

An Explanation: How New Tapes Hurt Nixon

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WASHINGTON, Nov. 18—The four new tapes that were played today for the jury at the Watergate cover-up trial tend to discredit principal elements of President Nixon's defense last summer against impeachment.

The tapes are of the following conversations in 1973: A Jan. 6 meeting between Mr. Nixon and Charles W. Colson; a March 20 meeting between Mr. Nixon and H. R. Haldeman; a March 21 telephone call between Mr. Nixon and Mr. Colson, and a March 22 meeting between Mr. Nixon and Mr. Haldeman.

The tapes show that Mr. Nixon knew the dimensions of the Watergate cover-up—even to the extent of having agreed to clemency for E. Howard Hunt Jr.—before the President's March 21, 1973, meeting with John W. Dean 3d, at which Mr. Nixon has contended he first learned of the cover-up.

Furthermore, they show that, rather than having been deceived by Mr. Dean, as Mr. Nixon contended in his impeachment defense, he was aware of and approved of Mr. Dean's efforts to keep the facts of the case from the authorities.

The tapes also indicate that Mr. Nixon's repeated claims of executive privilege, which he asserted all the way to the Supreme Court, were made not solely to preserve the integrity of the Presidency but were a part of the cover-up.

Other passages on the new tapes provide the first clear evidence that Jeb Stuart Magruder was given a Government job as a reward for his having committed perjury and give further insight into the role played by Charles W. Colson in early 1973.

What follows is an explanation of the significance of the four new tapes:

Clemency

The tape of Mr. Nixon's conversation with Mr. Colson, a former White House special counsel, on Jan. 8, 1973, shows that Mr. Nixon agreed to devise a public relations scheme to

justify granting clemency to Mr. Hunt.

Mr. Hunt, at the time of the conversation, had decided to plead guilty in the original Watergate burglary case and had tried to get in touch with Mr. Colson, his sponsor at the White House, to make sure that "commitments" would be kept.

In their Jan. 8 conversation, Mr. Nixon brought up the "question of clemency" and declared: "Hunt is a simple case. I mean, uh, after all, the man's wife is dead, was killed; he's got one child that has..."

"Brain damage from an automobile accident," Mr. Colson interjected. "That's right," Mr. Nixon said and then spoke of the need to "build up" Mr. Hunt to justify clemency for him.

After Mr. Colson made an unintelligible remark, Mr. Nixon stated, "that's what we'll do."

Mr. Nixon concluded, however, that he "would have difficulty" approving clemency for "some of the others."

By March 22, 1973, the cover up had begun to fall apart, and, in a conversation with H. R. Haldeman, then White House chief of staff, Mr. Nixon said that it was important to "find out from Colson what he did promise" Mr. Hunt about clemency.

Throughout his defense of Mr. Nixon, James D. St. Clair, Mr. Nixon's impeachment attorney, contended that the President had never approved clemency. Mr. St. Clair did not have access to the tapes that were disclosed today.

Nixon's Knowledge

Mr. St. Clair also insisted, as Mr. Nixon had in his public statements, that it was not until Mr. Dean laid out the facts on March 21, 1973, that Mr. Nixon knew the scope of the Watergate cover-up.

That contention was disproved by the release last August of a June 23, 1972, tape showing that Mr. Nixon, for political reasons, had ordered

that the Central Intelligence Agency intervene to block the Federal Bureau of Investiga-

tion's Watergate inquiry. It was the disclosure of that tape that led to Mr. Nixon's resignation.

The tape of a March 20, 1973, conversation, released today, shows that Mr. Nixon had intimate knowledge of the cover-up before his meeting the next day with Mr. Dean, who was then White House counsel.

For example, Mr. Haldeman said in the March 20 conversation that some aides "are gonna go for perjury."

Mr. Nixon responded, "Like Magruder?"

In his defense of Mr. Nixon, Mr. St. Clair told the House Judiciary Committee that Mr. Nixon had not known until March 21 that Mr. Magruder had committed perjury at the original Watergate trial.

Later, in their March 22 conversation, Mr. Nixon and Mr. Haldeman discussed Mr. Magruder's role in the Watergate case and the fact that he had been given a job in the Commerce Department. The \$36,000-a-year job was not officially a Presidential appointment and, therefore, did not require Senate confirmation.

Mr. Haldeman mentioned again that Mr. Magruder had perjured himself and told the President, "That's exactly why we didn't let him get into anything that was a Presidential appointment."

Dean's Role

A cornerstone of Mr. Nixon's impeachment defense was the assertion that Mr. Dean had been the principal figure in the cover-up and had kept the relevant facts from Mr. Nixon.

In a telephone conversation on the evening of March 21, 1973, however, Mr. Nixon told Mr. Colson that Mr. Dean had "really done a superb job here keeping all the fires out."

Executive Privilege

In the two years between the Watergate burglary and Mr. Nixon's resignation, Mr. Nixon repeatedly asserted the claim of executive privilege to keep materials from the prosecutors and Congressional investigating committees.

If aides were required to testify and if tapes and docu-

ments were released, Mr. Nixon contended, a precedent would be set for a breach of the confidentiality necessary for a President to perform his duties.

The four tapes that were played at the trial today, as well as the June 23, 1972, tape that led to Mr. Nixon's resignation, were obtained by the Watergate special prosecutor after the Supreme Court ruled against Mr. Nixon's claim of Presidential privilege.

In his March 20, 1973, discussion with Mr. Haldeman, Mr. Nixon stated his reason for insisting on executive privilege.

The problem with having aides testify freely, Mr. Nixon told Mr. Haldeman, was that "you can run the risk of having your people go out there and be asked a lot of tough questions."

Colson's Concern Noted

Mr. Haldeman noted that Mr. Colson was concerned about being questioned by the authorities, and Mr. Nixon said, "(Unintelligible) fight for executive privilege. Obviously, no we're not going to allow it mainly because we just can't, can't allow that sort of thing to come out."

Earlier in the conversation, Mr. Nixon and Mr. Haldeman went over, one by one, the names of aides who could refuse to testify on the ground of executive privilege.

Colson's Role

Mr. Colson was indicted as a conspirator in the Watergate cover-up case. After the indictment, he was allowed to plead guilty to other offenses, and the Watergate charges were dropped.

The tapes played today were the first of Mr. Colson's conversations with Mr. Nixon to be made public, and they showed that Mr. Colson had fairly sophisticated knowledge of the circumstances of the case.

For example, on Jan. 8, 1973, he told Mr. Nixon that John N. Mitchell, the former Attorney General, had given orders to the Watergate burglars. He also said that Mr. Hunt and G. Gordon Liddy, another of those then on trial, knew facts that "are very incriminating to us."

On the tape of their March 21 meeting, Mr. Colson told Mr. Nixon, "The thing that worries me is that, is the possibility of somebody, uh, charging an obstruction of justice."

Mr. Colson has repeatedly maintained his innocence of involvement in the Watergate conspiracy. At the least, these tapes seem to show that he knew that a cover-up was under way.