Nixon Statements and the Record

Watergate Version Seems to Conflict With Testimony

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WASHINGTON, Nov. 19—President Nixon declared Saturday that he "wanted the facts out" about the Watergate scandals "because the facts will prove that the President is telling the truth." But Mr. Nixon's latest explanations of the events that have plagued his Administration appear to be incomplete—and, in some instances, to conflict with public records and testimony about the Watergate case and its offspring.

News Analysis

The President gave his version of Watergate at a convention of The Associated Press Managing Editors Association at Walt Disney World, near Orlando, Fla. He answered 17 questions on the subject, raising one of them himself. What follows is a point-by-point comparison of Mr. Nixon's statements and details previously on the public record, as well as a discussion of some questions raised by the President's answers:

The Missing Tapes

Mr. Nixon said that he was informed on Sept. 29 or 30 that tape recordings "might not exist" of a June 20, 1972, telephone conversation with former Attorney General John N. Mitchell and an April 15, 1973, meeting with John W. Dean 3d, the dismissed White House counsel. Mr. Nixon said that it was not "finally determined" until around Oct. 27 that the White House could not comply with subpoenas for the tapes of the two conversations.

Charles Alan Wright, Mr. Nixon's consultant on the Watergate tapes case, told United States District Judge John J. Sirica on Oct. 23, however, that the President had decided to "comply in all respects" with the subpoena. Mr. Nixon did not say why Mr. Wright was not informed, until Oct. 31, the day it was announced in open court, that two tapes might not exist.

Henry E. Petersen, the Assistant Attorney General who directed the Watergate investigation until last April, testified to the Senate Watergate committee in August that the President offered earlier to play the April 15 tape for him.

Mr. Petersen told the Senate panel that he and the President disagreed about whether Mr. Dean had obtained a grant of immunity from prosecution for his part in the Watergate cover-up, and that Mr. Nixon told him, "Well, you know, I have it on tape if you want to hear it." The President did not refer to Mr. Petersen's testimony on Saturday.

Officials of the Senate Watergate committee have said privately that Stephen B. Bull, a White House Assistant, had described a request by the President last ummer to have the April 15 tape flown to his San Clemente, Calif., home. According to the account, Mr. Bull arranged instead to have the tape played here for Fred J. Buzhardt Jr., the White House lawyer on Watergate matters, and that Mr. Buzhardt briefed Mr. Nixon by telephone.

Mr. Bull testified in Judge Sirica's courtroom earlier this month that he had told the Watergate committee staff it was the April 15 tape Mr. Nixon wanted shipped to San Clemente. But Mr. Bull said later that he apparently was mistaken about the date of the recording.

The Equipment

According to Mr. Nixon's explanation at Disney World, the recording system installed in the White House in 1971 was "not a sophisticated system." He said that it consisted of "a little Sony" recorder and a series of "lapel mikes in my desks."

When the existence of the system was disclosed to the Senate committee on July 16, however, Alexander P. Butterfield, the former White House assistant who had supervised the installation, described an elaborate arrangement of electronic equipment to assure that the conversations were recorded in four Nixon offices and on three telephones used by the President. Later that month, H. R. Haldeman, the former White House chief of staff, told the committee that the system used large reels of tape, recording at the slowest possible speed, so that several be retained on a single reel. A "little Sony," of the type commonly used by journalists and students, records at a single speed on cassettes with a maximul time of 120 minutes.

The Uncover-up

Asked to assess the damage done to his credibility by the disclosure that two tapes did not evist, Mr. Nixon expressed "very great disappointment, because I wanted the evidence out."

From the time the taping system was first discolsed until Oct. 23, Mr. Nixon's representatives argued in the Federal courts that it would do irreparable harm to the principle of Presidential confidentiality to require that he release the tapes and other subpoenaed material. The President refused, on similar grounds of executive privilege, to permit officials of the Secret Service—which supervised the recording system—to testify about it to the Senate Watergate committee.

Later in the meeting with the editors Saturday, Mr. Nixon asserted that he had "of course voluntarily waived privilege with regard to turning over the tapes and so forth."

Mr. Nixon did so, however, only after Judge Sirica ruled against his position and was sustained by the United States Court of Appeals for the District of Columbia Circuit. As Representative Jack Brooks, Democrat of Texas, observed then, "when two Federal courts order you to do something, they don't give you Brownie points for doing it."

