

Revised Game Plan

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Nixon's Speech Helps His Cause for the Time Being, But Transcripts Indicate the Contest Isn't Yet Won

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WASHINGTON—President Nixon is gambling that his massive disclosure of Watergate material will gain him decisive points in impeachment's most important battleground—public opinion.

But the points Mr. Nixon unquestionably scored in his impressive Monday-night speech began to erode soon after the 1,308 pages of his edited Watergate words were made public yesterday. For the transcripts, on key questions of whether there was a Watergate cover-up cast the President in much more questionable light than he had conceded during his speech. In a number of instances, the transcripts even lend support to interpretations that the President may have attempted to engineer a cover-up.

The President, to be sure, insists that he was only probing for information as discussions with aides touched on cover-up possibilities. And he may be able to make a convincing case that the transcripts, in their totality, support his argument that he did nothing wrong. Certainly, Mr. Nixon has succeeded in his initial objective of knocking the House Judiciary Committee off balance.

For the time being, at least, the President's speech and disclosures have persuaded some of the Judiciary panel's Republican members to step off what seemed to be becoming a bipartisan impeachment train.

He has also almost certainly caused a further delay in the committee's inquiry—a delay that will further tax public patience. Impatience is a wild card; it could lead to irresistible demands for Mr. Nixon's head or for Congress to "get off his back," as the saying goes.

Continuing White House Problems

The President's gains in the public-opinion battle—his first in many months—could conceivably lead to eventual victory in his war against impeachment. But such a sweeping judgment seems premature today because:

—Some of the material in the transcripts of taped conversations released yesterday appears to argue against the White House contention that the President didn't take any part in the cover-up. For instance: In response to a statement by John Dean, then the presidential counsel, that it might take \$1 million to buy the silence of Watergate defendants, Mr. Nixon said: "You could get it in cash. I know where it could be gotten." Regarding Watergate conspirator Howard Hunt's demands for money to keep silent, the President said to Mr. Dean: "You have no choice but to come up with the \$120,000—right?"

—The White House conceded yesterday

that of the 42 taped conversations subpoenaed by the Judiciary Committee, 11 are missing; it said nine weren't recorded and two couldn't be found. That admission somewhat dampens Mr. Nixon's contention in Monday night's televised speech that the transcripts "will tell it all."

—Not all Republican members of the Judiciary Committee are willing to leave it to Chairman Peter Rodino and the ranking GOP member, Edward Hutchinson, to compare the transcripts with the tapes, as proposed by the President.

—Even some of those GOP members who are willing to delegate the job to Reps. Rodino and Hutchinson say that the other 36 members may want to hear some of the tapes themselves and that some of the tapes may have to be inspected by electronics experts to make sure they haven't been tampered with.

—One influential Republican member, Rep. David Dennis of Indiana, noted pointedly that the transcripts aren't the only evidence the impeachment panel has on whether the President played a role in the Watergate cover-up; the committee already has received tapes from a Watergate grand jury.

—Mr. Nixon so far has failed to respond to the committee's request for tapes and other materials bearing on two other areas of investigation: whether he gave dairymen and the International Telephone & Telegraph Corp. favors in return for campaign contributions.

—Still other areas, including any presidential role in the burglary of the office of Daniel Ellsberg's psychiatrist and the possibility that Mr. Nixon committed criminal tax fraud, have yet to be plumbed by the committee.

—Mr. Nixon's speech and his offer of 1,308 pages to the committee didn't dispel another subpoena hanging over him—this one from Special Watergate Prosecutor Leon Jaworski—for tapes of 64 conversations relating to the Watergate cover-up. The deadline for the President to respond is tomorrow. A refusal to comply could offset much of the public-relations advantage that Mr. Nixon appears to have gained by releasing those 1,308 pages of edited transcripts.

The White House Campaign

Meanwhile, however, the White House continued yesterday to press its public-relations campaign with enough vigor to cast doubt upon what had become conventional wisdom around this town: that Mr. Nixon was resigned to being impeached by the House of Representatives and was tailoring his strategy toward staying on the right side of at least 34 Senators—all an impeached President needs to avoid conviction.

White House press aides trotted re-

porters and photographers out to a side door to see the transcripts—one set for each member of the Judiciary Committee—loaded onto a black station wagon for delivery to Capitol Hill.

By late afternoon, when the contents of the transcripts became available, it promptly appeared that they weren't all as favorable to the President's position as the White House has made out.

In a meeting with Mr. Dean and the White House chief of staff, H. R. Haldeman, on March 21 of last year, Mr. Nixon didn't reject the proposal to buy Mr. Hunt's silence, one transcript showed. Speaking of that proposal, the President said to Mr. Dean: "Would you agree that that's the prime thing that you damn well better get that done?"

And Mr. Nixon apparently rejected the idea of giving clemency to the Watergate conspirators simply on political grounds. Mr. Dean told the President that granting clemency might involve him "further" in the Watergate scandal and "in a way you should not be involved in this." Mr. Nixon answered: "No—it is wrong, that's for sure."

Before turning over the 1,308 pages to newsmen, the White House released a 50-page summary, designed to put Mr. Nixon's Watergate actions in the best light. "Throughout the period of the Watergate affair, the raw material of these recorded confidential conversations establishes that the President had no prior knowledge of any cover-up prior to March 21, 1973," the summary concludes.

