

Walter Pincus

Of Tapes and Truth

Four months ago, the White House drew an arbitrary line between what the then-Special Watergate Prosecutor Archibald Cox wanted in the way of evidentiary tapes and documents and what Mr. Nixon would give; the line was drawn at nine tapes. Now it appears that Mr. Nixon has redrawn the line, equally arbitrarily; 17 tapes is all the present prosecutor, Leon Jaworski, needs to compile his investigations, the President has, in effect, declared.

Mr. Cox chose his tapes within two days after it was learned publicly that a White House taping system existed. The nine were selected for two reasons. Mr. Cox wanted to get some legal guidelines set for obtaining evidence from the White House and in that process his aides also thought they could clear up some contradictions in the Senate Watergate testi-

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mony of former White House counsel John Wesley Dean III and White House aide H. R. Haldeman. They did not intend for the nine to come close to filling their needs or to proving the guilt or innocence of any individuals.

In this type of investigation, new pieces of evidence often raise additional questions or require the development of new leads. In the seven months since those first nine tapes were requested, the Watergate prosecution force has added a great deal of material and testimony to what was available to it last July. Mr. Jaworski had access to an additional 10 White House tapes by the end of last year. By Jan. 22, Jaworski's force had put together a list of 27 more White House taped conversations they felt were needed for a "complete and thorough investigation."

Using public records, one can understand why the prosecutors are seeking a final batch of tapes to resolve conflicts and clarify events. Two specific situations illustrate what I mean.

First, there are the three June 23, 1972 conversations between Mr. Nixon and H. R. Haldeman. At 1:30 p.m. that afternoon Haldeman met in the White House with CIA Director Richard Helms and his deputy, Lt. Gen. Vernon Walters. According to both CIA officials, Haldeman ordered Walters to tell acting FBI Director L. Patrick Gray III to stop his agents' investigation of four Mexican checks that had been cashed by one of the Watergate burglars. Walters was told by Haldeman to say that such an inquiry might compromise secret CIA operations. As later investigation proved, the Mexican checks were contributions to the President's reelection committee, not related in any way to the CIA. But Haldeman's intervention delayed for two weeks discovery of the financial tie between the Watergate break-in and the campaign committee.

Might the tapes tell us why Haldeman sent Walters to Gray in the first place? Testifying before the Ervin committee, Haldeman said the President on the morning of June 23 had given "instructions . . . to hold the meetings" with Helms and Walters. The President admitted as much in

his own statement of May 22, 1973. Haldeman could not recall, however, whether he had mentioned Mexico during the meeting, through each of the other participants remembered that he did. Nor could Haldeman remember whether Mr. Nixon had mentioned Mexico. It's a key point, for at that stage in the investigation—a week after the arrest of the burglars at the Democratic national headquarters—only a handful of individuals at the Nixon reelection committee knew about the Mexican checks. Nixon finance chairman Maurice Stans was one of them, and on the evening of June 22, according to former White House counsel Dean, Stans asked that the White House try to hold up further FBI investigation of that money. Dean,

who knew of the FBI inquiry from private talks with Acting Director Gray, supposedly reported this to Haldeman and to White House aide John Ehrlichman. Is that what precipitated the Haldeman meeting with CIA officials?

According to the President's logs, he met with Haldeman three times on June 23. The morning meeting corresponds to the time Haldeman said the President suggested Helms and Walters be summoned. The two afternoon meetings precede and follow Haldeman's session with the CIA officials. It is plausible to conclude that one if not all those conversations concerned Haldeman's directions to Gen. Walters. A review of the conversations by

Jaworski could determine whether Haldeman or the President tried to impede an FBI investigation by throwing up a national security smokescreen.

Next, we have the conversations on January 3 and 4 in 1973 between the President and John Ehrlichman and between the President and Charles Colson. On November 24, 1972, Watergate conspirator, E. Howard Hunt, then under indictment, telephoned his old friend Colson at the White House. Hunt was calling for help in getting money that had been committed but not paid to the defendants. "This is a long haul thing," Hunt said, according to a transcript of Colson's recording of the conversation "and the stakes are very very high and I thought you would want to know that this thing must not break apart for foolish reasons . . . we're protecting the guys who are really responsible . . . and of course that's a continuing requirement, but at the same time this is a two way street . . ." With the election won, Hunt said, "a few people [in the White House] ought to really be able to concentrate on this and get the goddamn thing out of the way once and for all."

On December 8, 1972, Hunt's wife Dorothy, who had been serving as covert distributor of money to the Watergate defendants, died in a Chicago airplane crash. An anguished Howard Hunt then sent a personal letter to Colson, pleading that Colson meet with his lawyer, William Bittman.

Colson did meet Bittman, on January 3 and 4, 1973, after having discussed the upcoming session with Ehrlichman and Dean. Although Hunt told the Ervin committee that executive clemency was not part of the Bittman-Colson talks, both Dean and Ehrlichman testified that it was, though their stories varied. Ehrlichman said Colson was warned not to discuss clemency and reported back that Bittman "had advanced feelers to him (Colson) which he rebuffed."

In Dean's version, Colson reported after his first meeting with Bittman that he, Colson "felt it was imperative that Hunt be given some assurances of executive clemency." Ehrlichman, according to Dean, said he would take up the matter with the President, but that Colson should not. The next day, January 4, 1973, again according to Dean, Ehrlichman gave Colson "an affirmative regarding clemency for Hunt" and Colson passed that message on to Bittman.

A separate meeting on January 4 suggests that clemency was being considered. Ehrlichman and Dean had lunch that day with then-Attorney General Richard Kleindienst. Kleindienst's recollection of what went on was given to the Ervin committee by Assistant Attorney General Henry Petersen, who testified that Dean and Ehrlichman on January 4 "raised a question (with Kleindienst) of whether or not leniency could be accorded the defendants."

Who is telling the truth about the events of June 23, 1972, or of January 3 and 4, 1973? There are sworn statements on all sides. The tapes might be able to supply some firm answers just as they would in many other key areas of conflict. Refusal to turn them over on some vague excuse that the prosecutors already have enough can only reinforce doubts about the President's desire to help Mr. Jaworski get to the bottom of Watergate.