

Sirica Eyes Grand Jury Investigation

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By George Lardner Jr.
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U.S. District Court Chief Judge John J. Sirica said yesterday that he may recommend a federal grand jury investigation of the controversial erasures on one of President Nixon's Watergate tapes.

Declaring that he was in some respects both "judge and jury" in the case, Sirica said he hoped to make his decision in "due course."

At the same time, there were signs that Watergate Special Prosecutor Leon Jaworski might not wait. The Washington Post learned that the FBI has already started investigating the circumstances surrounding the erasures at Jaworski's request.

A companion recommendation from Sirica for a grand jury investigation would amount to a finding by the judge that a crime had probably been committed, either in the obliteration of 18½ minutes of conversation from the subpoenaed tape or during the long weeks of testimony about the incident.

President Nixon's personal secretary, Rose Mary Woods, has said she might have accidentally caused a gap in the tape while reviewing it in her White House office for Mr. Nixon last Oct. 1.

The experts said the 18½-minute gap in the recording was the result of at least five separate erasures, all done manually and "almost surely" on the Uher 5000 recording machine Miss Woods said she used.

Watergate prosecutors charged at a hearing before Sirica yesterday that Secret Service testimony about the machine seemed to conflict with that of Miss Woods.

Called to the witness stand yesterday morning, Secret Service agent Louis B. Sims, head of the technical security detail at the White House, said he arranged for purchase of

the machine Oct. 1, the same day Miss Woods said she began using it.

Miss Woods had already begun summarizing the tape in question during the Sept. 29-30 weekend at Camp David, but by all accounts was unhappy with the Sony 800-B she had been using, partly because it had no foot pedal.

Sims said Mr. Nixon's appointments secretary, Stephen Bull, contacted him around 10 a.m. on Monday, Oct. 1, and asked for "a recorder with a foot-pedal capability." But a quick check of Secret Service supplies, Sims said, showed none available.

"Mr. Bull had asked to have

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the recorder by noon," Sims said, but the Secret Service was forced to go out and buy one and so missed the deadline "by about an hour."

Secret Service records introduced into evidence showed the Uher was purchased for \$528.80 from the Fidelity Sound Co. at 1200 18th St.

A Secret Service man picked it up and delivered it to the Technical Security Division, Sims said, around 12:30 p.m. He said it "came with a foot pedal . . . in a little box . . . in a plastic package that the recorder came in"

He said the machine was checked out and delivered to Bull by Sims and Secret Service security specialist Everett Sholl at 1 or 1:15 p.m. Sholl showed Bull how to use it and, Sims said, the agents left after about five minutes.

Watergate Assistant Special Prosecutor Richard Ben-Veniste reminded Judge Sirica of Miss Woods' testimony about playing the June 20, 1972, tape in her White House office that day.

She said in testimony last November that she listened to the recording for "probably two, maybe 2½" hours that day. She gave no indication that she used any other machine but the Uher.

Miss Woods also testified that she might have caused a gap in the tape when she twisted around at her desk to answer a 5-minute phone call. She said she accidentally pushed the "Record" key instead of the "Stop" key on the machine and must have kept her foot on the floor pedal at the same time.

She said she stopped the machine as soon as she finished the call and noticed her mistake, then played the tape

briefly to discover a shrill buzzing noise, and went to tell the President of her "terrible mistake" about five minutes later.

"I would say I went into his office around 2:15 p.m.," Miss Woods said. "So I would say that I told him five minutes afterwards because I was so—I was very upset as you can imagine."

Ben-Veniste pointed out that Mr. Nixon's logs for that day show Miss Woods meeting with him in his suite at the Executive Office Building at 2:08 p.m. (Miss Woods said she told the President of her mistake in the Oval Office at the White House.)

The prosecutor's suggestions that Miss Woods could hardly have listened for 2½ hours on

a machine she didn't have that long brought heated objections from Miss Woods' lawyer, Charles S. Rhyne. He protested that Ben-Veniste was arguing the evidence" in the case.

At first, the judge simply overruled him, saying he saw "nothing improper" in Ben-Veniste's remarks. But the dispute bubbled up again moments later. At one point, Sirica told Rhyne, "Don't get your blood pressure up."

Rhyne persisted, saying that Sirica was "conducting a trial."

