

# Nixon Tactics Hint

By Morton Kondracke

WASHINGTON — (CST) — In spite of the utter failure of the original Watergate coverup, there was reason last week to suspect that President Nixon's new strategy is just "Coverup II."

That suspicion grows out of Nixon's ambivalent relation to both the Watergate prosecution and the defense. Instead of declaring himself out of the case entirely, he has immersed himself deeply on both sides. Indeed, the President is almost in command of both supposed adversaries, as if he were trying to program the result of their clash.

Although the Watergate case involves Nixon's closest advisers, and though he himself is not free from suspicion, he has determined who will prosecute the case. The prosecutors are the same officials who were in charge before, when the government, to say the least, did not get to the bottom of the affair.

## Same Chief

In over-all charge is Assistant Attorney General Henry E. Petersen, who last September extolled the thoroughness and impartiality of a probe—which he said he supervised — that is now known to have been obstructed by White House officials to the extent that witnesses were offered financial aid and evidence was destroyed by the acting director of the Federal Bureau of Investigation.

The immediate prosecutor is Assistant U.S. Attorney Earl J. Silbert, who did prosecute seven comparative underlings for the Watergate break - in but missed the higher-ups.

Nixon has been urged repeatedly to appoint an independent special prosecutor but so far has refused.

The President not only determined that Petersen would

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prosecute the case, but he has been in almost daily touch with him according to White House spokesmen. The official explanation is that Nixon is eager to discover the truth about the scandal.

## Parallels

There are disturbing parallels between Nixon's conferences with Petersen and those that White House counsel John W. Dean III had last summer with L. Patrick Gray III, then acting FBI director. In both cases, the discussions were said to be to further White House "investigations" although Dean's resulted in suppression of evidence.

It became known last week that Petersen receives daily minutes from the secret Watergate grand jury, although the White House has said that Petersen is not passing them on to Nixon the way Gray gave confidential FBI files to Dean.

It is known that Nixon has barred the granting of immunity from prosecution to White House officials as a means of securing their testimony against higher-ups.

Nixon also seems to be masterminding part of the defense.

## 'Perspective'

The White House has disclosed that the President has held a number of meetings with the combative Washington lawyer, John J. Wilson, representing Nixon's two top aides, H. R. Haldeman and John D. Ehrlichman, both known to be under grand jury scrutiny.

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# Coverup

Besides defending Haldeman and Ehrlichman, however, Wilson is said to be providing Nixon with "perspective and analysis" in the case. Wilson appears to be in the curious, conflicting position of defense attorney for potential defendants and investigator-adviser for Nixon, who may be thought of as the prosecutor-in-chief.

There is a simpler explanation for Wilson's role, though it is denied by the White House. It is that he represents not two clients but three — Haldeman, Ehrlichman and the President.

If that is the case, then Nixon somehow conceives himself to have a legal problem similar to that of his aides. They are presumably under investigation as possible planners of the Watergate break-in and other acts of political espionage, the paying off of the break-in defendants, suppression of evidence and secreting of illegal campaign funds.

#### Protection

But logically, Nixon would not necessarily be personally implicated in such offenses. Wilson's position suggests that Nixon's interest could lie in protecting his aides from charges that would embarrass him.

Even if this is the case, he would be tempted to use information coming to him from the prosecution to the advantage of the defense or to direct the prosecution in such a way as to aid the defense.

Should Nixon avoid the temptation that confronts him, his role as party to the defense and to the prosecution still does not inspire confidence that either adversary can independently perform its traditional function in the Watergate case.