

# Tape Gap Known Early by Haldeman

## Ex-Aide Testifies

By George Lardner Jr.  
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Former White House chief of staff H.R. (Bob) Haldeman knew of the controversial "gap" in one of President Nixon's subpoenaed Watergate tapes a week before the erasure was reported to the courts.

Haldeman's one-time deputy, Lawrence M. Higby, testified yesterday that Haldeman told him of the missing segment around Nov. 15. At about the same time, Higby said, Haldeman instructed him to dig up Haldeman's closely guarded notes of the meeting in question.

"I think he just said 'apparently there's a gap in one of the tapes,'" Higby recalled. "I think he said it had been caused by Miss Woods (President Nixon's personal secretary Rose Mary Woods)."

The 18¼-minute erasure was not reported to U.S. District Court Judge John J. Sirica until Nov. 21. At hearings since then, Sirica has expressed growing concern over the White House's failure to report it more quickly—and at its admitted inability to explain how the segment was obliterated.

Higby said he believed Haldeman told him of the gap in the tape recording around noon on Nov. 14 during a phone conversation with Haldeman, who is living in California. Now an official in the Office of Management and Budget, Higby said Haldeman might have first mentioned it to him in the course of another phone call, on the night of Nov. 15, but he said he

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## Stennis Denial

By Bob Woodward  
and Carl Bernstein

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Sen. John E. Stennis (D-Miss.) said yesterday that he had never agreed to the final White House version of the proposed Watergate tapes compromise that figured in the firing of Special Watergate Prosecutor Archibald Cox.

In a telephone interview yesterday, Stennis said he "had no idea" that the White House wanted him to authenticate a transcript of the subpoenaed tapes to be given to the federal court here in place of the tapes themselves.

Stennis said he had understood that he would authenticate only two copies of transcripts of the tapes, neither of them for the court.

"I was to deliver two copies, one for the White House and one for the Senate Watergate committee," Stennis said. "There was never any mention about the court. I wouldn't have done it if there was. No, no, no, I was once a judge and the courts can ask for what they want."

On Friday, Oct. 19, when the White House announced the tapes compromise, President Nixon said that Stennis had "consented" to authenticate a tape transcript, copies of which would be made available to "Judge (John J.) Sirica—and also to the Senate select committee."

Stennis said yesterday that he did not recall reading the White House statement.

An associate of the senator said that Stennis was "surprised and somewhat flabbergasted" when he learned of what he considered the unilateral

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eral change in the compromise by the White House that indicated that Judge Sirica would get a copy of the transcript.

Stennis himself would not say whether he was surprised, explaining that he didn't want to get into a dispute with the White House. "It was a new angle, that's all I'll say," he said.

The White House has cited the refusal of Cox to accept an authenticated written version of the tapes—the so-called "Stennis compromise"—as the major public justification for firing Cox on Oct. 20.

White House sources have previously reported that the presidential maneuvering on the tapes compromise was designed to create a confrontation in which Cox could be accused of rejecting a reasonable compromise and then be fired.

Stennis said yesterday that the White House would have been free to turn over their copy of the authenticated version to the court, but, as a former judge, he suspected that such a move would not have been accepted by the court. "But that's a matter for me to stay out of," he added.

On Oct. 21, the day after the firing of Cox, the President's lawyers were planning to argue that the Stennis compromise amounted to compliance with a U.S. Circuit Court of Appeals order directing the President to turn over the tapes to Judge Sirica.

Under the court ruling, Judge Sirica was to receive the tapes, listen to them and turn over all Watergate-related discussions to Cox.

An associate of Stennis said that Stennis did not say earlier that he had no idea the compromise applied to the court because he did not want to compound the President's Watergate problems.

Sens. Sam J. Ervin Jr. and Howard Baker, the chairman and vice chairman of the Watergate committee, agreed to accept a Stennis-authenticated version of the tapes in a White House meeting with President

Nixon on Oct. 19. Two days earlier, the Senate committee had lost its court case to obtain the tapes by subpoena, and Sen. Ervin said the Stennis compromise was better than nothing.

Samuel Dash, the chief Watergate committee counsel, said yesterday that the White House offer of the authenticated version "was presented as a separate offer to the committee and was not tied to Cox.

"Sen. Ervin had no impression that the offer involved Cox at all," Dash said.

Stennis never actually authenticated a version of the tapes because the White House later agreed to give themselves the tapes directly to Judge Sirica, and withdraw the offer of an authenticated version for the Senate committee.

During the White House negotiations the week before the Cox firing, participants outside the White House were told very different versions of proposals and the President's intentions, according to sources in the Justice Department, the Senate and White House itself.

Former U.S. Attorney General Elliot L. Richardson was not aware that Stennis had been enlisted only to provide an authenticated version for the Senate committee, according to informed sources. Stennis did not discuss the proposal with either Richardson or Cox in the week before the Cox firing, the sources said.

Prior to Oct. 15, when the notion of an authenticated written version of the tapes was first seriously raised by the White House, the sources said, the President himself was intending to act as the authenticator, with no outside person such as Stennis to verify the President's version.

According to one White House source, the President told his chief of staff, Alexander M. Haig Jr., that he would resign if he was forced to turn over the tapes. Haig and special presidential counsel J. Fred Buzhardt then went to work on a compromise.

Haig and Buzhardt visited Stennis on Monday afternoon, Oct. 15, at his Senate office to first ask him to verify a transcript of the tapes, the sources said.

According to Stennis associates, Stennis understood the final agreement reached on Friday to mean that he would provide a verbatim transcript of all Watergate-related discussions on the tapes. The White House claims that Stennis was only to provide summaries, which would not include all the exact language.

Sen. Ervin also has complained that he was misled by the White House about the form that the authenticated version would take.

Despite the White House contention that Ervin had agreed to accept summaries, Ervin said in an Oct. 23 telegram to the White House that the agreement was to furnish "a verbatim copy of the exact words as recorded on the tapes."

In his Oct. 20 statement on the "Stennis compromise," the President focused on his own role, saying, "I will voluntarily make available to Judge Sirica—and also to the Senate select committee—a statement of the Watergate-related portions of the tapes, prepared and authenticated in the fashion I have described."

The next day Stennis said publicly that he was preparing only two authenticated copies, one for the Senate committee and one for the President. White House officials then began saying that the President's copy would be made available to Judge Sirica.

But according to Stennis associates, Stennis did not want to be part of any arrangement involving the court that had not won approval of Richardson, Cox, and the court.