate] committee. It puts it in an executive session, in a sense.

Haldeman: Right.

Dean: That's right.

Haldeman: And there would be some rules of evidence, aren't there?

Dean: There are rules of evidence.

President: Rules of evidence, and you have lawyers.

Haldeman: You are in a helluva lot better position than you are up there before the Ervin Committee.

Dean: No, you can't have a lawyer before the grand jury.

President: Oh, no, That's right.

Haldeman: But you do have rules of evidence. You can refuse to talk.

Dean: You can take the Fifth Amendment.

President: That's right.

Haldeman: You can say you've forgotten, too?

Dean: Sure, but you are chancing a very high risk for perjury situation.

President: But you can say I don't remember. You can say I can't recall. I can't give any answer to that that I can recall.

We offer this fragment of a fragment only by way of illustrating a crucial point about the mother lode of materials which Mr. Nixon has invited the public to mine by way of demonstrating that he has now provided "all the additional evidence needed to get Watergate behind us." The point is that even the transcripts edited personally by the President do not jibe not only with his public accounting of a year ago but with his public account of the previous night. Indeed, this fascinating material, to which we shall no doubt be returning, does not even seem to bear out the White House summary which accompanied its release on Tuesday. To take just one important example, the summary insists that the President opposed a payment of cash money to Howard Hunt's attorneys which, it has been alleged by the Watergate grand jury, was made on the night of March 21. Far from opposing it, the President is shown in the transcript to have returned repeatedly and insistently and with a great deal of anxiety to the subject in his conversation with Mr. Dean, suggesting the necessity of getting that money out fast.

So the point really is that the closer you get to the genuine evidence the more important it becomes to examine that evidence itself—not transcripts, not summaries, not versions of critical documents that have been edited and censored by the President. Neither the prosecutor nor the Judiciary Committee, if either intends to do a fair and competent job, can afford to rely on incomplete "evidence" which would almost certainly be inadmissible in a court of law under the "best evidence" rule. We would leave aside the obvious fact, never mentioned by the President Monday night, that this material has to do with only one aspect—the Watergate burglary and cover-up—of collection of crimes and improprieties that go under the general name of Watergate. For more important than that is the fact that the President persists in constituting himself the judge not only of what is to be considered an impeachable offense but of what material may properly be made available who are officially charged with investigating his conduct of office. We find it hard to understand how any self-respecting member of the Judiciary Committee could be satisfied with the President's response.