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Prosecutor 'Coverup' JUL 26 1975

New Nixon Tape on Watergate Probe

Washington

A secret transcript of a 1973 White House conversation shows that H.R. Haldeman told then-President Nixon that Watergate prosecutor Earl J. Silbert was "limiting" the Watergate investigation, the Los Angeles Times has learned.

The taped conversation occurred April 26, 1973, as the Watergate coverup was coming unraveled. Four days later Mr. Nixon went on television to announce the resignations of his top assistants — Haldeman and John D. Ehrlichman — and the firing of his counsel, John W. Dean III, who became the principal prosecution witness in the Watergate coverup investigation.

Senator John V. Tunney (Dem-Calif.) is seeking access to a transcript of the tape in his fight to block Senate confirmation of Silbert's nomination as U.S. attorney for the District of Columbia.

The special Watergate prosecutor's office has a copy of the tape, which was subpoenaed for use in the Watergate coverup trial. But it has refused to provide Tunney with a copy of the transcript, contending that to do so would violate judicial orders.

Meanwhile, the Los Angeles Times has obtained a portion of the transcript of the conversation.

The transcript shows Mr. Nixon mentioned having "faith" in the original prosecution team headed by Silbert.

In obtaining guilty pleas or convictions of all seven original

Watergate defendants in January, 1973, Silbert had argued that the defendants had gone off on a venture of their own, that there were no higher-ups involved.

In the April 26 conversation, Haldeman and Mr. Nixon were discussing possible explanations that Mr. Nixon might advance for his failure to respond to public pressures for him to create a special prosecutor's office.

The special Watergate prosecutor's office was not created until the following month, with Archibald Cox named the first special prosecutor on May 18, 1973.

The transcript shows Haldeman saying:

"Of course it may be hard to answer at some point, why didn't you bring in a special prosecutor into the White House . . ."

"Why didn't I?" Mr. Nixon responded.

This exchange followed later:

President: Right. I considered the special prosecutor. I considered, you know, three judges, et cetera and so on. And, uh, I decided against it due to the fact that I satisfied myself that the so-and-so was doing the job, and, uh, of course on the, uh,

Haldeman: . . . Well, see how they are going to undermine that though by saying Silbert was covering up, earlier, earlier.

President: (unintelligible) He may have been.

Haldeman: He was limiting the investigation.

Associated Press