

An Explanation: Why April, '73, Period Is

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WASHINGTON, May 29 — Few periods in the alleged cover-up of the Watergate affair seem to emerge as more crucial than the second half of April, 1973.

It was this span that was studied today by the House Judiciary Committee as its members listened to the last of its Presidential tape recordings and went through the final edited transcripts of conversations in the period that were provided by the White House.

In that period, the President announced "serious new charges" and "new inquiries into this whole affair" and said that "no individual" should be given immunity from prosecution.

And, finally, on April 30, he announced the resignations of H. H. Haldeman, John D. Ehrlichman, John W. Dean 3d and Richard G. Kleindienst, clearing the way for the first special prosecutor to be appointed.

The central question seems to be whether the President's actions were those of a man desperately trying to hide criminal behavior of his associates or those of a cautious leader who was making sure that his

closest aides were clearly suspects in possible illegal activities before removing them from office.

Both the President's friends and his enemies take heart from these tapes and transcripts, for they are, as President Nixon himself has said, ambiguous. At least they appear so, in the transcripts that have thus far been made public.

What follows is an explanation of the types of questions that arise and what the committee will have to decide about them:

Justice

On Saturday, April 14, the President learned that Jeb Stuart Magruder, his former deputy campaign chairman had gone to Federal prosecutors and admitted taking part in planning the bugging of Democratic national headquarters at the Watergate complex here and of covering it up.

On Sunday afternoon, the President learned that Mr. Dean, his counsel, had gone to the prosecutors, too.

The Attorney General, Richard G. Kleindienst, told him of Mr. Dean's negotiations and the President was deeply concerned about his chief of staff, Mr. Haldeman, and his

top domestic affairs adviser, Mr. Ehrlichman.

The transcripts contain the following exchange: that maybe I know something — which I don't.

Mr. Dean, who only a few days before was still a trusted aide, began to emerge as possible trouble for Mr. Nixon.

Henry E. Petersen, the Assistant Attorney General in charge of the Criminal Division, met with the President and warned him that Mr. Dean would defend himself by seeking to implicate "Ehrlichman, Haldeman, Nixon and this Administration."

Mr. Nixon pressed to keep from granting immunity to Mr. Dean, saying, "The immunity thin gscars me to death." In his brief address of April 17, the President publicly declared:

"I have expressed to the appropriate authorities my view that no individual holding, in the past or at present, a position of major importance in the Administration should be given immunity from prosecution."

Was the President only aiming at even-handed justice? Why let one man go free with a grant of immunity from prosecution while he testifies against others and sends them to jail?

Or was he afraid that the cap would come off the bottle if Mr. Dean told what he knew?

Mr. Nixon: The only thing Haldeman Ehrlichman, Dick, is that — don't — just wonder about — about — moving on them before.

Mr. Kleindienst: The evidence (unintelligible).

Mr. Nixon: See what I mean?

Mr. Kleindienst: Sure, I understand.

Mr. Nixon: That indicates in the transcripts, Mr. Haldeman, Mr. Ehrlichman and the President all agreed that Mr. Dean should not be granted immunity from prosecution. And the President stated that any grant of immunity to Mr. Dean might appear to be a cover-up.

"... If you go the immunity route I think we are going to catch holy hell for it," Mr. Nixon told Mr. Petersen.

Obstruction

Four conversations were held with Mr. Petersen, one each on April 17 and 18 and two on April 27. Some of their conversations are almost totally lost through portions said to be "unintelligible" or "inaudible."

It appeared that Mr. Dean was dragging the Presidency itself into the Watergate affair.

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Crucial to House Inquiry

"We've really got to head them off at the pass," Mr. Nixon said.

The reason, he told Mr. Petersen, is "because it's so damned—so damned dangerous to the Presidency in a sense..."

Mr. Petersen told Mr. Nixon that lawyers for Mr. Dean had talked of bringing in such matters as the burglary of the office of Dr. Daniel Ellsberg's former psychiatrist, but that he had firmly waved them off.

He said he had told them: "We have to draw the line. We have no mandate to investigate the President."

When the President pushed Mr. Petersen on the matter of denying Mr. Dean immunity, the Assistant Attorney General said that he alone would have to decide the issue. He also urged the resignations of Mr. Haldeman and Mr. Ehrlichman.

Was this curious relationship between the President and the man in charge of pursuing the criminal case against those who might be covering up Watergate a simple matter of a deputy reporting to his chief?

Was it a proper relationship or an attempt to obstruct justice?

This question, which pervades the entire cover-up investigation, seems to come into special focus in the last 15 days of April, 1973.

In the end, the question that remains central to the whole cover-up investigation is one of the central issues of impeachment:

Did the President, as the Constitution requires him to do, "take care that the laws be faithfully executed?"