

Editorials

The Tapes That We'll Never Hear

THE CIRCUMSTANCES SURROUNDING the Watergate tapes have grown more and more puzzling and for the moment appear to overshadow the central questions about which the several Watergate investigations revolve — burglaries, political sabotage, obstruction of justice and coverups, all directed from the White House.

The President has of course maintained from the outset that he had no knowledge of these crimes. He has said that testimony to the contrary by some witnesses was refuted by recordings routinely made of all Presidential interviews and telephone conversations for historical record purposes.

The President's attorney has now informed the Federal Court in the District of Columbia that two conversations of great importance in a Grand Jury's investigations were never actually recorded and the desired tapes, therefore, cannot be produced. In one instance, the conversation was on a seldom-used White House phone that was not connected with recording apparatus, and in the second instance the recording equipment failed to operate properly.

WHILE THESE ARE REASONABLE explanations for nonexistent tapes, they are nonetheless disappointing and hurt the credibility of the White House, coming as they do after the commotion over the firing of the special Watergate prosecutor and two top officials of the Justice department, including the Attorney General himself.

At an earlier point in the investigation, the President refused to release any tapes, but this was based on the view held by many other occupants of the White House that a President is not bound to produce papers or disclose information he believes to be covered by executive privilege.

WHEN IN THE FACE of a decision by the Court of Appeals he modified this view and agreed to let Judge Sirica determine what portions of the tapes might be helpful to the Grand Jury, there was every reason to hope that matters might finally be set straight and the President's name cleared.

It is hard to understand why the non-existence of the tapes was not acknowledged earlier. Such a disclosure would have gone a long way toward clearing the air, instead of clouding it as it has now done.