

# What Tapes Contain

By Bob Woodward and Lawrence Meyer  
Washington Post Staff Writers

Federal prosecutors concluded earlier this year that President Nixon was either not telling the truth or was trying to conceal something about the possible tape recording of a crucial meeting between him and then White House counsel John W. Dean III on April 15, informed sources said yesterday.

Mr. Nixon had first told Assistant Attorney General Henry E. Petersen on April 18 that he had a tape recording of the meeting with Dean. But then he later that day denied that such a tape existed, saying instead that he had dictated or written a memo on the conversation, the sources said.

The April 15 meeting with Dean was one of two presidential conversations for which an expected White House tape recording does not exist, according to tes-

timony given by White House aides in U.S. District Court yesterday.

According to Dean's testimony before the Senate select Watergate committee, it was during the April 15 meeting that Mr. Nixon said "he was probably foolish" to have discussed executive clemency for Watergate conspirator E. Howard Hunt Jr. with special counsel to the President Charles W. Colson. Dean also testified that Mr. Nixon tried at that meeting to explain away a remark he had made at an earlier meeting about raising \$1 million in cover-up money by saying that he had "only been joking."

The question of a possible tape recording of the April 15 meeting was first raised by President Nixon in a call to Assistant Attorney General Petersen three days later, according to Petersen's testimony before the Senate Watergate

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committee on Aug. 7. Petersen was in charge of the original Justice Department investigation of the Watergate affair.

"The President called me," Petersen testified, "I recall it was in middle or late afternoon (April 18)—and said that Dean had said he had been immunized" from prosecution. Petersen said that he disputed this, checked with the prosecutors and "when I called the President back, I told him that. He said, 'Well, you know, I have it on tape if you want to hear it.'"

Petersen testified that he declined the offer. But informed sources said yesterday that Petersen then checked with Dean's attorneys to make sure that they understood Dean had not been granted immunity from prosecution.

Dean denied that he had made such a claim to the President, the sources said, so Dean's lawyer suggested that the prosecutors try to get the tape.

Petersen then discussed the matter further with the President, according to the sources, and Mr. Nixon said that there must have been a "misunderstanding" because he had a written record or memo of the conver-

sation but not a tape recording.

On July 16, when former White House aide Alexander P. Butterfield first publicly disclosed the existence of the automatic White House taping system in Senate testimony, the sources said, Petersen and the original Watergate prosecutors concluded that the President must not have been completely truthful with them.

Petersen, who is head of the criminal division at the Justice Department, has been back in charge of the Watergate investigation since Oct. 20 when Archibald Cox was fired as special prosecutor.

In addition to the April 15 meeting not being recorded, White House aides disclosed in court yesterday that no tape existed of a June 20, 1972, telephone conversation between Mr. Nixon and former Attorney General John N. Mitchell. According to Mitchell's testimony before the Senate Watergate committee, this conversation was the only one in which Mr. Nixon ever asked Mitchell any factual questions about the Watergate affair.

Mitchell said that at the time he knew very little

about the bugging and break-in of the Democratic National Committee's Watergate headquarters. Within a day or two of the June 20 conversation, Mitchell testified, he learned about several "White House horrors," but never volunteered the information to Mr. Nixon and Mr. Nixon never asked him again about the facts of the Watergate affair.

During his testimony before the Senate committee, Mitchell was questioned closely about detailed logs he maintained of his meetings and phone calls in the months before and after the Watergate break-in.

Although Mitchell told the committee the logs were carefully kept by his secre-

aries, the log for June 20 that Mitchell gave the committee omitted any notation of the phone call from President Nixon. The Senate committee learned from White House logs of Mr. Nixon's meetings and phone conversations that such a call had taken place.

According to the information supplied to the committee by the White House, the conversation lasted from 6 until 6:12 p.m., although White House Special Counsel J. Fred Buzhardt said in court yesterday that the conversation lasted from 6:08 until 6:12 p.m. The discrepancy has not been explained.

