

PRESIDENT'S AIDES REPORTEDLY TOOK TAPES FROM SAFE

Secret Service Agents Tell
Court the Assistants Got
30 at Nixon's Request

NO RECORD OF A RETURN

But Buzhardt Says All of
Recordings Made at the
White House Are Secure

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WASHINGTON, Nov. 1—Secret Service agents testified today that more than 30 tape recordings of Presidential conversations had been removed from a safe by White House aides at the request of President Nixon, and that their return had never been recorded.

But J. Fred Buzhardt Jr., special counsel to the President, said in Federal District Court that "all the tapes made on the White House system are still in existence in their entirety," secure in a secret room in the Executive Office Building.

Judge John J. Sirica, who is conducting a fact-finding hearing on two conversations that the White House reported yesterday had never been recorded, also heard testimony that one tape had been taken from the safe at the President's request more than three months before Nixon aides said that it did not contain a key Watergate conversation.

A New Explanation

During the hearing, the White House revised its explanation for one missing tape. Yesterday, the President's lawyers said that a recorder had malfunctioned. Today, they said that a six-hour tape had run out before a conversation between Mr. Nixon and John W. Dean 3d, then his counsel, be-

gan on April 15.

Two White House Secret Service agents, Raymond C. Zumwalt and James Baker, described the operation of a security system designed to protect recording of President Nixon's telephone calls and White House meetings as a historic record.

Mr. Zumwalt said that his records showed that Stephen V. Bull, a special assistant to the President, took 26 tapes out of the Executive Office Building safe last June 4, but that they were never logged back in. Questioned by attorneys for the Watergate Special Prosecution Force, he replied that this practice had not been unusual.

Says Check Was Made

The Secret Service agent reported that his superiors had checked on Mr. Bull when he first asked access to the tape recordings. Mr. Zumwalt said that he had been told that whenever the Nixon aide obtained them, "It was for the President."

The two conversations the White House reported yesterday as unrecorded involved the President's meeting last April 15 with Mr. Dean, at which, Mr. Dean said, clemency for the Watergate burglars came up, and Mr. Nixon's telephone call on June 20, 1972, to his campaign manager, John N. Mitchell, three days after the Watergate break-in.

It had been believed that these conversations were on two of the nine tapes that the Federal courts had ordered the President to surrender to Judge Sirica, who will screen out privileged material and submit to the Watergate grand jury any evidence relevant to its criminal investigation.

According to Mr. Zumwalt, Mr. Bull took out last July 11 a tape that purported to cover

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all conversations held in the President's hideaway in the Executive Office Building from April 11 through April 16. It was on April 15, a Sunday, that the President talked with Mr. Dean for an hour, after 9 P.M. But it was not until Oct. 27 or 28, the White House says, that Mr. Buzhardt or anyone else discovered that the tape that Mr. Bull had withdrawn from security on July 11 did not contain the Nixon-Dean conversation at all. The President's special counsel told the court today that one six-hour tape had been available in the office in the Executive Office Building to record the April 14-15 weekend, and that it had been exhausted during a busy weekend of talk before the Dean conversation began Sunday night.

Interviewed after today's hearing, Mr. Buzhardt said that the last conversation appearing on the April 15 tape was one between Mr. Nixon and Richard G. Kleindienst, then Attorney General, after lunch on Sunday.

Thought They Would Win

The White House counsel said that no attempt to audit the April 15 tape for the Dean conversation had been made until last weekend because "we thought we were going to win the suit" brought by Archibald Cox, then the special Watergate prosecutor, to obtain the tapes for the grand jury.

Mr. Dean testified before the Senate Watergate committee earlier this year that the President had told him on April 15 that Mr. Nixon had been "foolish" to discuss clemency for E. Howard Hunt Jr., one of the convicted Watergate burglars, with Charles W. Colson, then special counsel to the President.

The second conversation at issue—a telephone conversation with Mr. Mitchell—was never recorded, Mr. Buzhardt said yesterday, because the President made the call from a hall phone in the White House that was not attached to the recording system.

At the White House, officials provided anonymously much the same scenario on the unrecorded conversations that Mr. Buzhardt was outlining in Federal Court. They said that a six-hour tape would have handled any ordinary weekend, since Mr. Nixon was often out of town on Saturday and Sunday and, when he was not, rarely used the Executive Office Building facility extensively.

Explaining why the missing

conversations had been discovered so recently, a White House official said, "We believed the President would never let go of these tapes, and no one believed there was any need to find out what was on them."

Surprise and Disbelief

Some legal authorities have expressed surprise and disbelief over the fact that the White House did not make it known that two of the supposed tapes were nonexistent at any one of a number of legal opportunities.

These opportunities came when the tapes were first subpoenaed; in District Court arguments before Judge Sirica; on appeal before the United States Court of Appeals for the District of Columbia; when Mr. Nixon proposed his abortive compromise, and when he reversed himself and accepted the mandate of the courts.

According to testimony before the Senate Watergate committee, H. R. Haldeman, former White House chief of staff, listened to two of the tapes, those with conversations held on Sept. 15, 1972, and March 21, 1973, but did not have access to the recording covering April 15, with or without the Dean meeting, or to the Mitchell conversation.

Judge Sirica recessed the hearing until tomorrow morning, and it appeared likely that it would continue into next week. The judge proposed this morning that the White House and the Watergate prosecutors produce electronic experts to testify on tape recording.

There was still no indication of what Judge Sirica would do after the hearings had been completed. White House attorneys were hopeful that he would rule that the pending court orders now covered seven instead of the original nine tapes, thus acknowledging the legitimacy of their presentation.

If the judge determines, however, that some irregularity has prevented the submission of the two tapes to him, he could entertain a move for a contempt citation against the President by the Watergate prosecutors or forward the transcript of the hearing to the grand jury as the basis for possible indictments for obstruction of justice.