

Nixon and House Versions Of the Tapes Differ Widely

Discrepancies Found Far More Extensive Than Aides Suggested — Presidential Role Before March 21, 1973, Hinted

The following article was written by James M. Naughton and is based on reporting by him and by Diane Henry.

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WASHINGTON, June 20—House Judiciary Committee transcripts of some of President Nixon's Watergate tape recordings differ extensively, and in many cases significantly, from the edited transcripts made public by the White House.

A comparison of portions of the two sets of transcripts, made possible for the first time today by the disclosure of a series of confidential Judiciary

Excerpts from two versions of transcripts, Page 16.

Committee staff memorandums, shows that the discrepancies are more numerous and persistent than has been suggested by officials of the impeachment inquiry.

Words, phrases and sometimes whole sections of conversation contained in the Judiciary Committee transcripts are missing from or at variance with the expurgated White House narrative.

Committee lawyers have offered an explanation for the differences, saying that the inquiry staff has audio equip-

ment superior to that used by the White House and has therefore been able to decipher comments that may be inaudible to White House transcribers.

Among the most significant variances or omissions from the President's expurgated transcripts were the following:

¶Several brief remarks by the President in a crucial March 21, 1973, meeting with John W. Dean 3d suggested that Mr. Nixon was familiar with a number of elements of the Watergate scandal before the meeting. The remarks are not found in the edited White House transcript, and Mr. Nixon has contended that he did not know of the matters involved in the alleged Watergate cover-up before Mr. Dean, then the White House legal counsel, briefed him on March 21.

¶Mr. Nixon expressed assurance, in a conversation with Mr. Dean on Feb. 28, 1973, that John N. Mitchell, the former Attorney General and director of the President's 1972

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re-election committee, was "too clever" to let himself be "ruined" by Watergate. The President's narrative does not include the reference to Mr. Mitchell's cleverness.

¶Comments at the March 21 meeting implied that the President wanted Mr. Dean to arrange the payment of alleged hush money to E. Howard Hunt Jr., a convicted Watergate conspirator. Mr. Nixon, according to the committee transcripts, said that "we should, we should" buy time by meeting Mr. Hunt's money demands and later said, "for Christ's sakes, get it." The version issued by the White House has Mr. Nixon saying "we could" buy time, and the expletive is deleted.

¶The President directed Mr. Dean on March 21 to write a Watergate "report" so that it might be used to defend the White House rather than, as Mr. Nixon has said, to lay bare the facts of the scandal. "Understand, I don't want it that goddamned specific," Mr. Nixon was quoted. The quotation is missing from the White House transcripts.

¶Mr. Nixon instructed senior White House aides to try to avoid the risk of perjury if called before a grand jury by professing faulty memories. Instead of a discussion of that tactic as a possibility, as portrayed in the White House version of the transcripts, the

committee transcript quotes Mr. Nixon as having said: "Just be damned sure you say 'I don't remember; I can't recall; I can't give any honest answer to that that I can recall.'" In the White House account, the quote begins, "But you can say I can't recall," suggesting a rhetorical rather than imperative sense to the conversation.

Released by Nixon Backer

The extracts from the committee transcripts, drawn from the 19 tape recordings Mr. Nixon has surrendered to the panel, were contained in several of the 14 confidential memos written by William P. Dixon, a Democratic lawyer on the permanent staff of the Judiciary Committee.

At the White House, where various officials have complained this week that leaks from Democrats on the committee were designed to prejudice the President's defense against impeachment, Gerald L. Warren, the deputy press secretary, said today that "one-sided materials" were being disseminated selectively and "out of context."

Some of the contents of the memos have seeped into public print over the last week. But none of the Democratic sources had disclosed so many of the documents, nor had it been apparent from selected portions of them how extensively the committee transcripts differed from those prepared by the White House.

The House committee staff received some White House tapes in its inquiry and prepared a transcript of those tapes for the committee members. Several of Mr. Dixon's memos compare the committee staff's transcripts with transcripts of the same tapes released by the White House.

The memos were written in response to requests from some Democrats on the committee for private guidance in analyzing the voluminous evidence presented at the impeachment hearings.

Assessments of Evidence

The memos suggest approaches that committee members could take to show that evidence would support the incrimination of the President in impeachable crimes. Mr. Dixon noted in several of the documents, however, that the evidence "may be interpreted differently by others."

Mr. Dixon's proposed assessments of the evidence included the suggestions that Mr. Nixon began taking Mr. Dean into his confidence early last year to "shield" the White House lawyer from testifying about his role in the cover-up, that Mr. Nixon joined in development of a second cover-up plan when the first one went awry and that the White House found jobs for Jeb Stuart Magruder in 1973 to encourage the former re-election campaign official not to disclose his knowledge of the cover-up.

In one memo, contending that the White House sought to head off the early Watergate investigation by seeking to involve the Central Intelligence Agency in a cover-up, Mr. Dixon stated that a "direct role" by Mr. Nixon "cannot be directly proven at this time."

But the memo, undated but evidently written in early May, said that the committee's two senior inquiry lawyers — John M. Doar and Albert E. Jenner Jr.—had "advanced" legal theories on which Mr. Nixon might be found impeachable for the early attempts to obstruct the Watergate investigation.

