

Nixon Checked Tapes

Month Ago, Aide Says

**President Said Then
2 Talks Were Missing,
Federal Court Is Told**

Washington

President Nixon learned that two key Watergate conversations were missing from the White House tape recordings more than a month before his lawyers admitted the fact in court, a presidential aide testified yesterday.

Stephen Bull, a special assistant to the President, told a U.S. District Court hearing that he had arranged on September 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," Bull replied.

It was not until Tuesday, of this week, that the White House informed Judge John J. Sirica at a private conference that the conversations had not been recorded.

DEVELOPMENTS

In the continuing controversy over the tapes sought as evidence by the Watergate grand jury, there were these further developments:

- Deputy White House press secretary Gerald Warren announced in Key Biscayne, Fla., that the President would turn over to Sirica a personal memorandum that Mr. Nixon dictated after an April 15 meeting with John W. Dean III, his former counsel, one of the two conversations the President's lawyers now say went unrecorded.

SAFE

Bull testified that on two occasions in April and May of this year, he had taken 22 tapes out of the executive

- 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, special counsel to the President. He said he had "refreshed his recollection" during the last few days and now believed the tape had been dated March 20.

- Bull said he had written "Part 1" on the box containing 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 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

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and would testify at the tape hearings next Thursday.

TALKS 8 NOV

The two nonexistent recordings covered the April 15 meeting between the President and Dean and a telephone call on June 20, 1972, from the President to John N. Mitchell, the former attorney general who was then managing his re-election campaign.

These were among the nine recordings that Archi-

office building safe and given them to Haldeman, the first time overnight, the second for nearly a week.

It became clear in yesterday's session that what Sirica called "more or less of a

bold Cox, the former special prosecutor, sought in his successful suit to force Mr. Nixon to submit them to the Watergate grand jury after a judicial screening. They were regarded as critically important to the investigation of the burglary of Democratic National Committee headquarters on June 17, 1972, and the ensuing cover-up.

The memorandum containing Mr. Nixon's version of the April 15 meeting with Dean will be given to Sirica "if it's relevant," Warren said in Florida, and if all parties agree to respect its confidentiality.

LISTENING

Bull, told the court that June 4, before the existence of the tapes was known outside the White House, the President had spent 10 to 12 hours reviewing selected conversations of 20 of them.

(The previous day the New York Times and Washington Post had carried stories telling what Dean would say before the Senate Watergate committee about the coverup.)

Federal prosecutor Richard Benveniste then tried and failed in an effort to have Sirica order that another White House tape — that recorded on June — be produced for the hearing.

Because White House equipment still was record-

ing presidential conversations on June 4, Benveniste asked that Sirica require that the tape for that day be played on the chance that it might disclose the April 15 tape as it existed then.

In effect, Benveniste wanted a tape made June 4 of the April 15 tape.

White House lawyer J. Fred Buzhardt told the judge that "I don't have the authority from the President to disclose any more tapes."

And Sirica told Benveniste, "I don't think I can require them to do this."

FLOWN

Bull also said that on June 25, he had been requested to have a tape flown to the President in California but that no courier flight had been available. As a result, he had the tape played for Buzhardt, who phoned a summary to the West Coast.

Describing his interview with Senate Watergate committee investigators about the date of this tape, 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 missing Dean conversation.

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

TESTIMONY

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

Bull's testimony addressed another question — the cryptic notation "Part 1" on the box containing an April 15 tape. The notation led to speculation that there might be a second part containing a conversation with Dean.

Bull was shown the tape box and asked whether he recognized the writing.

"Yes I do," he said. "That's my handwriting."

He said he put "Part 1" on the box December 29 because "it was a backup recorder and there would have been a part two," he said.

Bull also gave his explanation for a Roman numeral one on the April 15 tape box by saying it was placed there by someone else to match up with the letter "i" in a Senate committee sub-

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fact-finding situation" was going to be a fairly extensive series of hearings. Benveniste announced the names of eight witnesses he plan-

ned to call after the White House has completed presenting its case next week.

New York Times

poena requesting that particular tape.

X DECEMBER 25 1973



AP Wirephoto

SPECIAL ASSISTANT STEPHEN BULL
He testified before Judge John Sirica