The President repeated Saturday his contention that he was following, in the tapes case, a precedent established by Thomas Jefferson, referring to a Government trial of Vice President Aaron Burr, Mr. Nixon said that President Jefferson had refused to turn over to the court a pertinent letter in the White House files. He said President Jefferson instead provided a "summary of the correspondence" and that Chief Justice John Marshall of the Supreme Court had "ruled for the President."

Some historians have concluded that President Jefferson was permitted to give the court a summary of the letter. But others have contended that the letter was in fact submitted to Chief Justice Marshall in private so that the court could determine relevant portions—the same process outlined in Judge Sirica's ruling. In any event, there is no indication that, as Mr. Nixon said, "Marshall, sitting as Chief Justice, ruled for the President." Justice Marshall heard the case as a trial judge and never issued a Supreme Court ruling.

The Ellsberg Case

On Saturday, Mr. Nixon acknowledged that he had instructed Mr. Petersen to confine the Government investigation to Watergate alone and to avoid such "highly sensitive" national security matters as the 1971 burglary of the office of a California psychiatrist who had formerly treated Dr. Daniel Ellsberg. The President said he had never talked to Archibald Cox, the dismissed special Watergate prosecutor, but "would have said the same thing to Mr. Cox."

The President did not mention Saturday reports that he told two groups of Senators last week that Elliot L. Richardson, the former Attorney General who resigned Oct. 20 rather than carry out an order to fire Mr. Cox, had originated proposals for such limitations on Mr. Cox's investigation. In a May 22 letter to Senator Alan

Cranston, Democrat of California, Mr. Richardson said Mr. Cox was free to investigate "the Government's behavior with regard to the Ellsberg case, especially the events and actions leading up to the dismissal of the case."

Independent Prosecutor

As one indication of his willingness to permit the new special prosecutor, Leon Jaworski, to pursue any matters Mr. Jaworski chooses and obtain necessary White House material, Mr. Nixon noted his pledge not to dismiss Mr. Jaworski without the consent of bipartisan leaders of Congress.

Only Nine Involved

Mr. Nixon said any dismissal would require "a consensus" among the following 10 officials: the House Speaker, Senate president pro tem, Senate majority leader, House majority leader and chairman of the Senate and House Judiciary Committees, all Democrats; and the Senate and House minority leaders and ranking minority members of the Senate and House Judiciary Committees, all Republicans. He said it was apparent that this would require "a very substantial majority as far as the Democrats are concerned."

Actually, only nine individuals are involved. Senator James O. Eastland, Democrat of Mississippi, is both president pro tem of the Senate and chairman of Judiciary. He also has been among the most staunch defenders of Mr. Nixon. Thus it is possible that the President could obtain a "consensus" of the nine without too much difficulty.

Speeding Up

The President recalled Saturday that Mr. Petersen told the Senate Watergate committee in August that "the case was 90 per cent ready" when Mr. Cox assumed direction of it. Mr. Nixon said there had been "six months of delay" under Mr. Cox, however, and that "it's time that the case be brought to a conclusion."

What Mr. Nixon omitted was that Mr. Petersen had concentrated solely on the Watergate burglary and cover-up, whereas Mr. Cox was also investigating the Ellsberg case, alleged improprieties in the Government handling of antitrust action against the International Telephone and Telegraph Corporation, The increase last year of Government milk price supports, 1972 campaign financing violations, and suggestions of improprieties in Mr. Nixon's personal finances.

Moreover, the existence of the White House tapes became known after Mr. Cox assumed direction of the investigation, and White House objections to the release of the Watergate tapes delayed that case.

Assumptions

An editor of The Des Moines Register and Tribune in Iowa asked Mr. Nixon if he had dis-

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cussed "legality or illegality" when he gave Egil Krogh Jr., a former White House assistant who supervised the special investigations unit, "approval for the Dr. Ellsberg project."

Mr. Nixon never answered the question. Instead, he told the editor, Ed Hines, that the question contained an "assumption" that the President "specifically approved or ordered the entrance into Dr. Ellsberg's psychiatrist's office." The President added that he learned of the burglary only on March 17.

The President has already acknowledged giving approval for an investigation of Dr. Ellsberg, although not for the burglary. But he did not say whether he had ever discussed illegal means. Two of his senior former assistants—Mr. Haldeman and John D. Ehrlichman—contended last summer that Mr. Nixon had the authority to order such means in national security matters.

Income Taxes

At Disney World, Mr. Nixon conceded that he paid "nominal amounts" of Federal income taxes on his $200,000 salary in 1970 and 1971, but did not confirm a published account that the payments for both years totaled $1,670.

