

# Haldeman Heard Tapes, But Senators Still Can't

By Susanna McBee  
Washington Post Staff Writer

While refusing to release White House tape recordings on the Watergate scandal to the Senate select committee investigating it, President Nixon has allowed H. R. (Bob) Haldeman to listen to two of them.

After hearing Haldeman's testimony about them yesterday, the committee, whose weekend efforts to avoid a court clash were rejected by Mr. Nixon, said it still intends to go into court this week to try to force him to release those two tapes as well as three others.

"It's strange that Mr. Haldeman can hear the

tapes but the committee cannot hear them," Sen. Sam J. Ervin Jr. (D-N.C.), the committee chairman, said sarcastically.

Noting that Haldeman, former White House chief of staff, said he had listened to one tape at his home after resigning April 30, Sen. Daniel K. Inouye (D-Hawaii), a committee member, remarked:

"I would think that if a private citizen of the United States can get permission to listen to the tapes in private, at home, the Senate select committee should be able to hear them."

Inouye added that it was

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"most distressing to learn they've been out of the custody of the Secret Service." He said he had heard that tapes can be doctored to alter their meaning.

Asked of he though Mr. Nixon may have waived his claim to executive privilege by allowing Haldeman to hear the two tapes, Inouye replied, "I would think he has waived it in the eyes of the American people."

The committee's chief counsel, Samuel Dash, told reporters that Haldeman's testimony on the tapes might help the committee's case in court.

J. Fred Buzhardt, special counsel to Mr. Nixon, said in a letter to Haldeman's attorney, that Haldeman could not be "constrained by any claim of executive privilege as to conversations at meetings which Mr. Haldeman attended."

The letter said the witness should decline to testify about the contents of the tapes he heard regarding portions of meetings he did not attend. Haldeman testified about the tapes of a Sept. 15, 1972, conversation involving himself, Mr. Nixon and former White House counsel John W. Dean III, and of another conversation last March 21 involving himself, Mr. Nixon, Dean, press secretary Ronald L. Ziegler and former aide John D. Ehrlichman. Haldeman attended only 40 minutes of the 105-minute March meeting.

On Sunday, Ervin and Sen. Howard H. Baker Jr. (R-Tenn.), committee vice chairman, proposed during a television interview that they and Special Watergate Prosecutor Archibald Cox be permitted to inspect the tapes privately.

They made the offer as a compromise to avoid an un-

precedented constitutional battle over the committee's authority to subpoena the President for release of five tapes and numerous documents.

The committee is expected to file a motion in U.S. District Court seeking a declaratory judgment that the President should obey its subpoena. Last week Cox obtained a District Court order demanding that Mr. Nixon show cause why he should not release nine tapes that Cox has subpoenaed.

The committee also released yesterday a letter from Air Force Chief of Staff John D. Ryan, responding to questions submitted by Sen. Harold Hughes (D-Iowa) about clandestine bombing in neighboring Laos.

Gen. Ryan confirmed that B-52 attacks in northern Laos between Feb. 17, 1970, and April 26, 1972, also had "special reporting procedures" in effect "to restrict widespread knowledge of these strikes."

Wheeler testified that he believed about 149 such attacks had been made by May, 1970. Wheeler, who served as JCS chairman for six years, left office in July, 1970. Again, he said the reason for not disclosing the information was "diplomatic" rather than military.

Ryan said the Laos raids were covered up, for all but those few people who had a "need to know," by being reported as having taken place in southern Laos where the United States was acknowledging bombing against North Vietnamese supply routes. The bombing in northern Laos was generally in support of Laotian government forces in their battle with Pathet Laos Communist forces.

The "show cause" hearing has been set for Aug. 7.

Yesterday the White House said the President was still refusing to release tapes—either publicly as the subpoenas demanded or privately as Ervin and Baker requested.

"The President has made his position clear in this matter," deputy press secretary Gerald L. Warren said a few hours before Haldeman began his testimony before the committee.

"I have nothing to add to what has been said," Warren declared. "The President has stated his position."

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In another development Sen. Adlai E. Stevenson III (D-Ill.), in a remarkably harsh speech on the Senate floor, said the President "has breached his contract with the Senate" by refusing to give Cox the tapes.

Stevenson charged that Attorney General Elliot L. Richardson had assured the Senate Judiciary Committee last May during his confirmation hearing that Cox would have "full authority" to review all documentary evidence "to which he shall have full access."

"I am sickened by the President's disdain for the orderly processes of law," Stevenson continued. "He does not seem to care about his own solemn assurances. They are made one day and are inoperative the next."

"The President has now cut himself off from the people. He does not answer their questions. He has cut himself off from the Congress. He spurns requests for plainly relevant evidence. And finally he has cut himself off from the special prosecutor and his own Attorney General."

Stevenson charged that "by placing himself above the law," Mr. Nixon "threatens the Congress

with the choice of either confessing the bankruptcy of the system, by doing nothing, or of commencing impeachment proceedings."

Later, the Illinois Democrat called both alternatives "intolerable" and urged the President to avoid them "at all cost."

In response, Richardson issued a statement pointing out that during his confirmation hearing he had "made clear that some documents might be kept away from the special prosecutor on the ground of executive privilege or some other privilege."

Richardson also released a copy of a letter he wrote May 17 to Stevenson which mentioned that Cox' powers will include the handling of all prosecutions, grand jury proceedings, immunity requests, assertions of 'executive privilege' and all decisions as to whom to prosecute and whom not to prosecute."

In a news conference Richardson said, "It was understood from the outset that the question of executive privilege could arise." He insisted that Cox has been "given all powers vested in the Attorney General. I couldn't give him any more power than I have." Referring to Cox's power to contest executive privilege claims, Richardson said, "Congress couldn't have given him any greater degree of independence than he has."

The Attorney General's statement concluded that Cox' charter "also gives him the power to appeal any court decision—to the Supreme Court, if necessary." Normally, a decision on a government appeal has to be approved by the solicitor general, who is answerable to the Attorney General.



William Hundley, attorney for former Attorney General John N. Mitchell, rises to object to a mention of the Vesco case at the Senate Watergate hearing. Seated at

the witness table are John D. Ehrlichman, right, and his attorney, John J. Wilson. Mitchell is under indictment for conspiracy and perjury in the Vesco case.

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