

The Tapes: Challenging the Experts (II)

Suppose there is an even chance that a given result has been produced by a quite normal accident, or by the criminal action of the President of the United States. In this ghastly town at the moment, a great many people would much prefer to believe in the President's criminality.

Otherwise, there would have been a lot more clamor about the disgraceful business of the findings of Judge John J. Sirica's expert panel on the Watergate tapes. The six-man panel found that the famous tape with the 18½ minute gap could only have this gap, because of manual erasure. To every sensible person, that really meant someone in the White House had been doctoring the tape to obstruct justice.

Yet carefully scientific "Science" magazine, as previously printed in this space, has now said some strikingly ugly things about these findings. To recapitulate the crucial facts, Judge Sirica's experts tampered with the material evidence, no doubt innocently but perhaps fatally.

The evidence-tampering took place when the experts radically altered the Uher 5000 tape recorder used on the tape by the President's personal secretary, Miss Rose Mary Woods. They made the alterations because the Uher 5000 was malfunctioning seriously.

Meanwhile, some of that gap's published incriminating characteristics can quite easily have been caused by a malfunction of the Uher 5000. In this matter of the effects on the tape of such a malfunction, the Uher 5000 furthermore differs altogether from a Sony tape recorder.

Nonetheless, the Sirica experts strangely chose to test the possibility of erasure by malfunction on a Sony, instead of on the Uher 5000 that Judge Sirica had confided to them. A more grossly and flagrantly unscientific procedure can hardly be imagined.

An effort to belittle these errors of the Sirica experts currently appears to be on foot. That means belittling the first man to point out the errors, Allan D. Bell, the head of a small electronics company in Springfield, Va. But it is far more important to note the opinion of the man who ac-

tually helped to choose the six members of Judge Sirica's expert panel, assistant professor Martin Blesser of the Massachusetts Institute of Technology.

Professor Blesser holds that "on the face of the facts as published," it is "equally feasible" to explain the gap in the tape by erasure by malfunction, or by manual and purposeful erasure. "On the face of the facts," in other words, Professor Blesser says we have the 50-50 choice above-outlined, between believing in a quite normal accident, or in a criminal action by the President or a member of his staff. Facts leaving such a choice are nonevidence.

Queried by this reporter, Professor Blesser then added that he thought the members of the expert panel must have other, absolutely clinching evidence that was not included in the findings published by Judge Sirica. Perhaps he is right about this. If so, however, it was again grossly and flagrantly un-scientific to permit Judge Sirica to publish such grave findings on the basis of non-evidence, while holding back the real evidence.

If the fault was Judge Sirica's, the members of the expert panel had a duty to dig their heels in. Serious men, after all, do not publicly incriminate presidents on evidence that has a 50 per cent chance of being misleading. This is the case with the data on the tapes as published thus far, by Professor Blesser's frank admission. When this was pointed out to him, he had no answer except to repeat that the members of the expert panel were in Judge Sirica's hands.

Judge Sirica has deserved much praise, but he is clearly much to blame, as well, if he is guilty as charged by Professor Blesser. Instead, of course, it is ten times more likely that Judge Sirica had not the vaguest idea that non-evidence was being presented to him.

The thing does not and cannot end there, however. Judge Sirica's present impulse appears to be to bottle up the whole thing while giving the members of the existing panel of experts another chance to prove their case.

But to put it charitably, the existing expert panel has given no proof of the strict impartiality required of them.

They have also been guilty of at least two shocking errors. In such circumstances, self-justification is always the over-riding impulse.

Thus the only possible expedient for Judge Sirica is to order the existing experts to turn over everything they have, specifically including all their working papers, to a brand new expert panel. It would also be preferable to have a new panel composed of people with practical knowledge of tape-recorders and their infinite capacities for malfunction. Lack of such knowledge was the old panel's key weakness—if the weakness was not active prejudice.