

The Mysterious Tapes

Initially, the controversy over the Watergate tapes focused primarily on the question whether President Nixon would defy the courts. Now that Mr. Nixon has agreed to obey court orders to turn the tapes over to Chief District Judge John J. Sirica, the issue of Presidential defiance has given way, once again, to the question of Presidential credibility. His latest promise to turn over to the court new, un subpoenaed material does not—as yet—meet this basic problem.

The pieces of the puzzle that have been put before Judge Sirica and the American people leave a design riddled with holes in facts and in logic. Months ago, nine tapes were subpoenaed. At no time during the contest between the President and the courts was there a hint that any of the clearly specified tapes were missing.

No mention of the missing tapes was made in the course of negotiations with Senators Ervin and Baker over the aborted compromise that would have given the Senate Watergate committee transcripts of the tapes verified by Senator Stennis. Later, as the President's lawyers prepared to turn the tapes over to Judge Sirica, they gave no indication of the incomplete inventory.

The conversations that would have been revealed by the nonexistent tapes would have doubtless thrown light on whether Mr. Nixon had knowledge of the Watergate cover-up. Crucial as these Presidential conversations with John Mitchell and John Dean would be to the Watergate investigation, their alleged nonexistence is, of course, not entirely beyond the possibility of coincidence. All the more reason why it is incumbent on the President to provide clear answers to the outstanding questions.

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To date, every answer about the tapes has raised new questions. When the two key tapes were first declared nonexistent, the White House maintained that Mr. Nixon had not been apprised of this fact until the weekend before its disclosure in court. Several days later, White House aide Stephen Bull recalled that he had conveyed the information to the President more than a month earlier. Similar doubts are raised by the revelation yesterday of the disappearance of a dictation machine belt that had been subpoenaed.

Apart from these discrepancies in timing, what would have explained Mr. Nixon's apparent lack of interest in the recording of his crucial conversation with Mr. Dean on April 15? Since the President has already let it be known that he listened to some of the tapes as part of his effort to get to the bottom of the Watergate scandals, why would he not have insisted on hearing the recording of the conversation which holds the key to Mr. Dean's—or the President's—credibility?

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During last week's testimony before Judge Sirica, Miss Rose Mary Woods, the President's personal secretary, described the existing tapes as of such poor quality that much of their content was all but inaudible, frequently drowned out by the sound of band concerts, rattling coffee cups and other background noises. Yet neither President Nixon nor H. R. Haldeman, his former chief of staff who listened to some of the tapes, had ever mentioned such interference. Mr. Haldeman, who was questioned about the tapes in considerable detail by the Senate committee, did not refer to their alleged poor quality. Last week, in fact, he described the tapes as "quite adequate."

How can last July's testimony by former Presidential aide Alexander Butterfield about the technical excellence of the White House recording system be squared with the more recent claims of malfunctioning equipment and deficient soundtracks? Why was the procedure of checking the tapes in and out of Secret Service custody so haphazard, even after it was clear that potentially important court testimony was involved? Did the White House lawyers fail to take proper inventory of the subpoenaed materials or were they prevented from doing so or from revealing their findings?

Perhaps there are answers to all these questions. They may or may not be forthcoming from the material Mr. Nixon promised yesterday to submit to the court. Until they are forthcoming, along with proof of their accuracy and veracity, the mystery of the tapes will continue to be a major factor in the doubts that are increasingly being expressed over the President's credibility.