

NYTimes An Explanation: Why House Unit Issued Subpoena For Tapes of 45 More Watergate Conversations

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WASHINGTON, May 31 — Given President Nixon's apparently firm resolve to release no more Watergate evidence, why did the House Judiciary Committee make the extra effort yesterday to issue a subpoena for the tapes of 45 more Watergate conversations?

The answer is twofold. First, the committee was laying the foundation for a possible article of impeachment against Mr. Nixon for refusing to provide material sought in a formal subpoena.

Second, despite Mr. Nixon's contention that the committee already has all the evidence it needs to determine the truth about Watergate, the committee's members and staff are convinced that the additional tapes are necessary to fill missing links in the chain of evidence.

Having heard 19 tapes recordings and gone over the more than 1,200 pages of edited transcripts made public by the White House a month ago, most members of the committee think that the evidence of the President's participation or lack of involvement in the Watergate cover-up is inconclusive.

Representative Walter Flowers of Alabama, perhaps the most

conservative Democrat on the committee, said yesterday that the additional material was being subpoenaed "only to give the President an opportunity to come forward with material that sheds light on the truth."

The committee's staff believes that the words of the President and his aides on the newly subpoenaed tapes could provide corroborative evidence on such issues as whether the President ever offered clemency to E. Howard Hunt Jr. or authorized payments to him in return for his silence.

What follows is an explanation of why a few of these conversations might be critical.

Clemency

The edited transcripts see to show that Mr. Nixon rejected the idea of granting Mr. Hunt executive clemency after he had been convicted in the Watergate conspiracy case, because the President did not believe that clemency was politically viable.

However, public testimony and the transcripts themselves, give rise to the belief that there were other presidential discussions of clemency that were not included in the transcripts.

On Dec. 8, 1972, Mr. Hunt's

wife was killed in an airplane crash. Afterward, according to testimony before the Senate Watergate committee, Mr. Hunt communicated with Charles W. Colson, then a White House special counsel, about the prospects of clemency.

John W. Dean 3d, former White House counsel, told the Watergate committee that Mr. Colson said at a meeting with top Presidential aides on Jan. 3, 1973, that Mr. Hunt should be given some assurance of clemency. Mr. Dean, and later John D. Ehrlichman, testified that Mr. Ehrlichman told Mr. Colson not to discuss the matter with the President.

Despite this warning, according to Mr. Dean, Mr. Colson said two days later, on Jan. 5, that he had just brought up the matter of clemency with Mr. Nixon.

Conversation Recalled

In conversations included in the edited transcripts, the President apparently recalled this discussion with Mr. Colson. In his conversation March 21, 1973, with Mr. Dean, Mr. Nixon mentioned "a discussion with somebody about Hunt's problem on account of his wife, and I said of course commutation could be considered on the basis of his wife's death."

Later, talking with Mr. Ehrlichman on April 14, 1973, the President remembered that the conversation was with Mr. Colson. Mr. Nixon said it "was about 5:30 or 6 o'clock that Colson only dropped it in sort of parenthetically, said I had a little problem today, talking about Hunt, and said I sought to reassure him, you know, and so forth. A I said, well. Told me about Hunt's wife. I said it was a terrible thing, and I said obviously we will do just, we will take that into consideration."

Two of the taped conversations sought by the Judiciary committee in its latest subpoena are an hour-long meeting between the President and Mr. Colson on the afternoon of Jan. 5, 1973, and a 20-minute telephone conversation between the two men that even-

ing. The tapes might show the President's initial reaction to the idea of clemency.

The edited transcripts show that the President clearly did not reject suggestions THAT Mr. Hunt be paid hush money, but some Judiciary Committee members question whether the President authorized the payment.

The committee is also seeking telephone conversations between the President and Mr. Colson on March 16 and March 19. Mr. Hunt testified that he met with Mr. Colson's law partner, David I. Shapiro, on March 16 and told him that he needed money.

According to a committee memorandum, "material in the possession of the committee indicates that Shapiro reported to Colson on his conversation with Hunt."

The question, of course, is whether Mr. Colson then mentioned the matter to the President.

Then, on the evening of March 21, at the time that final arrangements were being made for the delivery of \$75,000 to Mr. Hunt's lawyer later that evening, the President called Mr. Colson, and they talked for more than half an hour.

Did the President say, perhaps, that the money was being given to Mr. Hunt? Did he say that he had rejected the hush-money plan? Or did the two men not even discuss the matter? The tape of that conversation, subpoenaed by the committee, would provide the answer.

The next morning, on March 22, the President met with H. R. Haldeman, his chief of staff. It was their first meeting following the payment to Mr. Hunt, and it occurred just before Mr. Haldeman was to attend a meeting with John N. Mitchell, the former campaign director, who allegedly had given final approval for the payment.

The subcommittee had subpoenaed the tape of that Nixon-Haldeman meeting, believing that it might show if the President was implicated in the payment of hush money.