

MAY 22 1974

PANEL HINTS NIXON KNEW OF COVER-UP BEFORE DAY CITED

Rodino Sees Possibility That Pertinent Material Was Deleted in Transcript —NYTimes WHITE HOUSE IS SILENT

Doar Ordered to Approach St. Clair for Clarification —No Subpoena Reply

MAY 22 1974

By JAMES M. NAUGHTON

Special to The New York Times

WASHINGTON, May 21—

The House Judiciary Committee raised tonight the possibility that President Nixon may have known of White House involvement in the alleged Watergate cover-up before March 21 of last year.

The suggestion, if confirmed by the impeachment inquiry, would refute the President's frequent assertion that he first learned of the scope of the cover-up attempt at a meeting on March 21, 1973, with John W. Dean 3d, the former White House legal counsel.

The chairman, Representative Peter W. Rodino Jr., Democrat of New Jersey, speaking for the committee, raised the possibility tonight, after the panel heard the one-hour-and-43-minute recording of the March 21 meeting.

Mr. Rodino said that the key conversation may have taken place on March 17—four days earlier—and that, if so, the pertinent part of the discussion had been omitted from the edited March 17 transcript made public three weeks ago by the White House.

The committee directed John M. Doar, the special counsel on impeachment, to "confer as soon as possible" on the issue with James D. St. Clair, Mr. Nixon's chief defense counsel, "to seek clarification" of the matter, Mr. Rodino said at an evening news briefing.

Meanwhile, Mr. St. Clair withheld once more any response to the committee's request for tapes of Presidential conversations that allegedly concerned contributions from dairy cooperatives and the In-

ternational Telephone and Telegraph Corporation.

He also failed to respond to the committee's subpoena for a number of additional tapes about the Watergate case. The deadline set by the committee for answering the subpoena is tomorrow.

The March 21 conversation had been considered the most crucial of the Watergate tapes and it generated new controversy today. One committee member said that in a key passage in the conversation on March 21, Mr. Nixon said that the White House "should buy time"—rather than "can buy time," as the President's transcripts show—by meeting the money demands of E. Howard Hunt Jr., a convicted Watergate burglar.

Other committee sources said that an expletive deleted from the White House transcript could have a bearing on the central issue of whether Mr.

Continued on Page 28, Column 1

Continued From Page 1, Col. 7

Nixon approved the payment of more hush money that day to Mr. Hunt.

Committee sources disclosed, meantime, that in the March 21 conversation, one of the expletives deleted by the White House appeared to have a bearing on the crucial issue of whether Mr. Nixon had approved the payment of "hush" money that day to E. Howard Hunt Jr., one of the convicted Watergate burglars.

As recounted in the edited White House transcripts, Mr. Nixon told Mr. Dean on March 21 that he apparently had "no choice" but to come up with the \$120,000 that Mr. Dean said Mr. Hunt was demanding to continue his silence about the involvement of White House officials in "seamy" activities.

The transcript provides this continuation of the discussion:

Mr. Nixon: Would you agree that that's the prime thing that you damn well better get that done?

Mr. Dean: Obviously [Mr. Hunt] ought to be given some signal anyway.

Mr. Nixon: (Expletive deleted), get it . . .

The committee sources said that the missing expletive was an emphatic "God damn it," apparently, as the sources interpreted it, encouraging Mr. Dean to carry out some payment to Mr. Hunt.

The Watergate grand jury, in a cover-up conspiracy indictment returned March 1, alleged that a payment of \$75,000 to Mr. Hunt was arranged later that same day.

Nixon-Ziegler Talk Cited

Mr. Rodino said the issue of Mr. Nixon's possible awareness of the Watergate cover-up prior to the March 21 meeting arose in connection with a discussion between the President and his press secretary, Ronald L. Ziegler, on June 4, 1973.

According to Mr. Rodino, the Judiciary Committee has in its files the recording of that meeting. The chairman said that it showed that Mr. Nixon had spent "a number of hours" on June 4 listening to various Watergate recordings and that he then "described those conversations to Ronald Ziegler and others."

Mr. Rodino said that, based on the June 4 tape, it appeared that one of the meetings Mr. Nixon described that day was

of a session on March 17 with Mr. Dean.

Efforts made by The New York Times to seek comment from the White House about Mr. Rodino's remarks were unavailing tonight.

Although the Judiciary Committee subpoenaed the March 17 recording, along with 41 others, the President refused to surrender all 42 conversations and instead made public edited transcripts.

Mr. Rodino said that the March 17 transcript "consists of a little over three pages" of print and did not contain any mention of the potential liability of White House and Nixon re-election campaign officials in the Watergate affair.

