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**AIDE SAYS NIXON
KNEW ON SEPT. 29
OF LACK OF TAPES**

**Testifies President Learned
of Gap in Files One Month
Before Judge Was Told**

2 KEY TALKS INVOLVED

**White House Offers to Give
Sirica a Memorandum on
Conversation With Dean**

By **WARREN WEAVER Jr.**
Special to The New York Times

WASHINGTON, Nov. 2 — President Nixon learned that two key Watergate conversations were not among his White House tape recordings more than a month before his lawyers said so in court, a Presidential aide testified today. Stephen B. Bull, a special as-

sistant to the President, said in Federal District Court that he arranged on Sept. 29 for Mr. Nixon to hear a series of tapes and "at that time it was apparent that two conversations that had been requested were not on the tapes provided to me."

"Who told you the conversations were not there?" Douglas Parker, a White House attorney, asked the witness he had called to the stand.

"Ultimately, the President," Mr. Bull replied.

Announcement in Florida

Meanwhile, at the Florida White House in Key Biscayne, Gerald L. Warren, deputy Presidential press secretary, announced that Mr. Nixon would turn over to Judge John J. Sirica a personal memorandum he dictated after an April 15 meeting with John W. Dean 3d, his former counsel. That was one of the two conversations the Nixon lawyers now say went unrecorded.

The memorandum will be given to Judge Sirica "if it's relevant" and if all parties agree to respect its confidentiality, Mr. Warren said.

The special Watergate prosecution force had sought record-

ings of a total of nine conversations in an attempt to learn who was telling the truth about the burglary of the Democrats' headquarters in the Watergate complex here and the subsequent cover-up.

The White House informed Judge Sirica at a private conference last Tuesday, Oct. 30, that two of the conversations had not been recorded. The judge immediately called a fact-finding hearing, and the news became public at the first session the next day.

Recollection 'Refreshed'

In the continuing controversy over the tapes sought for the Watergate grand jury, the following further developments occurred today:

¶ Mr. Bull acknowledged that he told Senate investigators earlier this year he had played a White House tape dated "around April 15" for J. Fred Buzhardt Jr., special counsel to the President. He said he "refreshed his recollection" in the last few days and now believes the tape was dated March 20.

¶ Mr. Bull said he had written "Part 1" on the box containing

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a tape that ran out on April 15, before the Nixon-Dean meeting was held, on the assumption that "there had to be another reel" recording conversations for the rest of the day. The White House now denies that any "Part 2" ever existed.

¶ The special Watergate prosecution force reported that H. R. Haldeman, former White House chief of staff, had been subpoenaed and would testify at the tape hearings next Thursday.

The two conversations, now said to be not recorded, were the April 15 meeting between the President and Mr. Dean and a telephone call on June 20, 1972, from the President to John N. Mitchell, the former Attorney General who was then managing Mr. Nixon's reelection campaign.

These were originally believed to have been among the nine recordings that Archibald Cox, the former special prosecutor, sought in his successful suit to force Mr. Nixon to submit the recordings to the Watergate investigation.

Mr. Bull, a slender, dark-haired man with long but well-trimmed sideburns, told the court that last June 4, before the existence of the tapes was known outside the White House, the President spent 10 to 12

hours reviewing selected conversations of 20 of them.

The White House aide said that on June 25 he was asked to have a tape flown to the President in California but that no courier flight was available. As a result, he had the tape played for Mr. Buzhardt, who telephoned a summary to the West Coast, he said.

Describing his interview with the Senate Watergate committee's investigators about the date of this tape, Mr. Bull said, "Initially, I could not recall the tape. After considerable prodding, I hazarded a guess that it may have been around April 15 [the date of the Dean conversation]."

At a White House press briefing two days ago, Mr. Warren maintained that it was a March 20 tape, and Mr. Bull said that he had read the transcript and had changed his recollection. He said today he had been "educated that it was March 20."

Records of the Senate Watergate committee confirm that Mr. Bull had given investigators the "around April 15" date for the tape in question.

Mr. Bull testified that on two occasions in April and May this year he took 22 tapes out of a safe in the Executive Office Building and gave them to Mr. Haldeman, the first time overnight, the second for nearly a week.

John J. Wilson, Mr. Haldeman's lawyer during his ap-

pearances before the Senate committee and the grand jury, was a spectator in court today, taking notes whenever his client's name came up. He said that the incident of 22 tapes was "news to me."

It became clear early in the day's session that what Judge Sirica called "more or less of a fact-finding situation" was going to be a fairly extensive series of hearings. Richard Benveniste, assistant special prosecutor on the Watergate force, announced the names of eight witnesses he planned to call after the White House completes presenting its case sometime next week.

This afternoon, on the third day of the hearing, Judge Sirica warned both the prosecutors and the White House that he was going to require them to concentrate their presentations on the most important issues of the tapes controversy from now on.

He said he was most interested in evidence on "the chain of possession" of the tapes, the record of who had access to them at what time and "the technical reasons why the conversations weren't recorded."

Louis B. Sims, a White House Secret Service agent, told the court that Mr. Buzhardt was aware on Oct. 22 that the Mitchell telephone call and the Dean meeting had not been picked up by the recording system. Previously witnesses had

maintained that the omissions had not been discovered until Oct. 27 or 28.

On Oct. 23, White House attorneys went into Federal District Court to announce that they would comply with orders to turn over to Judge Sirica the tapes sought by the Watergate prosecutors, but they made no mention of the fact that only seven conversations had been taped. This was three days after Mr. Cox was discharged for refusing to obey Mr. Nixon's orders to cease his efforts in the courts to obtain the tapes.

On July 18, after its existence was disclosed at the Senate Watergate hearings, the White House recording system was shut down, all the tapes on hand were inventoried and combinations to the safes were passed from the Secret Service to White House aides for the President's personal custody.

Mr. Buzhardt told the court there was a log of access to the tapes from that time to the present, and he would present it in evidence when the hearings resume next week.