

# Experts Report on Tape Gap

## Rule Erasures Were Done Manually

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Technical experts yesterday rejected White House contentions that the 18½-minute gap on one of President Nixon's Watergate tapes could have been caused by a faulty recording machine.

In a final report to U.S. District Court Judge John J. Sirica, the experts stuck by their earlier finding that the gap was the result of at least five separate erasures, all done manually, and said they had "conclusively eliminated" the possibility that a malfunctioning recorder could be blamed.

Shortly after the report was released White House special counsel James D. St. Clair voiced his disagreement with it and charged that it "creates the false impression that all portions of the erasure were done manually and deliberately."

Another expert hired by the White House agreed with all of the court-appointed panel's conclusions except for the finality with which it dismissed "possible internal malfunction" as the culprit.

The White House expert, Michael H. L. Hecker of the Stanford Research Institute, acknowledged that all of the faulty-machine theories that had come to his or the panel's attention "have been disproved when scrutinized theoretically or experimentally."

However, Hecker maintained, "It is still possible that an acceptable hypothesis can be advanced by other scientists."

The six-member panel evidently thought otherwise. Their 287-page report cited new telltale signs on the subpoenaed tape—apparently first brought to their attention by Hecker himself—that they said could have been caused only by hand operation.

The experts said, as they first reported in January, that the Uher 5000 recording machine used by Mr. Nixon's personal secretary, Rose Mary Woods, "probably produced the entire buzz section" on the June 20, 1972, recording.

But they said that none of the erasures could have been caused by the floor pedal Miss Woods said she had used.

Miss Woods' lawyer, Charles S. Rhyne, denounced the report in a 48-page motion asking Judge Sirica to reject it as having no evidentiary value. Rhyne charged that the study was "replete with error, hearsay, uncertainty, inconsistency and incompetent opinion based on wrong assumptions."

The protest, however, appeared to be largely for the record. Judge Sirica had already turned a draft of the report over to Watergate Special Prosecutor Leon Jaworski for the federal grand jury investigation into "the possibility of unlawful destruction of evidence" on the President's subpoenaed recordings.

The 18½ minutes of erasures on the June 20 tape wiped out a discussion of the Watergate bugging and break-in by Mr. Nixon and then White House chief of staff H. R. (Bob) Haldeman.

Haldeman's notes of the meeting show that they talked about a "PR offensive to top this" and concluded, "We should be on the attack for diversion."

The President had asked Miss Woods last September to transcribe the gist of the recording, along with the tapes

See TAPES, A6, Col. 1

### TAPES, From A1

of other conversations the Watergate grand jury had subpoenaed.

After White House lawyers reported the 18½-minute gap to Judge Sirica last November, Miss Woods testified that she might have been responsible for part of it—when she stretched around at her desk at the White House last Oct. 1 to answer a five-minute phone

call. She said she had accidentally pushed the "record" key on the machine instead of the "stop" key and must have kept her foot on the floor pedal while she was chatting.

The court-appointed panel of experts jointly sponsored at the outset by both the

White House and the Watergate prosecutors, reiterated their conclusions—this time with a mass of technical data—that none of the erasures could have been caused in the fashion Miss Woods described.

"The erasures and buzz recordings were done in at least five, and perhaps as many as nine, separate and contiguous segments," they said.

In addition, they emphasized, "erasure and recording in at least five separate places on the tape required hand operation of keyboard controls on the Uher 5000 machine."

In testifying before Judge Sirica in January, the experts also disclosed that the Uher had a faulty component called a bridge rectifier, which they

replaced during their tests. The White House and Rhyne followed up with increasing suggestions that the machine itself might somehow have caused the gap.

The expert panel maintained in yesterday's report that any such notion deserved a quick burial.

They said the Uher 5000 "was operating normally when we received it although it was more sensitive to interference on the power line than other Uher 5000 recorders that we used."

But they also pointed out that they had conducted tests on the machine for some 50 hours before it suddenly failed.

In their January report, the

experts stressed telltale signs or magnetic "signatures" left in five separate places on the tape by the Uher's erase head. Those signatures—composed of four fine lines that can be detected in special tests—can be made only by stopping the machine manually, they said.

Yesterday's report indicated that such marks could also be caused at times by certain malfunctions, but the panel pointed to still other telltale marks that they said could not be explained away in that fashion.

"The Uher 5000 recorder," the report said, "contains a mechanical switch, labeled K-1 by the manufacturer, which opens and closes only as a result of pushing certain keys on the keyboard of the machine.

"The K-1 switch cannot be operated by an external control such as a foot pedal. Further, no kind of malfunction

in the electronics of the recorder, such as intermittent failure of a diode transistor or capacitor, can actuate the K-1 switch."

The K-1 switch, the report added, leaves its own characteristic marks on the tape, and these are often, though not always, recognizable. But the experts said, "Magnetic marks that can be positively identified as K-1 marks provide unambiguous evidence of manual operation of keyboard controls."

The technicians said they first produced K-1 marks on a test recording and then found "the same kind of marks . . . at six places on the evidence tape."

As a result, the panel concluded, there was only one consistent explanation for the long hum on the June 20 recording:

"The erasure of the 18.5 minutes of speech and concur-

rent recording of buzz in its place was done on a Uher 5000 recorder, probably the one labeled Government Exhibit 60 [the one Miss Woods used]. The recording was started and stopped several times by the pushing of keys on the keyboard of the machine. Sometimes the tape was repositioned backward or forward by a small amount before recording was resumed. The buzz sound probably originated in hum and noise derived from the power line that supplied electrical power to the recorder."

Saying that it was Hecker, the White House expert, who discovered the K-1 markings, Rhyne said that Hecker "disagrees with the panel as to the number of such marks."

All this, Miss Woods' lawyer protested, "merely confirms our major point that they [the court-appointed panel] have no expertise in tape recorder

machine analysis or identification."

In a statement issued by the White House, St. Clair also disputed "the panel's fundamental assumption that the Uher 5000 tape recorder was operating normally" and said this assumption "is contradicted by the evidence."

In his own six-page report on behalf of Stanford Research Institute, Hecker said he believes that the Uher 5000 was "electronically faulty at the time the erasure on the evidence tape was produced."

In addition, he said, "intermittent conditions" in a faulty machine could well produce markings "that either closely resemble, or obfuscate the identification of, so-called K-1 pulses."

But the White House expert concluded only that an internal malfunction "could have been partly responsible" for the 18½-minute gap and agreed that the tape contains some

genuine K-1 markings that are "strong evidence of manual operation of the keyboard controls."