Mitchell told the committee that his talk with Mr. Nixon was a "short conversation" and that "I apologized to him for not knowing what the hell had happened and I should have kept a stronger hand on what the people in the committee were doing, et cetera."

According to Mitchell, the only persons Mitchell knew were involved in the Watergate break-in at the time of the June 20 conversation with Mr. Nixon were the five persons apprehended inside the Democratic Party's Watergate headquarters.

Either the following day or the day after, Mitchell testified before the Senate committee, he learned that others were involved in the Watergate break-in and that the White House also had been involved in other questionable and possibly illegal activities. Mitchell said he

never made an attempt to inform Mr. Nixon about what he had learned and Mr. Nixon never again after June 20 asked him factual questions about the Watergate affair.

Had there been a recording of the April 15 meeting between Mr. Nixon and Dean, it could have gone a long way toward proving or disproving Dean's charges that the President was involved in the Watergate cover-up.

In his sworn testimony before the Senate committee Dean said: "The most interesting thing that happened during the (April 15) conversation was, very near the end, he (Mr. Nixon) got up out of his chair, went behind his chair to the corner of the executive office building office and in a barely audible tone said to me, he was probably foolish to have discussed Hunt's clemency with Colson."

White House aide Butterfield later testified that the microphones used in the taping system were so sensitive that even barely inaudible conversation would be picked up.

The President has denied that he ever discussed executive clemency for the Watergate conspirators with anyone. Dean had charged that Mr. Nixon discussed clemency for Watergate conspirator E. Howard Hunt Jr. with former special presidential counsel Charles W. Colson.

Dean also testified that, in the April 15 conversation, Mr. Nixon made reference to an earlier discussion with Dean that it might cost \$1 million to continue to pay the Watergate conspirators for their silence.

"He said that he had, of

course, only been joking when he made that comment" about the \$1 million, Dean testified.

Dean's testimony continued, "The President almost from the outset began asking me a number of leading questions, which made me think that the conversation was being taped and that a record was being made to protect himself."

"Although I became aware of this because of the nature of the conversation,"

Dean said, "I decided that I did not know it for a fact and that I had to believe that the President would not tape such a conversation."

The White House has said that four people have listened to some of the tapes. They are the President, his former chief of staff H.R. Haldeman, who is under investigation in the Watergate case, White House special counsel J. Fred Buzhardt and White House aide Stephen B. Bull.

In a July 23 letter to the Senate Watergate committee the President said that he "personally listened to a

number" of the tapes. He did not specify which tapes. In a Sept. 5 press conference Mr. Nixon said that he listened to the tapes on June 4, weeks before Dean's testimony and the public disclosure of the secret taping system.

In August, House Minority Leader Gerald R. Ford (R-Mich.) quoted presidential counselor Melvin R. Laird as saying that the President spent "10 to 12" hours listening to the tapes.

Haldeman testified before the Senate committee that he listened to two other tapes, ones for Sept. 15, 1972, and March 21. After his testimony, Haldeman's attorney sent a letter to the Senate committee saying that Haldeman received tapes of Mr. Nixon's meetings on three other dates although Haldeman "is not sure what the other dates were."

Haldeman took the tapes but did not listen to any of them, the letter said. He had received them on July 11, more than two months after his resignation as White House chief of staff, according to the letter.

Haldeman testified that he did not listen to any of the three other tapes. In the letter, his attorney was vague about the circumstances surrounding the return of the tapes.

One of Haldeman's attorneys, Frank Strickler, told a reporter, "I think he (Haldeman) knew that he gave them to Mr. Bull but is a trifle uncertain as to

where."

A White House version of the contents of meeting between the President and Dean was supplied to the Senate committee in June. The notes by minority counsel Fred Thompson on this version show the following for April 15: "Dean along with almost everybody else was called in that day. The President told Dean that he must go before the grand jury without immunity."

That is the extent of the entry.

Dean was not granted immunity from prosecution and since has pleaded guilty to a one-count charge of obstructing justice in the Watergate case.