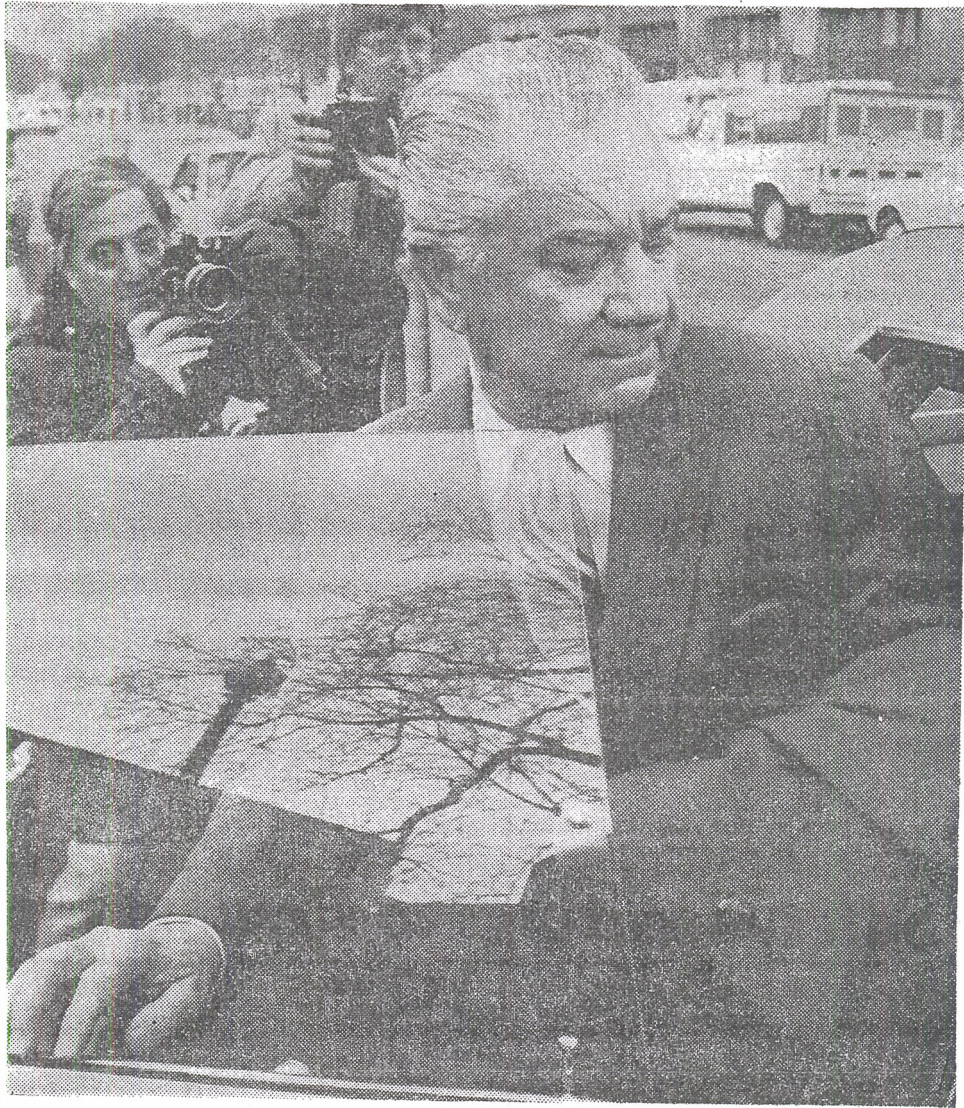
The judge said he was not, but added that he might as well state publicly what he had already told opposing lawyers in the dispute during private sessions in his chambers. Sirica said he had to decide whether to recommend that

Jaworski take the case to the grand jury.

"That's the decision I have to make," Sirica emphasized. "I'll make that decision in due course."

Bull was the next witness called to the stand. He promptly faced questioning about the foot pedal that the Secret Service delivered to him with the machine before Bull turned both over to Miss Woods. Secret Service records state that a "Uher Foot Control" pedal had been purchased.

Miss Woods, however, said she was given a Fidelitape pedal, which she used. Examining it on the witness stand, Bull said the Fidelitape looked like the one he got from the Secret Service and turned over to Miss Woods.



By Frank Johnston—The Washington Post

Watergate Special Prosecutor Leon Jaworski leaves U.S. District Court.