

SENATOR PETER DOMINICK

THE TAPES

Now a White House Inaudibility Gap

The confident White House lawyers had expected to clear up all doubts in about three hours of testimony. But as the second week of the unusual fact-finding hearings in Federal Judge John J. Sirica's Washington courtroom ended, the astonishing White House claim that two of the President's subpoenaed tapes had never existed remained a matter of controversy. Each time the battery of White House lawyers closed one testimonial gap, a new one opened.

The extraordinary drama pitted an experienced team of White House attorneys against two aggressive 30-year-olds from the special prosecutor's staff. Most of the tough questions were posed by Richard Ben-Veniste, a brash, curly haired lawyer with an imposing recall of past Watergate-related testimony. Last week, when the President's feisty personal secretary Rose Mary Woods (see box following page) was called, the questions were asked by Jill Vollner, an attractive miniskirted attorney whose queries were delivered with a gentle touch.

The testimony demonstrated again that President Nixon was speaking most loosely when he assured the Senate Watergate committee last July that the tapes are "under my sole personal con-

trol." Miss Woods had listened to some of the recordings at the White House, at Camp David and at Key Biscayne. H.R. Haldeman, Nixon's former chief of staff, received a bundle of tapes at an aide's home in Maryland and took them to his Georgetown residence. Once described by a White House official as being stored in the residential section of the White House, the tapes were now said to be kept in the Executive Office Building under the supervision of John C. Bennett, an assistant to Nixon's chief of staff, General Alexander Haig.

Bennett, a retired major general who took over custody of the tapes from the Secret Service after the existence of the recording system was revealed last July, sounded militarily meticulous in testimony about his tape-guarding role. He placed notes of tape withdrawals in envelopes in his office safe and sealed them in such a way that "I would know if they had been opened." He also placed "two keys" to another safe that held the tapes in similar envelopes. Bennett seemed incredulous when Ben-Veniste recalled that Secret Service men had claimed that there were three keys. Asked if he could be entirely certain that all tapes returned were identical to those that had been withdrawn, Bennett re-

White House and talked to them spiritedly about his Watergate problems for nearly two hours. Representative John B. Anderson, chairman of the House Republican Conference, said that he was "very much encouraged" by the meeting. Nixon, he said, had indicated that he would make some public accounting of what is on his subpoenaed tapes after they have been screened by Judge Sirica and given to the Watergate grand jury. Nixon has also invited the 28 members of a national Republican "coordinating committee," convened by Republican National Chairman George Bush, to meet with him this week to discuss the impact of the scandal and how to try to shore up his shaky presidency.

into your confidence. You have to sit down and be friends with people who don't agree with you. This is a part of leadership. I pray for the President. I cry for him. If he asked me for spiritual advice, I'd give it to him. But he hasn't.

CLAIRE BOOTHE LUCE: If the President is innocent of the allegations made by the press, the press should not force him to resign. If he is guilty, the Constitution provides the way for bringing him to justice in the due process of impeachment and trial. The President is not above the law, but he is not below it either. He has his right like any other citizen to his day in court. The press has insisted repeatedly that Watergate has brought about a constitutional crisis. The way through that crisis is the way provided by the Constitution. The people, through their representatives, alone have the right to try and judge a President and throw him out of office if he is found to be guilty.

THE WALL STREET JOURNAL: The appeal of resignation is precisely that it requires no charge, no evidence, no investigation, no due process, no specific grounds. Is that the kind of constitutional precedent we want to set? We doubt that our institutions ought to evolve toward changing Presidents with every change in the public mood. The House of Representatives ought to proceed

with its impeachment investigation. If grounds for impeachment are found, so be it. But we are suspicious indeed of having a President forced from office in some extra-constitutional manner.

THE WASHINGTON POST: It seems to us that the case for resignation is not necessarily overwhelmingly stronger than the case for impeachment. For those who cry "resign" are asking Mr. Nixon to leave office without a formal, final resolution of allegations that have been, or might be, made against him. A President cannot be exorcised, as if he were some unwholesome spirit, merely repeating the incantation, "Resign!"