'Adverse Inference' Cited

One theory was that Mr. Nixon's refusal to honor subpoenas for Watergate tapes could lead to the "adverse inference" that the President was withholding incriminating evidence.

A second theory was that Mr. Nixon might be subject to impeachment based on the

a President's power to remove subordinates would make him accountable if he "neglects to superintend their conduct, so as to check their excesses."

The memo was the first indication that Mr. Doar and Mr. Jenner had privately embraced the Madison formula.

A MAY 1/8 Dixon memo suggested that Democrats could justify opposition to Republican plans to call Mr. Dean as a witness at impeachment hearings on the ground that Mr. Dean's testimony was not needed to clarify the President's attitude toward the payment of money to Mr. Hunt on March 21 of last year.

The memo recited a passage from the published White House transcript of an April 14, 1973, conversation in which the President appeared to recall having given Mr. Dean tacit approval to raise the money. The White House transcript quoted Mr. Nixon as having said, in part, of the March 21 hush money conversation:

"I said I mean, I frankly felt he might try to get it but I didn't know where."

Earlier Knowledge Hinted

The most significant memo may have been the one Mr. Nixon wrote on May 24 citing segments of the committee transcript of the March 21 Nixon-Dean meeting to "support assertions," as Mr. Dixon stated it, "of Presidential knowledge of Watergate cover-up activities prior to March 21."

Mr. Nixon's contention that he was unaware of the cover-up before that date is at the heart of his defense against impeachment.

According to Mr. Dixon's May 24 memo, committee transcripts — in several instances more complete than the White House versions — bolstered the inference that by March 21 the President already knew of significant elements of the scandal.

One of these elements was the planting of a secretary in the headquarters of Senator Edmund S. Muskie, Democrat of Maine, to spy on Mr. Juskie's 1972 campaign for his party's Presidential nomination.

The Dixon memo said that in the committed transcript Mr. Dean faltered in telling the President that the Muskie campaign had been "infiltrated by a, a, they had—." The President interjected, "a secretary," and Mr. Dean added, "a secretary and a chauffeur."

In the White House transcript, Mr. Dean could not be discerned as having faltered and he supposedly said, "They had infiltrated it by a secretary," to which Mr. Nixon asked, "by a secretary?" and Mr. Dean then said, "by a secretary and a chauffeur."

Another element cited by Mr. Dixon was the dispatching by Charles W. Colson, then a White House special counsel, of Mr. Hunt in 1972 to persuade Dita D. Beard, lobbyist for the International Telephone and Telegraph Company who was then in a Denver hospital, to deny authorship of a corporate memo linking settlement of a Gov-

ernment antitrust action against I.T.T. with a pledge by the conglomerate to help underwrite the cost of the 1972 Republican National Convention.

In the committee transcript, widely different from the White House dialogue, the following discussion of Mr. Colson is transcribed:

NIXON: Oh I'll bet you. I know why. That was at the time of I.T.T. He was trying to get something going there because I.T.T., they were bugging us. I mean they were—

DEAN: Uh.

NIXON:—Giving us hell.

DEAN: Well, I know, I know he used, uh—

NIXON: Hunt to go out there?

DEAN: Hunt.

NIXON: I knew about that.

DEAN: Yeah.

NIXON: I did know about it. Uh, I knew that there. There was something going on there.

DEAN: Right.

NIXON: But I didn't know, it was a hunch.

By contrast, the White House transcript purports far more limited knowledge on Mr. Nixon's part, as follows:

NIXON: All I know about is the time of I.T.T., he was trying to get something going there because I.T.T. was giving us a bad time.

* DEAN: I know he used Hunt.

NIXON: I knew about that. I didn't know about it. But I knew there was something going on. But I didn't know it was Hunt.

A third element cited is that Mr. Nixon knew of a Federal grand jury investigation in New York into alleged efforts by Mr. Mitchell and former Commerce Secretary Maurice H. Stans to obstruct a Securities and Exchange Commission investigation of Robert L. Vesco, the financier Mr. Mitchell and Mr. Stans were found not guilty of the charges by a jury earlier this year, but the issue in March, 1973, was the President's familiarity with the investigation.

The March 21 committee transcript contains this exchange:

DEAN: The other vulnerabilities: We've got a, uh, runaway grand jury up in the Southern District [of New York].

NIXON: Yeah, I heard.

DEAN: They're after Mitchell and Stans on some sort of bribe or influence peddling.

NIXON: On Vesco.

DEAN: With Vesco.

The White House account of the same conversation contains no remarks by Mr. Nixon and merely quotes Mr. Dean as saying:

"We have a runaway grand jury up in the Southern District. They are after Mitchell and Stans on some sort of bribe or influence peddling with Vesco."

The Nixon memo cited 11 comparable discrepancies in the March 21 transcripts.

Another potentially important memo, dated May 28, recites Judiciary Committee versions of 10 exchanges between

Mr. Nixon and Mr. Dean on March 21 about money demands of Mr. Hunt. One exchange is as follows:

DEAN: I talked to Mitchell about that last night. . . .

NIXON: Mitchell.

DEAN: And, and, uh, I told. . . .

NIXON: Might as well. May have the rule you've got to keep the cap on the bottle that much. . . .

DEAN: That's right, that's right.

NIXON: In order to have any options.

DEAN: That's right.

NIXON: Either that or let all blow right now.

The same exchange is recorded as follows in the White House transcripts: