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Nixon First To Suspect 2 Tapes Were Missing

WASHINGTON (AP) — The person who first suspected that a critical Watergate conversation was missing from a White House tape was President Nixon himself, presidential lawyer J. Fred Buzhardt said Thursday.

Earlier, it was disclosed in court that presidential aide Stephen V. Bull had checked out in mid-July a recording made that day — April 15, 1973. It was also in mid-July that former White House chief of staff H. R. Haldeman received a batch of recordings from Bull.

The court hearing was called to determine the circumstances of a White House claim that a tape of Nixon's April 15 conversation with ousted White House counsel John W. Dean III and an earlier tape never existed.

Buzhardt attempted to show with three witnesses that there was so much conversation on April 15 — an extra-busy Sunday and a red-letter day in the boiling Watergate crisis — that the tape ran out on the unattended, automatic recording device in the President's office.

Buzhardt thus changed the story slightly from Wednesday when he disclosed that two of the nine subpoenaed recordings were never made. He said then that a switching device malfunctioned in the case of the late-night conversation with Dean.

"The President was review-

ing the tapes himself," Buzhardt told a reporter after court, placing the time within the last two weeks. "He's the first one that didn't find it" — the Dean tape.

"He called me in and said 'you check it,'" Buzhardt said. A detailed search was instituted and "we were pretty sure they were not there. Yesterday morning I determined finally that they were not there."

The last conversation on the tape was between the President and former Atty. Gen. Richard G. Kleindienst in the afternoon, Buzhardt said. The conversation with Dean was from 9:17 to 10:12 p.m. that day.

Raymond C. Zumwalt, a Secret Service technician, testified that a computer print-out showed no one entered the room where the recorders were kept on either April 14 or 15.

The tape is considered vital by the Watergate special prosecution staff because Dean testified his April 15 conversation with Nixon included the President's whispered remark that he was probably foolish in earlier discussing an offer of executive clemency for Watergate conspirator E. Howard Hunt.

Bull, a special assistant to the President, is one of three witnesses scheduled to be called Friday in the unusual hearing.

There was no explanation for a Roman numeral one that ap-

peared on the tape box — a notation that Zumwalt said sometimes indicated the first of two reels.

U.S. District Court Judge John J. Sirica called Thursday's hearing to get the story of the non-existent tapes into the public domain.

Haldeman told the Watergate committee that he had listened, sometime between July 9 and 11, to a recording of an earlier meeting between Nixon and Dean. He said at that time he also received several other tapes but did not listen to them.

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He said he got them from Bull, took them home, kept them for two days and returned them.

Zumwalt said his notes show Bull checked out three tapes on July 10, including two reels of the Sept. 15, 1972 conversations Haldeman said he listened to. On the following day, Zumwalt said, Bull received six more tapes, including the April 15 recording.