NEW YORK TIMES COLUMNIST TOM WICKER: The clamor for Richard Nixon's resignation is suddenly so deafening that it may drown out good sense and overwhelm due process. It risks a rush to decision rather than an exercise of judgment, and it proposes a constitutional short cut when the primary problem is that the Constitution already has been too often slighted or ignored.

Resignation would in no way resolve the question of Mr. Nixon's guilt or innocence; it would not even leave a clear sense of what the charges were, or should have been. Resignation might well insure rather than prevent continuing suspicion and bitterness in American politics. Mr. Nixon is as entitled to a day

in court as any man; he is entitled to judgment on the merits of his case, not to an assumption that he looks too guilty to govern.

NEW YORK TIMES COLUMNIST ANTHONY LEWIS: It is an illusion to believe that trials settle all doubts; history is full of cases to the contrary. How much more likely such a result would be in the impeachment of a President. There would always be a body of opinion doubting any verdict. Moreover, the very White House tactics that have obstructed the judicial search for truth about the crimes of this Administration would doubtless go on in impeachment. What is involved here is not a narrow, legalistic question of guilt. The United States faces a crisis of confidence in its President. The resolution of that crisis, whether by impeachment or resignation, will be a political act. The Constitution does not command either course; it explicitly envisages both.

President Nixon, of course, cannot be forced to resign; that decision is up to him. But if he should change his mind and decide to heal his country's wounds more speedily by resignation, no true consideration of legitimacy would demand that the United States go through the further trial of impeachment. Begin the process, yes; go on if we must. But to insist on impeachment would seem less like statesmanship than masochism.

THE NATION

plied candidly: "Nope. No way."

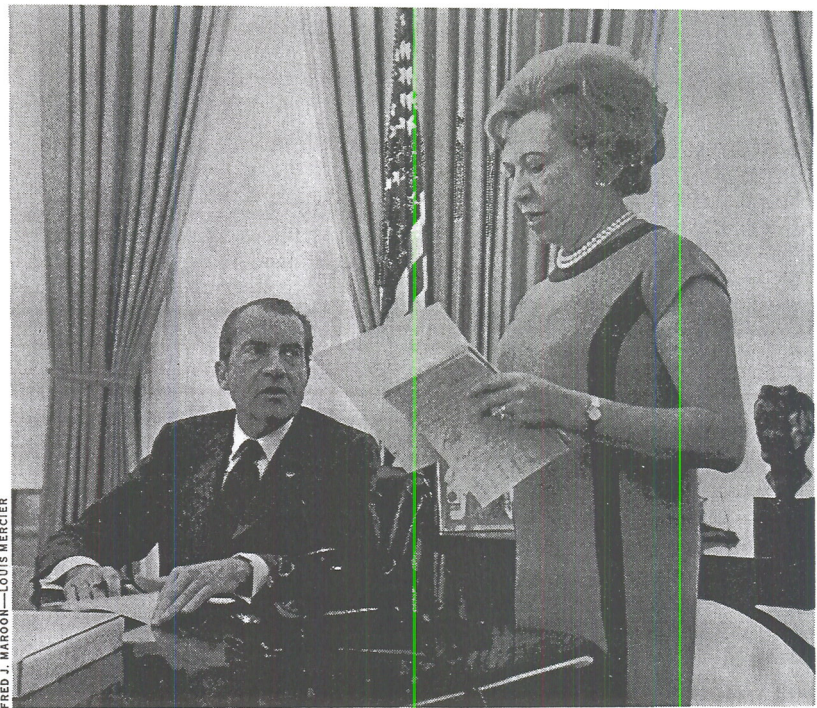
Haldeman added a new puzzle. He said that he had requested a single recording on April 25 (of the March 21 talk between Nixon and John Dean), but Ben-Veniste noted that White House records indicated that he was given 22 tapes. Haldeman agreed with the record and said that the number of tapes he got was not surprising, although he could not explain it. (At least 25 times in the course of his three-hour testimony, he used the phrase "I do not remember" or "I do not recall.") He said that he returned all of the tapes on April 27 or 28, and was "very surprised" to learn that the Secret Service did not log them as returned until May 2. Haldeman also indicated that he thought his former White House colleague John Ehrlichman knew about the President's recording setup well before it was mentioned in public testimony; Ehrlichman had testified flatly at the Watergate hearings that he did not know.

