

## Secret Service Testimony

# Nixon Had Tapes Taken From Safe

## No Record Of What Came Back

Washington

Secret Service agents testified yesterday that more than 30 tape recordings of presidential conversations were removed from a safe by White House aides at the request of President Nixon, but that their return was never recorded.

But J. Fred Buzhardt, special counsel to the President, said in U.S. 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 recordings that the White House reported Wednesday do not exist, also heard testimony that one tape had been taken from the safe at the President's request more than three months ago. Nixon aides said that it did not contain a key Watergate conversation at all.

### EXPLANATION

During the hearing, the White House revised its explanation for one missing tape. On Wednesday, the president's lawyers said a recorder had malfunctioned; yesterday they insisted that a six-hour tape had run out before the start of an April 15 conversation between Mr. Nixon and John W. Dean III, then his counsel.

Two White House Secret Service agents, Raymond C. Zumwalt and James Baker, described the erratic operation of a security system de-

signed to protect recordings of President Nixon's telephone calls and White House meetings as a historic record.

Zumwalt said his records showed that Stephen V. Bull, a special assistant to the

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President, had taken 26 tapes out of the Executive Office building safe June 4 but that they were never logged back in. Questioned by attorneys for the special Watergate prosecution force, he replied: "This was normal."

### PRESSING

Pressing the witness on what seemed a breach of security, Richard Benveniste, assistant special prosecutor asked: "You mean there was no record of what tapes came back?"

"That's possible," Zumwalt replied.

He reported that his superiors had checked on Bull when he first began claiming access to the recordings and that he was told that whenever the Nixon aide obtained them, "it was for the President."

### CONVERSATIONS

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

They are among nine tapes that the federal courts have ordered the President to surrender to Sirica, who will screen out privileged material and submit to the Watergate grand jury any evidence relevant to its criminal investigation.

According to Zumwalt,

Bull took out on July 11 a tape that purported to cover 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 Dean for an hour, after 9 p.m.

### DISCOVER

But it was not until October 27 or 28, the White House now insists, that Buzhardt or anyone else discovered that the tape Bull had withdrawn from security on July 12 did not contain the Nixon-Dean conversation at all.

Buzhardt told the court yesterday that one six-hour tape had been available in the Executive Office Building office 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.

The box containing the April 15 reel was marked "full-remove," a notation that Baker said indicated the tape was wound completely. Baker said he sometimes marked such boxes "tape ran out."

Q. Is there any reason why "tape ran out" does not appear on the box.

A. It's just a choice of words.

There was no explanation for a Roman numeral one that appeared on the box — a notation that Zumwalt said sometimes indicated the first of two reels.

### KLEINDIENST

Interviewed after yesterday's hearing, Buzhardt said the last conversation appearing on the April 15 tape was between Mr. Nixon and Richard G. Kleindienst, then attorney general, after lunch on Sunday.

The White House counsel insisted 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.

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

Buzhardt said Wednesday that the second missing tape, involving the telephone conversation with Mitchell, was never recorded because the President made the call from a hall telephone in the White House that was not attached to the recording system.

### RECESS

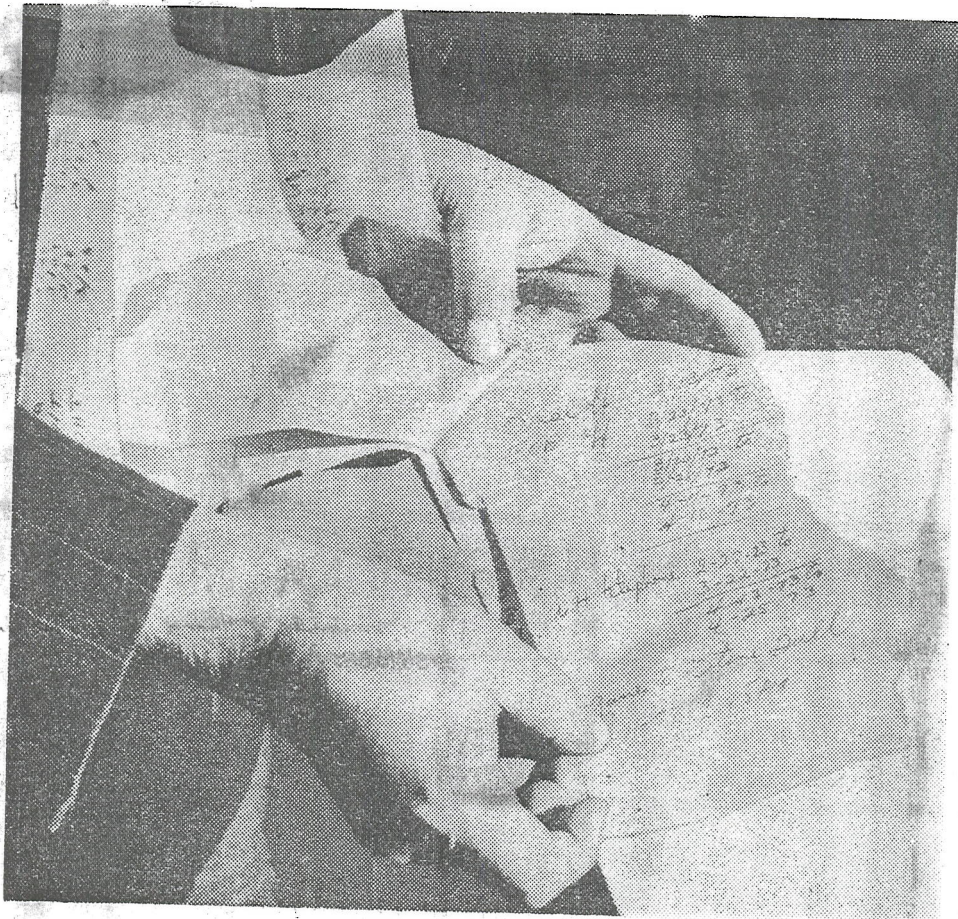
Judge Sirica recessed the hearing until today, but it appeared likely to continue into next week. The judge proposed yesterday that the White House and the Watergate prosecutors produce electronics experts to testify on tape recording.

There was still no indication of what Judge Sirica would do after the hearings had been completed. White House attorneys were hopeful he would rule that the pending court orders now cover 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.

New York Times





*AP Wirephotos*

**A court clerk held the official records of White House tapes checkouts**

## **TAPE REMOVALS**