

Roland Evans and Robert Novak

Showdown on the April Tapes

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The last door open to the White House for painless noncompliance with the congressional subpoenas demanding presidential tapes of April 1973 has been slammed shut in advance by senior Republicans and Democrats on the House Judiciary Committee, posing an unavoidable moment of truth Thursday.

The White House late last week seemed headed toward this approach: Give the committee an edited version of the April tapes, omitting "national security" and "irrelevant" material. Simultaneously, veiled hints from the White House have suggested not all the subpoenaed April tapes actually exist.

But an overwhelming majority on the Judiciary Committee simply will not buy this. They want each and every tape by the subpoena's Thursday date. They will insist that questions of "national security" and "irrelevant" material be resolved by bipartisan senior committee members and counsel working with Nixon defense lawyer James St. Clair. Claims of missing tapes would be greeted by disbelief and outrage from both Republicans and Democrats.

Thus, the showdown: Mr. Nixon must surrender the tapes or raise Republican suspicions still higher by disobeying the subpoena. That dilemma may encourage what aides describe as a private presidential mood ever more fatalistic. Mr. Nixon knows the game must be played out and thinks he will win it, but adds that if he doesn't, well, that's the way it is.

Last summer's Senate Watergate hearings raised the possibility that the mid-April 1973 presidential conversations hold the key to the game. Having been warned by the Justice Department April 15 that presidential aides H. R. Haldeman and John Ehrlichman might be criminally prosecuted and should be fired, the President disregarded the advice. Instead, he conferred with them in frequent, long conversations whose recorded contents might answer fateful questions: Was this just bad judgment by Mr. Nixon?



By Geoffrey Moss

Or was he involved in the Watergate cover-up? Some potentially revealing conversations are lost forever. The White House says the recorder ran out of tape at 9:30 Sunday morning, April 15. But assuming the machine was replenished Monday, there were many other Nixon-Haldeman-Ehrlichman conversations during this crucial period.

The President has been particularly chary about their release. Special Prosecutor Leon Jaworski's requests were ignored, and he has subpoenaed 13 conversations between April 14 and April 17, 1973. Similarly, St. Clair complained repeatedly that Judiciary Committee Counsel John Doar's request for April 14-17 conversations was too vague (though Doar privately told St. Clair precisely what was wanted).

Just before the Judiciary Committee considered the historic subpoena, St. Clair offered Doar all material requested—except the April tapes. After that was rejected, staunch Nixonite Rep. David Dennis of Indiana proposed omitting the April tapes from the subpoena. A party-line vote defeated his amendment.

White House strategy had seemingly succeeded splitting the Judiciary Committee down partisan lines with Republicans supporting nonrelease of the April tapes. But this was suddenly and ironically transformed by the committee's most intransigent Nixonite: Rep. Delbert Latta of Ohio. Without White House prompting, Latta proposed another amendment, specifically listing each April 14-17 presidential conversation.

Some suspicious committee members believe Latta wanted to nail down the partisan advantage gained for Mr. Nixon by the defeat of the Dennis amendment; if Latta's proposal lost on another party-line vote, the partisan rapacity of the Democratic majority would be exposed. But the Democratic chairman, Rep. Peter Rodino of New Jersey, shrewdly accepted the Latta amendment. That not only produced an overwhelming vote for the subpoena but locked in committee Republicans, Latta included, for acquisition of the April tapes.

This destroyed Nixonian tactics of accusing Judiciary Committee Demo-

crats of seeking a fishing license or driving a U-Haul truck to the White House. Moreover, House Republican Leader John Rhodes endorses the idea of Judiciary Committee lawyers and St. Clair jointly—not St. Clair unilaterally—editing the tapes.

The White House does not seem to understand that the Latta amendment ended any possibility that congressional Republicans could accept unilateral editing. Still less acceptable would be a sudden revelation privately suggested by one senior presidential aide, that more April tapes are nonexistent. Even loyal Republicans would demand: Why did the President not say so in the first place?

As usual, a tiny White House inner circle is wrestling with the subpoena: The President, St. Clair, Counsel J. Fred Buzhardt and Chief of Staff Alexander Haig. If past practice is followed, the reply will come at the eleventh hour. But this one decision could go farther than all the others in deciding the President's fate.