The most disturbing testimony, however, centered on the possibility that the tapes that do exist may prove to be of such poor quality that key portions may be inaudible. No less than seven microphones, for example, had been hidden in the President's Oval Office, and noises near any one of them apparently could obscure spoken words. When a china coffee cup was placed on Nixon's desk, said Haldeman, it became "an ear-splitting problem for anyone listening to the tapes." Smiling, he turned to Judge Sirica, who is expected eventually to hear seven of the tapes, and said, "I warn you in advance." Sirica smiled too.

Very Dull. Miss Woods, answering calmly but testily, said that she had labored for more than 31 hours to type a transcript of the contents of a single 90-minute recording ("A very dull tape, frankly," she said). At first she had no foot pedal to start and stop the playback machine. "I don't think anyone knows what a hard job this is," she said. Overall, she claimed, the "quality was very poor." When the President put his feet on his desk, it sounded "like a bomb hitting you in the face. Boom!" Sometimes Nixon whistled, sometimes four people talked at once. She said that it was impossible for her to catch every word, "and I don't believe anyone else could either."

That was the first hint that the tapes might prove unreliable. Alexander Butterfield, the former White House aide who had first revealed the system's existence, had told the Senate Watergate committee that the microphones picked up conversations in Nixon's two main offices with great clarity; even "low tones," he said, were audible.

As last week's sessions proceeded, Judge Sirica warned that no inferences should be drawn until technical experts analyze the various claims about the tapes. "This may well be the most important and conclusive part of these hearings," he said. Both sides are now preparing for technical testimony.



FRED J. MAROON—LOUIS MERCIER

ROSE MARY WOODS & BOSS WORKING IN OVAL OFFICE (1971)

Rose Woods: The Fifth Nixon

When Rose Mary Woods met Richard Nixon in 1947, she was a secretary for a House committee studying the Marshall Plan and he was a freshman Congressman serving as a committee member. She noticed him because, after a committee junket to Europe, Nixon turned in the only expense account "titled, totaled, signed and all properly done."

Miss Woods obviously made an impression on Representative Nixon as well. In 1951, after he had gone to the Senate, he asked her to become his personal secretary. Now 55, Rose Woods has held that position (now elevated in title to executive assistant to the President) ever since. She is on such intimate terms with all of the First Family, in fact, that she is often called "the fifth Nixon."

Miss Woods' cruel working hours and scant personal life have gradually been rewarded with increased responsibilities, a staff of her own (three sub-secretaries work in her office) and occasionally a chance to influence the thinking of the President. Nixon is said to regard her as a shrewd judge of politics.

Her most important clout is in helping exercise the gatekeeper function of deciding who should get through to the Boss—and woe to anyone who tries to interfere with her preserve. Among those who did early in the Nixon Administration was White House Chief of Staff H.R. Haldeman, who tried but failed to proclaim his total control over the White House staff by having her office moved farther away from Nixon's.

The third of five children born to an Irish-American family in Se-

bring, Ohio (pop. 5,000), she remains especially close to Brother Joseph, a member of Illinois' Cook County board of commissioners. After joining Nixon's staff, she began to share in no small way the ups and downs of his career. A member of the vice-presidential motorcade that was stoned by Venezuelan Communists in 1958, Rose quickly donned dark glasses "so those people wouldn't see me cry." In California, after Nixon's losing presidential race in 1960, she bought a convertible and began to live a more relaxed West Coast life. Then, when Nixon joined a New York law firm, it was another unquestioning move and a cozy Manhattan apartment. In Washington, she bought a co-op in, of all places, the Watergate complex.

Fiercely loyal to Nixon, she has dressed down more than one newsmen for stories that were critical of him; last week, asked by a reporter if she still considered Nixon an honest man, she replied in her best Irish temper: "That is a rude, impertinent question. And the answer is yes." But she is normally good-humored, especially during the occasional evenings of ballroom dancing and other social affairs that she loves. Though she has never married, a regular on the party circuit says that "she has gone out with lots of fellows." Other evenings, including many Thanksgivings and Christmases, are spent at quiet family dinners with the Nixons. Yet all these bonds of closeness have still not completely solved the enigma of her boss. "After 22 years, I still don't know Richard Nixon," Rose recently confided to a friend. "I don't think anybody does."