

The Missing Tapes . . .

The surprise disclosure yesterday by Presidential counsel J. Fred Buzhardt that two of the nine subpoenaed Watergate tapes do not exist is the latest, and possibly the most serious, blow to both the investigation and to White House credibility. The question must be asked why Mr. Nixon permitted the extended controversy over the recordings to proceed through months of public debate, hearings in two courts, negotiations with the special prosecutor and ultimately the aborted compromise with Senators Ervin and Baker, without ever indicating that two crucial tapes were missing.

How crucial the tapes would be in determining whether Mr. Nixon has been involved in the Watergate cover-up can be gauged from the time and circumstances under which the now missing conversations took place.

Watergate investigators were understandably curious about a telephone conversation on June 20, 1972—three days after the Watergate break-in—between the President and former Attorney General John N. Mitchell. This conversation was widely expected to provide the answer to the question whether the President had any part in, or knowledge of, the subsequent cover-up of the politically embarrassing burglary of the Democratic campaign headquarters. Yet, it is only at this late date that the President's lawyer has informed Chief District Judge Sirica that the call was made on an extension not connected to the automatic recording system which, according to expert testimony, was virtually impossible to elude.

The second tape, declared inoperative as a result of malfunctioning in the recording system, would have contained the conversation in the Oval Office between former Presidential counsel John W. Dean 3d and Mr. Nixon. It was the meeting during which Mr. Dean claims to have informed Mr. Nixon that he had decided "to end the cover-up."

It was then that Mr. Dean claims to have told Mr. Nixon that he had gone to the prosecutors to tell "of my own involvement and the involvement of others." Again, according to Mr. Dean's testimony, it was during that conversation that Mr. Nixon allegedly asked why Mr. Haldeman, his chief of staff, had not quashed the investigation then being conducted by Assistant Attorney General Henry Petersen.

It was, finally, during that meeting that the President allegedly said that "he was probably foolish to have discussed Hunt's clemency with Presidential counsel Colson." As Mr. Dean took his leave, he claims to have expressed the hope that "telling the truth would not result in the impeachment of the President."

Two days after the meeting with Mr. Dean, President Nixon issued a statement on Watergate in which he alluded to "major developments in the case concerning which it would be improper to be more specific now, except to say that real progress has been made in finding the truth."

All the evidence therefore points to the two missing tapes as extraordinarily important links in the chain that has to be known as the Watergate cover-up. The fact that they are missing will intensify public suspicion that justice is being obstructed and the truth withheld.