

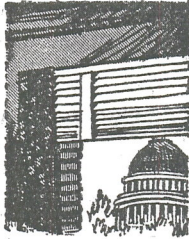
NYT 2 DEC 74

## More Fish in the Watergate Net?

Washington

**T**HE WATERGATE COVER-UP trial has dramatized the fact that, when President Nixon published his tape transcripts last April, crucial passages were left out. But it is not yet generally realized that the new tapes played at the trial could lead to further prosecutions — of those who were involved in cutting incriminating material from the transcripts.

Section 1505 of the federal criminal code makes it a felony "corruptly" to "obstruct or impede" any "due and proper" inquiry by a committee of Congress. This parallels section 1503, the statute used in the cover-up prosecutions, which makes it a crime to obstruct judicial proceedings.



When the transcripts were issued on April 30, the accompanying White House brief described them as Nixon's response to a House Judiciary Committee subpoena for tapes of 42 presidential conversations. The committee's impeachment inquiry was surely a "due and proper" one, and section 1505 would appear to cover any deliberate tampering with evidence for such an inquiry.

That there was deliberate tampering in this case can hardly be doubted any longer.

★ ★ ★

**T**RACKING DOWN who was responsible for the tricks played on the judiciary committee and the country will require hard investigation.

The man who reportedly did most of the listening to tapes for Nixon during the impeachment months was J. Fred Buzhardt, the White House counsel. He also maneuvered with the special prosecutor. Others known to have heard the tapes in the White House are Rose Mary Woods and Gen. Alexander M. Haig Jr.

★ ★ ★

**T**HE BAR HAS RESPONSIBILITIES in this matter, too. In addition to Buzhardt, what has come out at the cover-up trial raises serious questions of legal ethics in the case of James St. Clair, Nixon's impeachment counsel.

A lawyer is probably free to decide, originally, how much to ask his client. But it is a very different matter if he becomes aware that the client has tampered with evidence — especially if he, the lawyer, has given assurances to the contrary. Then I think he must insist on access to all the evidence, or quit.

When those discrepancies appeared, in May and June, St. Clair went right on resisting subpoenas for original tapes. So far as we know, he did not then hear the tapes himself or even demand an explanation of the omissions from his master. Worse yet, in July he suddenly produced one pro-Nixon snippet from a withheld tape — a tape that we now know included other, incriminating passages.

In several interviews lately St. Clair has said that the impeachment provisions of the Constitution should be amended. But the Constitution needs no cure; it worked in spite of lies and crimes. It would have worked sooner if James St. Clair had had a more sensitive view of his responsibility as a lawyer.

*New York Times*