

By Gerald Jonas

In the miasma of statements, revisions, retractions and endlessly surprising new developments that surrounds the Presidential tapes, no issue is more pertinent than the belatedly discovered "poor quality" of many of the recordings. According to the White House, portions of the subpoenaed tapes are "inaudible" and have blank spots. These portions happen to include some of the conversations that were expected to clear up a number of vital questions, including the ultimate question of whether or not President Nixon was directly involved in the Watergate break-in and the Watergate cover-up.

To many Americans, it is highly suspicious that human or mechanical failures of one kind or another have apparently destroyed (or at least seriously undermined) the value of the tapes as evidence. Electronics experts will undoubtedly be asked for their opinions on whether the loud "booms" and "whistles" that often obscure conversations could have been caused by illegal tampering. But as anyone familiar with courtroom procedure knows, for every expert witness called by one side, the other side can produce an expert witness who holds a contrary opinion.

Does this mean that the courts and Congress must accept the word of the White House that the "poor quality" of the crucial tapes is the result of random mechanical and human errors? It does not. In fact, there is a procedure available that offers an opportunity to test the President's word on this matter—a test that both the President and his critics will surely welcome.

Mr. Nixon claims the gaps in these tapes occurred purely by chance, the result of human and mechanical er-

rors. This implies that similar gaps could, and did, occur in other tapes made during the four years that the recording machines were operating at the White House. To put the President's claim to the test, all that Judge Sirica (or Congress) has to do is subpoena seven or ten or fifteen tapes at random from the vast White House library. (The exact number of tapes necessary can be determined objectively by statisticians.) It is reasonable to assume that even if some people have been tampering with the Watergate tapes, they could not possibly have tampered with all the tapes stored at the White House.

To forestall any attempts to doctor the specific tapes chosen at random, the exact dates should be kept a secret until the subpoena is issued, and an officer of the court should be present when the tapes are taken from storage.

If the newly subpoenaed tapes—which will presumably cover the full gamut of White House functions from Boy Scout receptions to conferences with Presidential staffers—are full of loud "booms" and "whistles" and other noises that obscure conversations, then the President's characterization of the faulty recording equipment must be accepted—and his explanations about the nonexistence of the two most crucial tapes (and of other vital evidence) will gain credence. If, however, the conversations on the tapes chosen at random come through loud and clear, then the courts—and the public—should have no difficulty coming to a reasonable conclusion about what was done to the tapes originally subpoenaed by Judge Sirica, and why it was done. And the Congress should have no difficulty deciding what to do about it.

*Gerald Jonas is on the staff of The New Yorker.*