

The Subpoenaed Tapes: An Explanation Of What Evidence They Could Provide

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WASHINGTON, May 15—The tapes of 11 of President Nixon's conversations that were subpoenaed today by the House Judiciary Committee could provide concrete evidence of the President's action on three critical days in the Watergate case.

The recordings of two of the President's conversations on April 4, 1972, could show conclusively whether Mr. Nixon knew of the intelligence-gathering scheme that led to the Watergate burglary.

The tapes of several discussions with top aides on June 20, 1972—three days after the burglary—could prove whether the aides told Mr. Nixon the full truth about what had happened and could indicate the President's initial reaction.

The tapes of conversations on June 23, 1972, could show the President's motive for initiating the early investigation of the burglary.

The transcripts of these tapes were not included in those given to the committee and made public two weeks ago.

Day-by-Day Explanation

Following is a day-by-day explanation of the importance of these subpoenaed conversations:

April 4, 1972

Jeb Stuart Magruder, deputy director of Mr. Nixon's re-election campaign, told the Senate Watergate Committee that on March 30, 1972, Attorney General John N. Mitchell, who was about to become campaign director, approved a plan devised by G. Gordon Liddy that included a break-in and electronic eavesdropping at the Democratic National Committee headquarters. It was the third time Mr. Mitchell had been presented with an intelligence plan, the first two having been rejected, according to testimony of a number of witnesses.

Mr. Mitchell testified that he had not approved this third plan, and a third person at the March 30 meeting, Frederick C. Larue, an aide to Mr. Mitchell, said that he could not be certain that Mr. Mitchell had authorized the plan but that he was sure Mr. Mitchell had not rejected it as he had the earlier ones.

After he left the meeting, Mr. Magruder testified, he called Gordon C. Strachan, an aide to H. R. Haldeman, the White House chief of staff, and told him that the project had been authorized.

Mr. Strachan told the Watergate committee that Mr. Magruder had indeed called him about approval of the project but had informed him only that a "sophisticated political intelligence-gathering system has been approved with a budget of 300 [\$300,000]."

Mr. Strachan said that he had immediately sent Mr. Haldeman a "political matters" memorandum, eight to 10 pages long, including a three-line paragraph reporting that Mr. Magruder had said that an intelligence-gathering system had been approved.

Mr. Strachan testified that immediately after the Watergate burglary, acting at Mr.

Haldeman's instructions, he shredded the memorandum.

On April 4, according to Mr. Strachan, he prepared a "talking paper" for Mr. Haldeman to use at a meeting with Mr. Mitchell. The paper included mention of the intelligence plan.

Mr. Strachan said that normally Mr. Haldeman would note afterward the items in talking papers that had not been discussed so that he could bring them up at later meetings. No such notation was made about the intelligence plan following the meeting with Mr. Mitchell.

Following their meeting, Mr. Haldeman and Mr. Mitchell met for 47 minutes with the President. Later in the evening, Mr. Haldeman and the President met briefly. It is the tapes of these two conversations that the committee subpoenaed.

Mr. Haldeman testified that he and Mr. Mitchell had discussed a range of political matters but he said that the intelligence plan had not been discussed and that his notes showed that it had not been mentioned at the meetings with the President.

Mr. Haldeman swore that he had not known in advance that a burglary of the Democratic headquarters had been contemplated, and Mr. Nixon has said that he knew nothing about the plans. According to the edited transcripts of Mr. Nixon's conversations that have been made public, Mr. Nixon told his aides that he was astonished when he first heard of the Watergate break-in.

June 20, 1972

President Nixon was in Florida over the weekend that the Watergate burglary occurred, and June 20 was his first day back in Washington.

The tapes of two of the President's June 20 conversations—those of a morning meeting with Mr. Haldeman and an evening telephone discussion with Mr. Mitchell—were subpoenaed by the former Watergate special prosecutor, Archibald Cox, last summer.

Mr. Haldeman's notes show that the Watergate burglary was discussed at the morning meeting, but an 18½-minute buzz on the tape obliterated that entire discussion. A panel of experts found that the erasure had been made manually and indicated that it had probably been done intentionally. The Judiciary Committee already has the tape with the buzz on it.

The telephone call to Mr. Mitchell was made from a phone in the living quarters of the White House and thus was not recorded, the White House has said. A Dictabelt recording made by Mr. Nixon of his recollections of the conversation has been provided to the committee and was listened to by the Judiciary Committee members yesterday.

Mr. Mitchell testified that he and the President discussed the Watergate break-in during this conversation.

Four of the subpoenaed tapes from June 20 involved an hour-long afternoon meeting between the President and Mr. Colson and the President's meeting after that with Mr. Haldeman.

The published transcripts show that Mr. Nixon, rightly

or wrongly, believed that Mr. Colson was in part responsible for ordering the Watergate break-in.

John M. Doar, the special counsel for the impeachment inquiry, told the committee members that the June 20 tapes could show the President's "knowledge or lack of knowledge, action or inaction" with respect to the early efforts to conceal the facts of the Watergate burglary.

June 23, 1972

President Nixon acknowledged last May that shortly after the Watergate break-in he instructed his two top aides, Mr. Haldeman and John D. Ehrlichman, to limit the Federal Bureau of Investigation's inquiry of the Watergate burglary. Mr. Nixon said that he had done so because he had been afraid that an unrestricted investigation might expose covert Central Intelligence Agency operations or alleged national security activities carried out by the special White House unit known as the plumbers. That unit, whose duty it was to plug leaks of information to the press, was responsible for the burglary at the office of Dr. Daniel Ellsberg's former psychiatrist.

Mr. Haldeman testified that, based on reports from John W. Dean 3d, former White House counsel, he told the President on June 23 that the C.I.A. might have had some involvement in the Watergate burglary. According to Mr. Haldeman, the President ordered him immediately to meet with C.I.A. officials, to determine the extent of the agency's interest in the Watergate case and to have the officials tell the F.B.I. to restrict the bureau's investigation. The committee has subpoenaed the tape of that conversation between the President and Mr. Haldeman.

On the afternoon of June 23, Mr. Haldeman and Mr. Ehrlichman met with Richard Helms, then Director of Central Intelligence, and Lieut. Gen. Vernon A. Walters, Mr. Helm's deputy. Mr. Helms and Mr. Walters testified that they had told the President's aides that they knew of no C.I.A. interest in the Watergate case. Nonetheless, they said, Mr. Walters had been instructed to meet with L. Patrick Gray 3d, acting director of the F.B.I., and to tell Mr. Gray to limit the investigation.

The committee subpoenaed today the tapes of the conversations the President had with Mr. Haldeman immediately before and after Mr. Haldeman and Mr. Ehrlichman met with Mr. Helms and Mr. Walters.

Mr. Gray testified that, because of his meeting with Mr. Walters, he had temporarily called off the investigation of how money found on one of the Watergate burglars had passed through a Mexican bank.

It was not until July 5, according to testimony, that Mr. Walters informed Mr. Gray that there was not, in fact, any C.I.A. interest in the case and that the F.B.I. was free to pursue its investigation.

The initial investigation of the burglary was thus delayed for nearly two weeks.