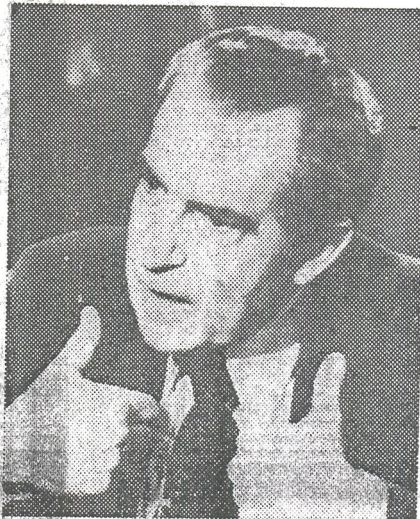
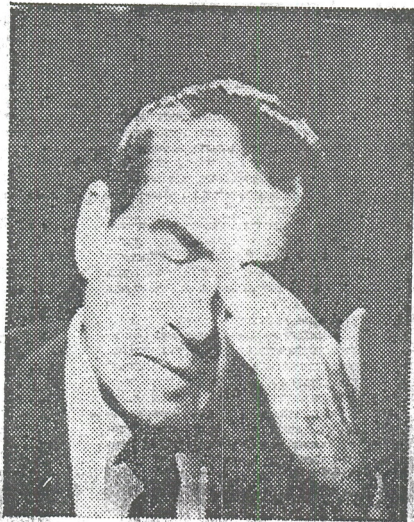
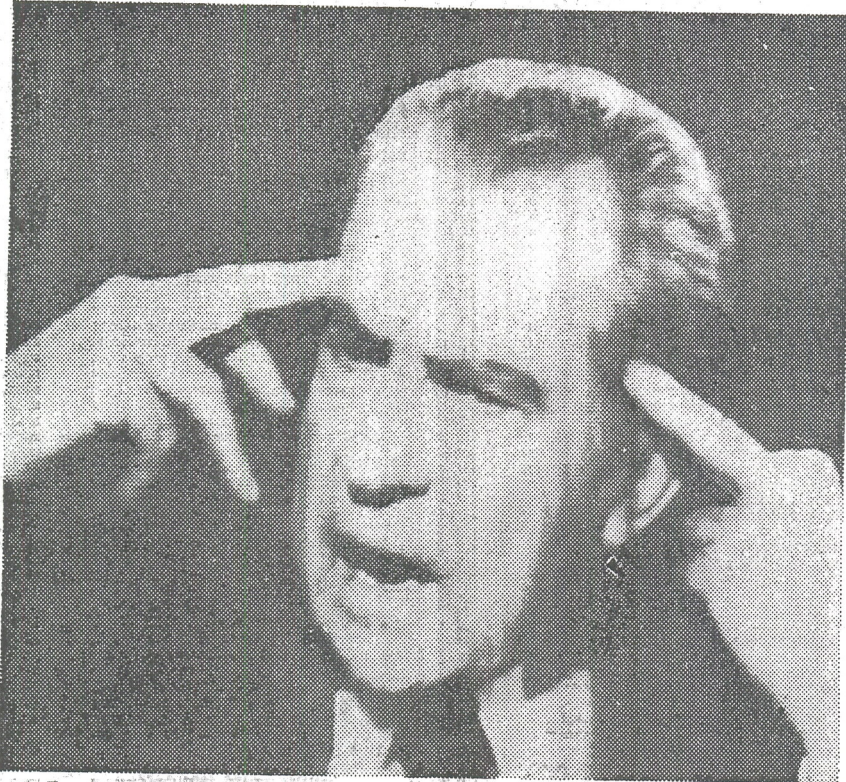


NYTimes

MAY 5 1977

NIXON, CONCEDED HE LIED, SAYS 'I LET THE AMERICAN PEOPLE DOWN,' DENIES ANY CRIME ON WATERGATE



Associated Press

Former President Richard M. Nixon during interview telecast yesterday

The Interview vs. the Record

Discrepancies Appear When Broadcast Remarks Of Nixon Are Compared With the Official Data

By DAVID E. ROSENBAUM
Special to The New York Times

WASHINGTON, May 4—About halfway through his interview with David Frost that was broadcast tonight, former President Richard M. Nixon declared, "I know it really better than you do, and I should know it better because I was there."

