

The House Judiciary Committee's versions of the White House tapes add up to a devastating indictment of President Nixon. They make it unmistakably clear why the Watergate grand jury initially wanted to indict him along with his close associates for conspiracy to obstruct justice and finally insisted at least on naming him as a co-conspirator.

A single quotation omitted from the White House version would justify the grand jury's action even if there were no other evidence incriminating him—and there is, in fact, a good deal more evidence. In a conversation with former Attorney General John N. Mitchell on March 22, 1973, the President said: "I want you all to stonewall it, let them plead the Fifth Amendment, cover-up or anything else, if it'll save it—save the plan. That's the whole point."

And what was the plan? It was to contain the scandal within the walls of the White House and let the prosecutors, the Senate Watergate committee, and the public know as little as possible. The alternative was to tell the truth or, in the jargon of Mr. Nixon and his associates, to "go the hang-out road." But the President had already explicitly rejected that course in a conversation with John W. Dean, his counsel, on March 13, 1973.

"Uh, is it too late to, to, frankly, go the hang-out road?" Mr. Nixon asked. "Yes, it is," he continued, answering his own question.

Mr. Dean agreed in that conversation that it was too late to tell the truth although he was later to change his mind. Mr. Nixon then reiterated "the hang-out road's going to have to be rejected."

Candor was rejected because so much perjury had already been committed, so many false statements had already been made to investigators, and so many individuals were interconnected in so many different illegal acts that there was no way to tell the truth about any of it without pulling down the whole ramshackle structure.

\* \* \*

The transcripts made by the committee are superior to those prepared by the White House partly because the committee used higher quality equipment to bring out the sounds on the tapes. Why, it could be asked, did the White House in this instance use anything less than the best equipment available?

Superior equipment, however, would only reduce the number of times in which voices are inaudible or indistinguishable. But many of the differences in these two sets of transcripts are not of that character. On the contrary, they suggest that someone at the White House deliberately edited the transcripts to make them less damaging to Mr. Nixon and thereby intentionally mislead anyone reading them.

A striking example occurs in the conversation of March 22 in which the White House version has Mr. Nixon saying that flexibility was necessary "in order to get off the cover-up line." The committee transcript has the President saying flexibility was necessary "in order to get on with the cover-up plan."

Is it really plausible that "get on" could be misread as "get off" or that "plan" sounds like "line?"

Presidential remarks that were omitted in the White House version or that have been quoted more fully in the committee version suggest that Mr. Nixon knew that offers of clemency had been discussed between his aides and the Watergate burglars while their trial was underway and that large sums of money had been provided the burglars after their arrest.

The members of the House Judiciary Committee must act upon this presumptive evidence in making their recommendations to the House. These transcripts establish a prima facie case that Mr. Nixon should stand trial before the Senate.

The Constitution states that a President "shall take care that the laws be faithfully executed." Mr. Nixon has evidently violated that Constitutional command, and shown himself willing to obstruct justice and subvert the law.