

Views Mixed on New Tape

Nixon Role Unclear

By Richard L. Lyons
and William Claiborne

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House Judiciary Committee members listened to yet another tape yesterday and came away with mixed and uncertain views on whether it showed, as earlier suggested, that President Nixon knew of the Watergate cover-up at least four days earlier than he stated.

This was a recorded White House conversation of June 4, 1973, when the President had listened to several of his earlier conversations with White House counsel John W. Dean III and described their contents to his press secretary, Ronald Ziegler, and other aides.

A month ago the committee chairman, Peter W. Rodino Jr. (D-N.J.), stated he had been told by his staff that one of those earlier discussions Mr. Nixon described "apparently" occurred on March 17, 1973, and that the President's "description of that meeting includes a discussion of the Watergate matter and the possible involvement of White House personnel and others."

The President had given the commit-

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Clawson Hits Leaks

By Jules Witcover

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A White House spokesman charged yesterday that staff memoranda from the House Judiciary Committee leaked to the press "were written for the purpose of slandering President Nixon."

Ken W. Clawson, director of communications for the White House, said the memos and their release "raise the serious question" whether or not this leaking has been a contrived tactic of the dirty tricks division of the Judiciary Committee.

The publication Tuesday by The Washington Post of the contents of the eighth of 14 staff memos written by William P. Dixon of the Judiciary Committee staff "shows clearly that the Judiciary Committee in general and Mr. Rodino in particular intend to do nothing about this trial by innuendo," Clawson said.

Rep. Peter W. Rodino Jr. (D-N.J.) is chairman of the Judiciary Committee.

The memo, said Mr. Nixon in an April 16, 1973, tape recorded White House conversation said he was "planning to assume some culpability" in the paying of

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flush money to Watergate co-conspirator E. Howard Hunt Jr. because he knew of the proposed transaction.

Some of the leaked memos provide previously undisclosed excerpts from tapes of White House conversations in the committee's hands, often differing from the language included in the published transcripts prepared by the White House. Others draw attention to a series of quotations from the public transcripts and theorize that such quotations taken together augment the case that Mr. Nixon knew of or participated in the Watergate cover-up.

Clawson charged that the leaked memos "are peddled out of the back doors of the Judiciary Committee with the alacrity of a carnival barker at the county fair. The distorted and false information is an abuse of the American press," he said.

The President's communications director singled out Rep. Jerome R. Waldie (D-Calif.) as the committee member, according to "newspaper and magazine reports," who requested the Dixon memos — though at least one of them is known to have been addressed to Rep. Robert W. Kastenmeier (D-Wis.), another committee member.

Clawson also noted that Dixon was "a McGovern campaign worker in 1972" — a reference to his service as a coordinator for the presidential campaign of Sen. George McGovern (D-S.D.) in Wisconsin and other states.

The Wisconsin McGovern Committee, with Dixon listed as an officer, was criticized in a General Accounting Office report in 1973 as violating the Federal Election Campaign Act for not itemizing or properly itemizing receipts and spending.

Dixon is not a member of

the Judiciary Committee's impeachment inquiry staff, but of the staff of the full committee, working on a subcommittee chaired by Kastenmeier, who brought him to Washington from his post as counsel to Wisconsin Gov. Patrick J. Lucey in late 1973.

Under procedures followed by the impeachment inquiry, members of both the majority and minority have been permitted to have aides from the full Judiciary Committee staff sit in on the impeachment hearings and undertake special projects for one or more members.

Dixon's memos, according to committee sources, were written at the request of one or more committee members and released to all those Democrats on the committee who asked for them. Some of the memos went to as many as 10 congressmen, a committee source said yesterday.

No one has accused Dixon of leaking the memos. But the aide acknowledged that both Rodino and John Doar, chief counsel of the committee's impeachment inquiry, were disturbed about the memos' release because they felt it undermined their efforts to

make the inquiry as objective, fair and nonpartisan as possible.

Rodino has ordered that no more such memos be written.

Clawson used the latest leak as an occasion to repeat the White House demand that the inquiry's hearings be opened to the public and that witnesses be called.

"It is time to stop the leaks," he said. "It is time to open these closed-door proceedings to the sunshine of truth."

Meanwhile, in two more of the Dixon memos obtained by

The Washington Post, more arguments are put forward to make the case against Mr. Nixon.

One dated June 4 quotes the President in the public transcripts as telling Assistant Attorney General Henry E. Petersen on the night of April 16, 1973, that "anything you tell me [about grand jury proceedings] . . . will not be passed on." The memo then lists specific occasions in later conversations with Petersen and with then-White House aides H. R. (Bob) Haldeman and John D. Ehrlichman when

Mr. Nixon, again according to the public transcripts, did in fact pass on to them information Petersen had just provided to him out of the grand jury.

In the other, dated June 10, Dixon draws attention to "four presidential conversations [previously disclosed in the public transcripts] which may be interpreted, depending on the inflection in the President's voice, to support the theory that he encouraged key participants in the cover-up to conspire to present a unified stand with one story to the prosecutors."

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tee an edited transcript of the March 17 tape, but it was very brief and contained no reference to Watergate. The committee asked the White House to turn over any other portions of the tape that relate to Watergate but have received no reply from the President's lawyer, James D. St. Clair.

Mr. Nixon has insisted that he first learned of the Watergate cover-up on March 21 when Dean told him of attempts by Watergate defendant E. Howard Hunt Jr. to blackmail the White House because of involvement by officials there.

On June 4, the Senate Watergate hearings were under way, Dean was about to testify, and Mr. Nixon apparently wanted to refresh his recollection on what Dean might have to say and what problems the White House might confront. Dean, then known as a "traitor" at the White House, had already begun telling his story and it was a long, detailed one, damaging to many high administration officials.

Yesterday, after hearing the June 4 tape, members were asked if they were satisfied from listening to it that Mr. Nixon knew of the Watergate cover-up on March 17, instead of on the 21st.

Rep. Robert McClory (R-Ill.) said he had found the tape very difficult to understand.

Rep. Don Edwards (D-Calif.) said his impression was "sort of . . . yes . . . but not open and shut" that the President knew at the earlier date. "It shows how busy they were listening to tapes before it was known that they had them. They talked about how to meet problems." It wasn't until July 16 that Alexander Butterfield, a Nixon aide, told the Senate Watergate committee and the nation that the Oval Office had been bugged.

Rep. Walter Flowers (D-Ala.) said: "There was discussion of Watergate but it

was vague. There was not a definite admission that he knew by March 17."

Rep. Ray Thornton (D-Ark.) said he had not yet reached a conclusion, suggesting that there were ambiguities.

Rep. John Seiberling (D-Ohio) said he agreed with Rodino's previous statement and called it a "reasonable inference that the President knew of the cover-up before March 21."

Rep. Edward Mezvinski (D-Iowa) said, "There is doubt in my mind that March 21 was the first day the President knew of the cover-up."

After listening to the June 4 tape, Rep. Charles E. Wiggins (R-Calif.) said he still had not heard any evidence that warranted impeaching the President, although he said, "You can say the President should have been more alert."

Wiggins was critical of the way the committee staff has been presenting evidence in the hearings.

"The fact is the members are at the mercy of the staff in regard to what they see and hear. I'm not indicting the staff . . . but one has to at least be cautious in accepting everything the staff tells you as being the full and complete story."

Rep. Henry P. Smith III (R-N.Y.) said he believed he detected "apprehension," by the President in the June 4 conversation but that he was unclear about the significance of the discussion.

Asked whether he thought impeachment will depend solely on evidence relating to the Watergate cover-up, Smith said, "I would think that's a pretty fair statement, without something additional that we haven't seen yet."

And so the committee began a sixth and final week of examining in closed sessions staff evidence on whether the President should be impeached because of his involvement in Watergate or other matters. Yesterday and today the

committee completes its initial consideration of evidence on the Watergate Special Prosecutor Archibald Cox's efforts to obtain White House tapes, his firing for pressing too hard, the discovery that two tapes were missing and that one contained an 18½-minute gap, which experts said required at least five manual erasures to create.

Efforts by newsmen to learn yesterday what the June 4 tape said illustrate the difficulties of trying to cover the impeachment inquiry of a President of the United States that has been moving forward for six months entirely in secret.

Reporters have to rely on the members' ability to hear, remember and assimilate and the preconceived notions of partisan politicians to get the daily story. Many members won't reveal any of the evidence because they adopted a committee rule not to. Some are leaking selectively, and for all a reporter knows, members may be giving a distorted picture of the evidence.

The 39 committee members are locked up in their committee room morning and afternoon three days a week listening to and reading evidence collected by the staff on Watergate, diary contributions, surveillance of government officials, break-ins by the White House "plurabers" and other allegations against the President.

Reporters have at them when they break for lunch, for roll calls, for the day. As members leave the room, waves of reporters form and roll down the corridors beside, in front of and behind them trying to get some bit of substance and usually failing.

The only way a reporter can try to do a responsible job is to talk to as many members of differing views as possible in hopes of getting a balanced account. It usually comes out that members differed on the import of what they heard.