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The President and the Tapes

Just when one begins to think that nothing essentially new or more startling could possibly be revealed about the conduct of White House business or the campaign to re-elect Mr. Nixon, another curtain is parted and yet another idiosyncrasy—if that's the word—is revealed. Yesterday, former White House aide Alexander P. Butterfield testified—with immediate confirmation by Special White House Counsel J. Fred Buzhardt—that the President, in effect, has had it in his power all these weeks to give the Senate Select Committee and the American people the most compelling sort of evidence with respect to the core of John Dean's highly-charged and hotly disputed allegations about Mr. Nixon's knowledge of and involvement in the coverup of the Watergate burglary. He has had this power, the Senate Watergate Committee was told, because he has been recording on tape every conversation in his personal offices and every presidential phone call since April 1, 1971.

To put it very simply, the essence of what Mr. Dean had to tell us about the President was his recollection of a series of conversations with Mr. Nixon concerning this whole affair. Specifically, Mr. Dean's testimony about conversations which he claims to have had with the President in September 1972, in February 1973 and in early March 1973 make it clear that either he or the President is lying about the presidential implication in and knowledge of Watergate cover-up activities prior to March 21, 1973. The President and a number of his associates have told us that Mr. Nixon had no sense of the whole thing until that date. Mr. Dean, on the other hand, implies that as early as Sept. 15, 1972, the President knew about Mr. Dean's cover-up role and that by March 13 of this year, the President was discussing a million dollars in cover-up money with great equanimity.

The public had assumed all along that essentially it was Mr. Dean's word against Mr. Nixon's with lesser figures adding depth and shading on one side or another. It was to be an almost insoluble test of credibility.

Mr. Butterfield now tells us that all conversations which have taken place in the President's presence in his White House and Executive Office Building offices have been taped automatically since 1971. According to Mr. Dean, all of the crucial conversations about which he has testified took place in those offices. So, presumably, Mr. Nixon has had it in his power in the weeks since Mr. Dean testified to sweep the boards clean of the charges which Mr. Dean has levelled against him.

Mr. Nixon has chosen not to do so. Instead, we have heard unconvincingly from a number of presidential spokesmen—Charles Colson, John Ehrlichman, Richard Moore and Sen. Hugh Scott (R-Pa.) — disputing Mr. Dean's version of events and vilifying his character,

without dispelling the doubts. Why this scatter-shot counter-attack, if the President has solid ammunition at hand? Why has Mr. Nixon not moved quickly to spare his presidency and the American people from a dangerous period of uncertainty—with all the consequences that flow from it in terms of the President's capacity to govern with full effectiveness?

Surely the answer cannot lie with the sanctity, for the sake of future Presidents, of executive privilege. Mr. Nixon has given ground generously on this issue with respect to the testimony of past or present aides and counselors; given the weakness of his constitutional argument, he could be as generous with respect to documents—or tapes.

One answer may be that Mr. Nixon has the proof of his non-involvements but has been waiting until all the evidence was in before firing his heavy guns and putting to rest in one great broadside all doubts about himself. If the President has, in fact, been delaying in order to set up his detractors for the kill, he and the country have been paying heavily for so cynical a strategy, in terms of his own declining prestige and capacity to influence events; by way of just one example, witness Mr. Ehrlichman's recent assertion that Mr. Nixon would have vetoed three recent appropriations bills had the power of his presidency not been so sapped by Watergate. Not only could Mr. Nixon have hoped to rehabilitate and reinvigorate his government by producing his taped version of events; he would also have made it virtually impossible for future witnesses to damage him by false testimony, knowing as they would that he had hard evidence of the facts.

Another possibility is that the President felt constrained to withhold the fact of the existence of these tapes, because of the possible embarrassment to foreign potentates and emissaries who did not know their private conversations with the President were being taped. But whatever merit that argument might have had, it has none now. The word is out. And thus it seems to us that there is no good reason for the President not to proceed immediately to produce the evidence of these tapes in his own defense. It would be our hope that this evidence would settle the matter, at least insofar as the President's complicity is concerned, and permit him to get on with the business of governing with the renewed confidence of those whose support has fallen away in recent months. As we have said more than once in this space, that would be the best way out of the crisis of government that has grown up out of Watergate. The worst way out would be for the President to fail now to reinforce his unsubstantiated word with the hard evidence of the taped record. For this would only encourage the public to suspect yet a third possible reason for him to withhold the evidence—the possibility that the evidence does not in fact substantiate his case.