He said that President Johnson counseled him, soon after the 1968 election, to make a deduction for a gift of Mr. Nixon's Vice-Presidential papers to the National Archives. He also said that in 1969 he paid $79,000 in taxes.

Altogether, the comments raised new questions about the propriety of Mr. Nixon's deductions.

Thomas F. Field, executive director of Tax Analysts and Advocates, a research group here, said that the tax law would have limited Mr. Nixon's deduction for the gift of his papers to 50 per cent of his adjusted gross income. Thus, Mr. Field said, Mr. Nixon would still have been required to pay taxes on some $100,000 of income if the gift of the papers was his only large deduction, and the tax would have been around $45,000.

Challenged on Several Points

Mr. Nixon also said Saturday that he had not used what he called "gimmicks" to reduce his taxes and said specifically that he had not had deductions for "shall we say, a cattle ranch or interest." But an audit he released earlier this year of financial transactions in connection with his real estate holdings in California and Florida showed a number of sizable interest payments that would presumably be entirely legal deductions.

The deduction for the gift of the papers has been challenged, conversely, on several grounds, including the absence of a signed deed and other documents showing that the gift was made before the law was changed in mid-1969 to bar such deductions.

Sheldon S. Cohen, who was President Johnson's Commissioner of Internal Revenue, disputed the President's version of the meeting at which Mr. Johnson was said to have advised Mr. Nixon.

According to Mr. Cohen, following a meeting while Mr. Johnson was still President, Mr. Nixon sent two of his partners from his former New York law firm to see Mr. Cohen. They discussed the tax aspects of gifts of Presidential papers, Mr. Cohen said, but neither President Johnson nor Mr. Cohen could have said anything thing about donating Vice-Presidential papers ahead of the deadline because no one knew until several months later that the law governing such gifts would be changed.

Mr. Nixon also said Saturday that he had "disclosed my personal finances," when asked whether he thought all public officials should be required to do so. The President suggested that the questioner had been "too busy" to see the material.

Not a Full Accounting

But all that Mr. Nixon had disclosed was an abridged audit relating to his real estate transactions, not a full accounting of all his personal finances as implied in the question.

F. Donald Nixon

Mr. Nixon, asked if he had ordered the Secret Service to conduct electronic surveillance on his brother, F. Donald Nixon, a California businessman, replied that he had done so "for security reasons" and that "my brother was aware of it."

But another questioner followed up and asked if Donald Nixon knew of the telephone tap before or after it was conducted. Then the President said that 'he was aware of it during the fact, because he asked about it and he was told about it, and he approved of it.'

There was no explanation, however, for the reason why the tap was undertaken, apart from Mr. Nixon's contention that it bore on possible efforts from someone "in a foreign country" to seek "improper influence" through his brother. Moreover, the President did not say why the Secret Service conducted the wiretap, rather than the Federal Bureau of Investigation, or what legal authority the agency had for engaging in wiretapping.

Campaign Spending

Mr. Nixon said Saturday that the Democratic opponent in the 1972 Presidential campaign, Senator George McGovern of South Dakota, had "raised $36-million and some of that, like some of ours, came from corporate sources and was illegal because the law had been changed and apparently people didn't know."

There has been no evidence produced to suggest that the McGovern campaign accepted any corporate contributions, however, and the law barring them has been in effect since the nineteen-twenties.

Milk Fund

The President insisted, after no one had raised the issue in the scheduled 60-minute televised session, on asking himself about allegations that he had ordered an increase in Federal milk price supports as a quid pro quo for campaign contributions. He said that actually "Congress put a gun to our head" and insisted that the price support figure be increased, so he raised it to a figure below what the Democrats in Congress had proposed.

Successfully Negated

Mr. Nixon's explanation did not suggest why he might have been more concerned about Congressional action on that issue than in several others in which he successfully negated legislation by vetoing it or threatening to veto it. Mike Mansfield, the Senate Democratic leader, said yesterday it was curious that Mr. Nixon would yield on the milk issue when his record showed no eagerness to yield on others.

Furthermore, Mr. Nixon invoked executive privilege in September, refusing to turn over White House recordings and documents to a Federal court in connection with a lawsuit filed by Ralph Nader's Public Citizen Inc. to challenge the milk support increase. Among the subpoenaed material was the presumed recording of a meeting on March 23, 1971, of Mr. Nixon and officials of three dairy cooperatives. Two days after the meeting, the Agriculture Department reversed its position and announced the price support increase.