"We don't at this time, suggest that it was deliberately withheld," Mr. Rodino told reporters of the apparently missing portion of the transcript. Mr. Doar said, in reply to a question, that it may have been deleted as an "oversight."

The committee counsel also said he had no independent knowledge that the implication contained in the June 4 discussion—that the President was aware of cover-up activities before March 21 of last year—was correct.

"There is no suggestion the entire meeting [on March 17] was devoted to Watergate," Mr. Doar said. "We just don't know."

The March 21 conversation itself had the most impact to date on members of the Judiciary Committee. Several of them who were interviewed late today said that hearing the actual voices as Mr. Nixon, Mr. Dean and H. R. Haldeman, the former White House chief of staff, discussing Watergate hush money and other matters had been devastating.

Representative Walter Flowers of Alabama, a conservative Democrat, told reporters that the March 21 discussion was the "most important" he had heard.

According to the White House transcript of that meeting, Mr. Nixon and the two senior aides discussed such matters as whether they might raise \$1-million to pay Mr. Hunt and other Watergate conspirators and whether they could justify, as a matter of "national security," the September, 1971, burglary of the office of a psychiatrist who had treated Dr. Daniel Ellsberg.

Representative Jerome R. Waldie, Democrat of California and a leading advocate of Mr. Nixon's impeachment, said that the President appeared "imperative—in command" on the March 21 tape.

"There was no hesitancy in his voice," Mr. Waldie said, characterizing the President's attitude toward the hush money payments.

The committee's second-ranking Republican, Representative Robert McClory of Illinois, said that it was possible to interpret Mr. Nixon's comments on the March 21 tape as those of a devil's advocate, "at least in part." But he added that he did "get a little bit more from the March 21 tape than from the others" the panel has heard.

Mr. Rodino declined to say when the committee might act to subpoena the I.T.T. and dairy case tapes and documents.

The panel had asked Mr. St. Clair to give Mr. Nixon's final answer to the request for the material by yesterday, but Mr. St. Clair promised yesterday to provide the reply today. Mr. Rodino said that Mr. St. Clair had told the committee this afternoon, however, that he had not yet received his instructions on the matter from the President.

Mr. Rodino suggested that the committee might take up the subpoena issue some time next week, if the White House has not provided the materials by then or has refused to say if Mr. Nixon will.

Tape of Nixon and Dean

Earlier, at a closed morning hearing, committee members heard—and drew diametrically different judgments from—the tape of a two-hour conversation involving the President and Mr. Dean on March 13 of last year.

According to the published White House-edited transcript of that meeting, Mr. Dean told the President that Gordon C. Strachan, a former aide to Mr. Haldeman, had withheld information about the planning of the Watergate burglary from Government investigators.

Mr. Dean described Mr. Strachan as "tough as nails" and said that if called before the Senate Watergate committee, Mr. Strachan could "go in and stonewall and say, 'I don't know anything about what you are talking about.'" He has already done it twice, you know,

in interviews."

Mr. Nixon replied, according to the transcript:

"I guess he should, shouldn't he? I suppose we can't call that justice, can we?"

Although a number of committee members said that the tone, context, voice inflections and rapidity of answers in such discussions could determine their substantive meaning—and, accordingly, the panel must have tapes and not transcripts—there were wide differences as to the content of the March 13 tape.

"The truth is there hasn't been anything in these tapes yet implicating the President in spitting on the street, even," said Representative Charles E. Wiggins, Republican of California, after hearing the March 13 discussion. Another Republican, Representative Delbert L. Latta of Ohio, agreed.

"It would be a good idea to play the tapes publicly, to let the American people judge," Mr. Latta said. "I think this March 13 tape was very much in favor of the President let [the public] hear his surprise."

Representative Charles B. Rangel, Democrat of Manhattan, told reporters that the March 13 tape had reaffirmed his judgment of the transcripts that "we are talking about a President who makes it very clear that he doesn't want to know the facts." Mr. Rangel added:

"You see frightened, scared people running in absolute panic and not dealing with the morality of the questions but trying to see how they can prevent the impact from the immorality that's happened."

Most committee members withheld comment on the meaning of the recorded conversations or their bearing on the inquiry into the President's conduct.

But a number, bolstering their contention that Mr. Nixon must turn over the tapes of any discussions relevant to the inquiry, said there were sharp differences between hearing the words and reading them in transcript form.

"The difference in my opinion," said Representative George E. Danielson, a California Democrat, "is another 50 per cent, maybe 100 per cent. The tones of the tapes is alive, it's real. A tape has personality to it. You could really tell what people mean."