"In all the thousands of words spoken, even though they often are unclear and ambiguous, not once does it appear that the President of the United States was engaged in a criminal plot to obstruct justice." Once he learned of the cover-up, the summary says, Mr. Nixon "cooperated fully to bring the matter expeditiously before the grand jury."

The summary goes to some lengths to paint Mr. Dean, Mr. Nixon's chief accuser, as a liar. It notes that he "pleaded guilty to a felony."

The summary also notes "the recent acquittals" of former Attorney General John Mitchell and former Commerce Secretary Maurice Stans, this week's other shot in the arm for Mr. Nixon's fortunes.

Although profanity has been omitted "in the interest of good taste," the summarized transcripts contain one "ain't," one "screw" and two "damns"—enough to lend an air of authenticity.

It's hard to tell the long-run effect of the President's public-relations effort. In the short run, however, he appeared to have thrown the impeachment panel off balance. Chairman Rodino declined an offer from the three TV networks to answer Mr. Nixon. An aide to the gravel-voiced New Jersey Democrat said that such a reply wouldn't be in keeping with "the judicious manner in which we have conducted the inquiry."

And the committee, seeking a bit more time to decide on its next move, canceled

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yesterday's planned meeting and rescheduled it for this evening.

The President's offer clearly impressed many of the committee's 17 Republicans. Ranking GOP member Hutchinson of Michigan said he would be "perfectly willing" to join Rep. Rodino in checking the transcripts against the tapes. Rep. Robert McClory of Illinois, the No. 2 Republican, called Mr. Nixon's proposal "adequate compliance" with the committee's subpoena.

Committee Democrats were all but unanimous in denouncing Mr. Nixon's refusal to turn over the tapes themselves. Rep. Robert Drinan of Massachusetts, for one, said the transcripts omit much. "They keep saying 'inaudible,' 'unintelligible' and 'expletive omitted,'" Rep. Drinan complained.

But Republican voices are generally given more weight than Democratic voices because few people here think that the House would impeach Mr. Nixon without some GOP signatures on the Judiciary Committee's report.

Delays in Proceedings Likely

The sheer bulk of the transcripts makes likely further delays in the impeachment proceedings. It takes a long time to read and digest 1,308 pages. It will take even longer for Reps. Rodino and Hutchinson to listen to the tapes themselves, assuming they agree to do so.

Many of the tapes are said to be of poor quality. And how hard it is to follow their thread is easily seen from this bit of Nixonian prose from the White House summary of his conversation March 27, 1973, with two top aides, H. R. Haldeman and John Ehrlichman:

"Well, you know the thing the reason that (unintelligible) thought—and this incidentally covers Colson—and I don't know whether—I know that most everybody except Bob, and perhaps you, think Colson knew all about it. But I was talking to Colson, remember exclusively about—and maybe that was the point—exclusively about issues. . . ."

Chairman Rodino originally said he hoped to wind up the committee's inquiry by yesterday. On Monday, before Mr. Nixon's speech, Mr. Rodino told the House that June 30 looked like a "reasonable time" for ending it. Now, it appears that the date will be later still. At the very least, the committee will probably delay the staff's initial presentation of evidence, which has been scheduled to begin next Tuesday.

Further delay is bound to complicate the lives of the 435 House members, most of whom would like to have killed impeachment or tossed it to the Senate well before the fall elections.

Panel's Response in Doubt

How the committee will formally respond to Mr. Nixon's offer is in doubt. Chairman Rodino spoke for most of the Democrats and some of the Republicans when he declared, prior to Mr. Nixon's Monday night speech, that nothing less than full compliance" with the subpoena demanding the tapes themselves would be enough. An aide said yesterday that the chairman stands by that position.

A Republican member, Rep. Tom Railsback of Illinois, suggested that the panel make a counterproposal: verification of the tapes by a group comprising Reps. Rodino and Hutchinson plus the committee's top two lawyers—John Doar and Albert Jenner—and Mr. Nixon's counsel—James St. Clair.

Rep. Drinan said he would favor a vote today holding Mr. Nixon in noncompliance

with the subpoena. But such a vote would be an empty gesture for the present because even if the House agreed, it hasn't any means of forcing the President to comply.

"We can't send the clerk of the House with his mace to bop Nixon over the head," explained one source close to the Democratic leadership.

Another key Democratic aide said that if he were the committee, he would "be inclined to take what I could get, play with it, and then ask for more."

The Judiciary Committee staff has already suggested that presidential noncompliance with a subpoena be used at the end of the impeachment inquiry as one possible impeachable offense as well as grounds for inferring that the tapes indicate Mr. Nixon's guilt.

Value as Evidence

All the flap over the tapes may have obscured an important question: How useful are they as evidence?

Because Mr. Nixon knew he was taping his words, would he have said anything incriminating around one of the recorders? And if he did, would he have included that incriminating statement in the transcripts he now is making public?

Rep. Dennis referred to this problem when he said that "on the broader question of the overall merits of the case, I reserve comment until I have studied and digested the transcripts and have considered all available evidence."

Besides the transcripts released by Mr. Nixon, the committee has a number of tapes and White House documents turned over to it by the Watergate grand jury. Last week the impeachment staff recommended in a memorandum that the committee stop pursuing about 15 of some 55 allegations.

To one of the committee's Republican staffers, this willingness to "give away" 15 allegations is strong evidence that the staff believes it already has enough to impeach the President.

"That memo could never have been written except by people who knew they had him," the aide says.