That assertion is not open to challenge, but the Watergate case is extraordinary in that so much of the evidence is on the public record.

Foremost, of course, is the fact that virtually every official conversation that Mr. Nixon had in the period in question was tape-recorded, and transcripts of the tapes of the critical discussions have been

published. Major discrepancies become apparent when that official record is compared with remarks made by Mr. Nixon in his interview with Mr. Frost.

Second, nearly all of the other participants have testified in public forums.

Finally, the special prosecutor, the Senate Watergate committee and the House Judiciary Committee made independent evaluations of Mr. Nixon's role in Watergate and expressed their views.

The Watergate prosecution force listed Mr. Nixon in February 1974 as an unindicted co-conspirator in the cover-up case against his former top aides, including John N. Mitchell, H. R. Haldeman and John D. Ehrlichman, Leon A. Jaworski, then the special prosecutor, said that Mr. Nixon was not indicted because there were questions about whether the Constitution permitted the indictment of a sitting President.

Moreover, the evidence against Mr. Nixon was strong enough for the House Judiciary Committee to recommend that he be impeached. Twenty-eight of the 38 should have gone and saying perhaps that I had considered other things but had not done them."

That after John W. Dean 3d, then the White House legal counsel, warned him on March 21, 1973, of the deep involvement of White House and Nixon

Continued on Page 34, Column 1

Continued From Page A1

members of the panel voted to recommend at least one article of impeachment. At the time, there was no doubt that the full House of Representatives would have voted to impeach Mr. Nixon if he had not resigned, and most Congressional observers felt sure that he would have been convicted in the Senate.

What follows is an examination of how Mr. Nixon's statements in tonight's broadcast compare with the official record on three points on which there was dispute between Mr. Nixon and Mr. Frost: Whether Mr. Nixon was in complicity in an obstruction of justice, whether he agreed to pay hush money or grant clemency to E. Howard Hunt Jr. and whether he ever made a personal effort to get to the bottom of the case.

Obstruction of Justice

Much of the first part of the interview dealt with Mr. Frost's contention that Mr. Nixon, in the days immediately after the Watergate burglary, had participated in an obstruction of justice and the former President's assertion that he was not guilty of a crime because his motive had been "pure political containment."

The Watergate prosecutors and the House Judiciary Committee found reason to believe that Mr. Nixon had indeed been part of a conspiracy to obstruct justice.

In the indictment in which the former President's top aides, including John N. Mitchell, H. R. Haldeman and John D. Ehrlichman, were charged with conspiring to obstruct justice, Mr. Nixon was listed as an unindicted co-conspirator. Leon Jaworski, then the special prosecutor, has said that Mr. Nixon was not indicted because there were questions about whether

the Constitution permitted the indictment of a sitting President.

The Judiciary Committee, in its first proposed article of impeachment, charged that Mr. Nixon had engaged in a plan "to delay, impede and obstruct the investigation."

In its formal report on its impeachment proceedings, the committee concluded that there was "clear and convincing evidence" that Mr. Nixon was culpable of "perjury, destruction of evidence[and] obstruction of Justice."

The evidence that the President personally tried to obstruct the investigation in the first three weeks after the June 17, 1972, Watergate break-in includes the following:

Mr. Nixon conceded in the interview with Mr. Frost that he had known by June 22 that G. Gordon Liddy had been involved in the burglary and that he had never given that information to the judicial authorities. Mr. Nixon said that he had told the authorities about Mr. Hunt's involvement, but that was unnecessary since the prosecutors already knew it.

On June 23, Mr. Nixon told Mr. Haldeman to send officials of the Central Intelligence Agency to the Federal Bureau of Investigation with instructions "to say that we wish for the country, don't go any further into his case." The revelation of the tape of that conversation led directly to Mr. Nixon's resignation.

Title 18, Section 1510 of the United States Code states that a person is guilty of obstruction of justice if he "willfully endeavors by means of bribery, misrepresentation, intimidation or force or threats thereof to obstruct, delay or prevent the communication of information relating to a violation of any criminal statute of the United States by any person to a criminal investigator."

