

# TAPES MAY AFFECT NIXON AIDES' TRIAL

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## Lawyers Cite Their Content and the Way in Which It Was Presented

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WASHINGTON, Aug. 6— President Nixon's admissions yesterday seemed certain to affect not just his own likely trial in the Senate but also the criminal trial of the six former White House and campaign committee aides indicted in the Watergate conspiracy.

They will have an effect, lawyers suggested today, partly because of the content of the three transcripts Mr. Nixon released yesterday, as well as the President's two-page statement, and partly because of the way the content was delivered.

The transcripts were among those subpoenaed by the special Watergate prosecution and would have come out eventually at the trial. But Mr. Nixon, by releasing them as he did, gave them a new dimension — he presented them to the public in a single package that was immediately and widely dubbed "the smoking gun" that finally proved Mr. Nixon's involvement in the Watergate affair.

### Publicity Before Trial

And, more to the point, he gave the transcripts immense publicity — before the trial at which the transcripts are to be evidence.

So, while it was clear that the President's action yesterday would inevitably have some effect on the Watergate cover-up trial, it was not clear what final form that effect would take.

On the one hand, the transcripts contained damaging statements that could be used as evidence against some and perhaps all the defendants; on the other hand, the publicity caused by the transcript's release provided defense counsel with a ground for arguing that pre-trial publicity had made it impossible to impanel a fair jury.

The transcripts released by Mr. Nixon recorded three conversations on June 23, 1972, just six days after the Watergate break-in, between the President and H. R. Haldeman, then his chief of staff. They show that Mr. Nixon and Mr. Haldeman agreed that there were political reasons why the White House connections of the burglars of the Democratic national offices in the Watergate complex must be kept secret.

### Effect on Haldeman

Mr. Haldeman is one of the six defendants in the conspiracy case. Obviously, the tape recording containing these conversations is strong evidence against him. Evidence can always be rebutted, of course; one Washington criminal lawyer, though, said after seeing the transcript, "Haldeman's down the tube."

The transcripts also include remarks by Mr. Nixon and Mr. Haldeman about the role that John N. Mitchell, then the campaign director, played in the Watergate affair. Mr. Mitchell is another of the defendants in the conspiracy case.

The fact that both Mr. Nixon and Mr. Haldeman knew that their conversation was being recorded may affect the impact of this conversation as evidence against Mr. Mitchell. One lawyer suggested today that the conversation might even be withheld from the jury on this ground.

Others, though, suggested that it would be presented to the jury anyway. The fact that the two speakers knew about the White House taping system, one of these lawyers said, would "go to the weight of the evidence, not to the admis-

### Decision Up to Jurors

It would be up to the jurors, in other words, to decide whether or not the President and his aide were tailoring their words for the tapes.

The Nixon transcripts do not contain similarly incriminating, and direct, statements about John D. Ehrlichman, Gordon C. the four other defendants — Strachan, Kenneth W. Parkinson and Robert C. Mardian. Several lawyers suggested today that for these four at least, the evidence in the transcripts was irrelevant.

Other lawyers disagreed. "It's pretty bad for all of them," one said. "It creates the motive," he said, for the conspiracy with which all are charged.

Neither the prosecutors nor the defense lawyers in the case were willing to comment today on the possible implications for their trial. Some local lawyers, though, and other observers as well, suggested that one or more of the defendants might be prompted to begin plea bargaining, now that they could see the weight of the evidence against them.

Others discounted such a possibility, at least for the time being. For one thing, they said, the defendant most damaged by the new evidence is Mr. Haldeman; Mr. Haldeman has seemed among the most adamant of the former Nixon aides in his fight against prosecution. For another, there has been strong evidence against the defendants for months, especially since Mr. Nixon's first release of transcripts last April.