

'Tape of Tapes' Subpoena Planned

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Government attorneys are planning to subpoena the automatically recorded White House tape of activities in the Oval Office for June 4, the day President Nixon spent about 10 hours in that office listening to tapes of his meetings with John W. Dean III, according to informed sources.

The possibility that the June 4 tape might show whether or not the President listened that day to a tape of his April 15 White House conversation with Dean — a tape the White House now says does not exist — was raised publicly in federal court here Friday by Richard Ben-Veniste, a lawyer on the Watergate prosecution team.

U.S. District Court Judge John J. Sirica turned down Ben-Veniste's request for immediate production of the June 4 Oval Office tape, saying he could not require that it be delivered to the court under the present subpoena for nine other White House tapes, including the two the White House has said do not exist.

White House aide Stephen B. Bull testified Friday that the June 4 tape "quite possibly" could have picked up what the President heard while listening to the tapes of the Dean conversations.

Government sources said that Bull has previously indicated in secret Senate Watergate committee interviews that the President listened to

the tapes without an earphone, which would mean that the recordings would have been picked up by the sensitive microphones installed in the Oval Office and been recorded on the June 4 tape.

A White House official, however, said Friday that he believed the President did use an earphone, and that the automatic taping system did not pick up the recordings the President heard. Even in that event, government sources said that the June 4 tape would reveal conversations between the President and Bull, who delivered the tapes one at a time to Mr. Nixon, and accordingly might help establish whether the two missing tapes were discussed.

The secret recording system was not shut off in the White House until several days after its existence was disclosed at the Senate Watergate hearings on July 16, according to White House spokesmen.

President Nixon then said in a September 5 press conference that "the only time I listened to the tapes, to certain tapes . . . was on June 4."

The possible existence of a so-called "tape of the Dean tapes" could expedite the fact-finding hearing on the tapes now being conducted by Judge Sirica, the sources said.

The possibility that the June 4 tape would help prove or disprove the White House claim had first been raised Friday by a reporter in questioning a government attorney on the tapes question.

"My God," the attorney said, "I never thought of that

. . . it could answer some of the questions right away."

The attorney called the reporter back several hours later to say that plans were under way to subpoena the tape.

The June 4 presidential review of the Dean tapes followed the publication on June 3 of a story in The Washington Post that reported some of the most specific allegations that Dean was expected to make against the President in the upcoming Senate Watergate hearings.

The June 3 Post story said in part: "Dean has little or no documentary evidence to support his charges against the President, and most of his allegations are based on his

own recollection of purported conversations with Mr. Nixon."

The story raised publicly for the first time Dean's charge that the President had told him that there would be no problem raising \$1 million to buy the continued silence of the original Watergate conspirators.

In addition, the story reported that Dean said Mr. Nixon later claimed he had been kidding or joking about the \$1 million.

Dean later testified that the latter conversation took place on April 15. The White House says there is no tape recording of that conversation because of a malfunctioning of the recording device.