

Transcripts Record Two Divergent Nixon Concerns

By DAVID E. ROSENBAUM

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WASHINGTON, May 2—April 15, 1973, was the day the tapes ran out. The record of more than five hours of Presidential conversations on that day was apparently irrevocably lost.

There are hundreds of gaps—gaps of indeterminable length, marked only by the notation “unintelligible”—in the more than 1,200 pages of transcripts that the White House released Tuesday.

But none is so critical as the missing conversations of April 15. The result is that the public, the prosecutors and the House impeachment inquiry are left with an incomplete record of what the President said and how he reacted on the day that he first discussed Watergate charges with the Justice Department officials who were commanding the prosecution of the case.

Nonetheless, the available transcripts of the Presidential discussions on April 15 and April 16, which are published in the Friday editions of The New York Times, give a clue to the President's response to the information he was given by Attorney General Richard G. Kleindienst and Mr. Kleindienst's assistant for criminal matters, Henry E. Petersen.

Mr. Nixon assured them repeatedly that, as he told Mr. Petersen on the telephone, “I want to be sure you understand, that you know we are going to get to the bottom of this thing.”

But, in meetings with his two top advisers, H. R. Haldeman and John D. Ehrlichman, Mr. Nixon reacted differently. They spent much of April 16 trying to devise a “scenario” that would protect Mr. Nixon from scandal.

Breakthrough for Prosecutors

On Saturday, April 14, the Watergate prosecutors had realized a major breakthrough. Jeb S. Magruder, the deputy director of Mr. Nixon's re-election campaign, and John W. Dean 3d, the Presidential counsel, provided on that day the first concrete evidence that implicated higher-ups in the Watergate burglary and cover-up.

Shortly after midnight, the prosecutors went to Mr. Kleindienst's home in suburban Maryland and, in a session that lasted until almost day-break, briefed the Attorney General on the new disclosure.

Mr. Kleindienst told the Senate Watergate Committee that he was stunned by the revelations, especially because his closest friend, John N. Mitchell, was heavily implicated. Mr. Kleindienst, apparently believing that the President knew nothing of what Mr. Kleindienst had been told during the early morning hours, arranged to see the President on Sunday.

Actually, Mr. Magruder and Mr. Dean had already told the President or his aides what they were telling the prosecutors. As Mr. Nixon told Mr. Ehrlichman in a Sunday morning telephone discussion, “There isn't a hell of a lot more they can tell us that Magruder hasn't told.”

After attending the White House wor-

ship service, Mr. Nixon and Mr. Kleindienst met for more than an hour in the President's office in the Executive Office Building, next door to the White House.

Giving no indication that he had foreknowledge of what Mr. Kleindienst was telling him, the President listened patiently to a rundown of the evidence that had been provided by Mr. Dean and Mr. Magruder. Among those who were implicated, Mr. Kleindienst said, were Mr. Mitchell; Mr. Haldeman; Mr. Ehrlichman; Charles W. Colson, a White House special counsel; Frederick C. Larue, a former campaign official; and Robert C. Mardian, who had held top-level positions in the Justice Department and the President's re-election campaign.

Call From Ehrlichman

The President had learned of Mr. Mardian's involvement only hours earlier, as the following excerpt from his telephone conversation with Mr. Ehrlichman shows:

Mr. Ehrlichman: [Mr. Dean] had information on who was going to be called as witnesses so that apparently Mardian was able to get around and coach witnesses.

Mr. Nixon: Did Mardian coach them?

Mr. Ehrlichman: In some cases, Mardian, I guess, was very heavy-handed, and —

Mr. Nixon: Well, is there anything wrong with that?

Mr. Ehrlichman: Yeah, well there's something wrong with —

Mr. Nixon: He was not their attorney is he problem?

Mr. Ehrlichman: Well, no, the problem — the problem is he asked them to say things that weren't true.

Mr. Nixon: Oh.

Toward the end of the meeting with Mr. Kleindienst, the tape recorder in the President's office ran out of tape, according to White House accounts.

Thus, long meetings with Mr. Haldeman and Mr. Ehrlichman, a session with Mr. Dean and an hour-and-fifteen-minute meeting in the late afternoon with Mr. Kleindienst and Mr. Petersen, in which they expanded on details of the evidence, were never recorded.

Referring to the late-afternoon meeting with the President, Mr. Kleindienst told the Senate Watergate Committee that the President had been “dumbfounded” when he heard the evidence that had been collected. Mr. Petersen, on the other hand, described the President as having been calm. Because there is no tape recording, the question of the President's demeanor cannot be resolved.

Mr. Dean told the Watergate Committee that, at his meeting with the President on the evening of April 15, the President had asked him leading questions, as if he were making a tape-recording of the conversation.

The President, according to Mr. Dean, also mentioned during the conversation that he had been “joking” when he had said at an earlier meeting that \$1-million in hush money could be raised.

Toward the end of the meeting, according to Mr. Dean's account, the President “got up out of his chair, went behind his chair to the corner of the executive office building office and in a nearly inaudible tone said to me he was probably foolish to have discussed [E. Howard] Hunt's clemency with Colson.”

Because the conversation apparently was not recorded, Mr. Dean's recollections cannot be substantiated.

But Mr. Dean's feeling that the President was setting him up with questions for the benefit of the recorder is given impetus by the tone of Mr. Nixon's questions in a meeting with Mr. Dean the next day.

The President, at an April 16 meeting, began to retrace with his counsel what Mr. Dean had told him on March 21 about hush money for Mr. Hunt, one of the convicted Watergate conspirators. Following is an excerpt from the April 16 conversation:

Mr. Nixon: But you had knowledge [of the payoff], Haldeman had knowledge, Ehrlichman had knowledge, and I suppose I did that night. That assumes culpability on that, doesn't it?

Mr. Dean: I don't think so.

Mr. Nixon: Who not? I plan to be tough on myself so I can handle the thing. I must say I did not even give it a thought at the time.

Mr. Dean: No one gave it a thought at the time.

After Mr. Dean left the President's office, Mr. Haldeman and Mr. Ehrlichman came in, and they began discussing with President the “scenario” that they were going to give the public and the prosecutors. There was the following discussions:

Mr. Nixon: How has the scenario worked out? May I ask you?

Mr. Haldeman: Well it works out very good. You became aware sometime ago that this thing did not parse out the way it was supposed to and that there were some discrepancies between what you had been told by Dean in the report that there was nobody in the White House involved, which may still be true.

Mr. Nixon: Incidentally, I don't think it will gain us anything by dumping on the Dean report as such.

Mr. Ehrlichman: No.

Mr. Nixon: What I mean is I would say I was not satisfied that the Dean report was complete and also thought it was my obligation to go beyond that to people other than the White House.

Mr. Ehrlichman: Ron [Ziebler, Presidential press secretary] has an interesting point. Remember, you had John Dean go to Camp David to write it up. He came down and said, “I can't.”

Mr. Nixon: Right.

Mr. Ehrlichman: That is the tip-off, and right then you started to move.

Mr. Nixon: That's right. He said he could not write it.

Mr. Haldeman: Then you realized that there was more to this than you had been led to believe.