

# Tug of War for Nixon Tapes

By William Claiborne

Washington Post Staff Writer

In the four months and eight days since an obscure White House aide uneasily disclosed on national television that they existed, the Watergate tape recordings have been like the center knot of a well-known tug-of-war rope.

Both sides of the contest have strained to pull the prize to their side, and some players have been sacrificed at each end of the rope.

And, as in most contests of this type, encouragement from the sidelines may turn out to be a major factor in the outcome. An outpouring of public opinion over the firing of Watergate special prosecutor Archibald Cox—described by a White House aide as a "firestorm"—ap-

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ment in the controversy helps provide some perspective on the confusing twists and turns of the struggle for the tapes.

The chronology began in secret last July 13 when Alexander Butterfield, a little-known presidential assistant who had labored quietly in the White House on day-to-day office management, walked into a small interview room of the Senate select Watergate committee to offer what was expected to be routine testimony of little import to the overall investigation.

Donald G. Sanders, an assistant minority counsel, recalled to Butterfield that former White House counsel John W. Dean III had indicated that his April 15 conversation with President Nixon may have been recorded by a hidden microphone.

Is it possible, Sanders wondered, that a tape recorder could have been running at the time?

After a long pause—and reportedly with some consternation—Butterfield answered that the Oval Office and the Cabinet Room in the White House and the President's private office in the Executive Office Building had been wired in 1971 to record "for posterity" all that the President said.

The closed-door interview of Butterfield touched off this rapid-fire sequence of events:

July 16—Butterfield publicly disclosed, before the Senate Watergate committee that the listening devices existed at the time several key Watergate-related con-

versations were conducted among the President and his top aides. The tape recorders were voice-activated, said Butterfield, and the reels were periodically picked up by Secret Service agents and placed in a locked storage room.

July 16—Within hours of Butterfield's public disclosure, the committee was informed that President Nixon, on the grounds of executive privilege, would not allow Secret Service agents to testify about any aspects of the tapes.

The stage had been set for the confrontation even before the committee knew there were key tapes, because the White House on July 7 had announced that it would deny the committee access to all private presidential papers, notes and recordings.

July 17—Sen. Sam J. Ervin Jr. (D-N.C.), Watergate committee chairman, wrote to Mr. Nixon, asking for the tapes and pointing out that they could clarify contradictory testimony about the President's role in the alleged cover-up of Watergate.

July 18—Then-Special Prosecutor Cox wrote to Mr. Nixon asking for the tapes on the same grounds.

July 23—The President rejected the requests from both Ervin and Cox, and the stage was set for a constitutional test. Cox issued a subpoena demanding White House tapes, of the nine conversations, and the Watergate committee issued two subpoenas demanding tapes of five conversations and a number of documents.

July 25—The President informed Sirica and the Watergate committee that he would refuse to comply with the subpoenas. To do so, he said, would be "inconsistent with the public interest and with the constitutional position of the presidency."

July 26—Cox asked Sirica to order the President to comply with the subpoena.

Aug. 9—The Watergate committee filed suit seeking a judgment upholding its legal right to obtain the tapes.

Aug. 29—After more than a month of legal arguments between Cox and Charles Alan Wright, special counsel for the President, Sirica ordered Mr. Nixon to surrender the tapes to the court so that the judge could examine them in his chambers and decide whether the White House had properly asserted its claim of executive privilege. The White House announced the President would not comply with Sirica's order.

Aug. 30—The President directed his lawyers to appeal Sirica's decision to the U.S. Circuit Court of Appeals.

Sept. 11—Arguments were made before the full seven-member court. Two days later, the court issued a memorandum urging the President and the special prosecutor to resolve the constitutional controversy in an out-of-court settlement. A week later, Wright and Cox announced they had failed to reach an agreement.

Oct. 12—In a decision it had hoped it could avoid, the U.S. Circuit Court of Appeals upheld Sirica's ruling against the President, and gave Mr. Nixon five days to take his case to the Supreme Court.

Oct. 15—Then-Attorney General Elliot L. Richardson began in earnest to seek a compromise with Cox, suggesting ways the substantive

content of the tapes could be given to Sirica without the release of the tapes.

Oct. 17—Sirica dismissed the Watergate committee's suit for the tapes, saying the courts had no jurisdiction.

Oct. 19—The President announced a compromise in which he would permit Sen. John C. Stennis (D-Miss.) to listen to the tapes and verify a presidential summary of the contents. The compromise was rejected by Cox, and the President then ordered the special prosecutor to halt his efforts to get the tapes.

Oct. 20—Cox told a nationally televised news conference that he would continue his efforts to obtain the tapes, thereby paving the way for what has become known as the "Saturday night massacre."

The President ordered Cox fired and Richardson resigned in protest. Deputy Attorney General William D. Ruckelshaus was forced out of office for refusing to fire Cox, and Solicitor General Robert H. Bork was named acting Attorney General and assigned to remove the special prosecutor.

Oct. 21-23—An unprecedented 220,000 public opinion telegrams, most of them criticizing the President, poured into the Capital. Congressional sentiment for an impeachment inquiry heightened.

Oct. 23—The President's capitulation on the tapes issue was revealed in Sirica's courtroom by White House special counsel J. Fred Buzhardt, who said the tapes would be surrendered. Sirica ordered hearings to determine the process in which he would receive the material.

Oct. 31—In a surprise announcement in court, Buzhardt said two of the tape recordings—one of a telephone conversation on June 20, 1972, between Mr. Nixon and former Attorney General John N. Mitchell, and the other of an April 15 meeting between the President and John Dean—never existed. The President, it was revealed, had known for five weeks that the conversations had never been recorded.

Nov. 7—President Nixon's personal secretary, Rose Mary Woods, testified in court that some of the other tapes were of such poor quality that she doubted exact transcripts could ever be made.

Nov. 12—The President announced that a Dictabelt recording that Buzhardt had promised to give the court

could not be found in the White House. The recording was one Mr. Nixon said he thought he had made after the April 15 meeting with Dean.

Nov. 21—White House lawyers told Sirica that an 18-minute segment of another

tape—this one of a June 20, 1972, meeting between the President and former White House chief of staff H.R. (Bob) Haldeman—has a tone but no conversa-

tion. Dismayed, Sirica gave the President until Monday to submit all the recordings to the court for safekeeping.

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