It is, of course, a moot question now whether Mr. Nixon committed a criminal offense, since he has been pardoned for any crime that he might have committed when he was President.

Hush Money-Clemency

The question of whether Mr. Nixon had agreed to give Mr. Hunt, one of the Watergate burglars, money or a promise of clemency in return for his silence was one of the main points in dispute in the impeachment proceedings. Mr. Nixon contended in the interview with Mr. Frost that, while he never rejected the payment of money, he never approved it, and that he had definitely blocked any offer of clemency.

Mr. Nixon also said that the money paid to Mr. Hunt and the other Watergate defendants was not meant for the purpose of keeping them silent but for legal expenses and humanitarian reasons.

The same arguments were made to no avail by Mr. Nixon's lawyers in the impeachment proceedings.

There is no question but that Mr. Hunt was paid \$75,000 in cash on the night of March 21, 1973. There is also no evidence that he was ever directly offered clemency.

Much of the dispute turns on the transcript of Mr. Nixon's conversation with John W. Dean 3d, then his counsel, on the morning of March 21.

Mr. Frost read 16 separate comments by Mr. Nixon to Mr. Dean about the payment of money. Among them were the following:

"Your major guy to keep under control is Hunt."

"We should buy time on that."

"The money can be provided. Mitchell could provide the way to deliver it."

"You'd better damn well get that done, but fast."

In its final impeachment report, the Judiciary Committee concluded: "Evidence clearly establishes that, when the President learned that Hunt was going to talk unless paid a substantial sum of money, he approved of the payment to Hunt rather than taking steps to stop it from being made."

On the question of clemency, the transcripts indicate that Mr. Nixon rejected such an offer, but there is evidence that the reason was not that a grant of clemency might be legally or morally wrong but that it was not politically feasible. Mr. Nixon said, "You can't do it politically until after the '74 elections, that's for sure."

As to whether Mr. Nixon felt compassion for the Watergate burglars and wanted to help them for humanitarian reasons, as he stated in the interview, it is useful to look at who got what.

Of the \$429,500 that the prosecutors said was distributed to the original defendants, roughly two-thirds, or \$276,000, went to Mr. Hunt and his lawyers. The other defendants got less than \$20,000 each.

The apparent reason comes through in a discussion that Mr. Nixon had with Charles W. Colson, then his special counsel, on Jan. 8, 1973. Mr. Colson told Mr. Nixon that Mr. Hunt was the only one of the defendants who had "direct information" and that, as for the others, he [Mr. Colson] didn't "give a damn if they spend five years in jail."

Nixon's Personal Inquiry

Mr. Nixon maintained to Mr. Frost that he viewed himself as defense counsel to his aides, who were in trouble, and that

5-5-77
NYT

he repeatedly tried to find out where the real guilt lay. The record, however, indicates that Mr. Nixon time and again avoided asking the kind of questions that might have elicited information.

In fact, the Judiciary Committee determined that proof of Mr. Nixon's complicity in the Watergate cover-up lay not only in his overt actions but also in his failure to take actions that might have brought the facts of the case to light.

For instance, on June 20, 1972, the first working day after the Watergate burglary, Mr. Mitchell, then Mr. Nixon's campaign director, told Mr. Nixon that he was sorry he had not kept better control of the campaign staff. Mr. Nixon did not ask him what he meant or ask the details of what had happened.

On July 6, L. Patrick Gray 3d, then Acting Director of the F.B.I., told Mr. Nixon that he was in jeopardy of being "mortally wounded" by members of the White House staff. Mr. Nixon not only did not heed the warning, he did not even ask Mr. Gray to what and to whom he was referring.

Mr. Nixon said in the interview that on March 22, 1973, he had ordered Mr. Dean to prepare a thorough report on Watergate. The former President, in the interview, said that he had told Mr. Dean, "If it opens doors, let it open doors."

That statement to Mr. Dean does not appear in any transcript that was made public in the impeachment proceedings or the Watergate trial. On the other hand, the available transcripts make it apparent that Mr. Nixon's instructions to Mr. Dean were to draft a report that would, at the same time, convince the public of the innocence of the White House staff and deflect the investigation of the Senate Watergate committee.

