

# Nixon Offers Sirica Data On the Two Conversations

## Background Information Including Notes and Dictation Belts to Be Provided— Summary of Dean Talk Missing

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WASHINGTON, Nov. 12 — President Nixon offered today to furnish Federal District Judge John J. Sirica with background information on two conversations sought by Watergate investigators that the secret White House recording system failed to record.

The President's action came as Judge Sirica brought to a

*The text of Nixon statement is printed on Page 30.*

close, except for the testimony of one witness, his fact-finding hearings on the missing conversations and announced an agreement between the White House and the Watergate prosecutors to speed evidence from the tapes to the grand jury.

Mr. Nixon reported in a statement that he would provide the judge with his own hand-written notes taken during an April 15 meeting with John W. Dean 3d, then his counsel. The conference went unrecorded, according to the White House, when tape on the recorder ran out.

As recently as a week ago, the White House had promised to provide a dictation belt recording the President's summary of the April 15 meeting,

in lieu of the gap in the tape, but today officials said that the dictation belt was also missing.

The President said he would make available a dictation belt containing his recollection of the second missing conversation, a telephone call to John N. Mitchell, his campaign manager, on June 20, 1972, three days after the Watergate burglary of Democratic headquarters.

He also volunteered to provide a second dictation belt dealing with two conversations with Mr. Dean on March 21, along with the actual tape recordings of those meetings. Mr. Nixon said he was taking these steps to dispel any public doubt about White House cooperation with the investigation.

The agreement announced by Judge Sirica will involve these steps:

¶ A joint panel of technical experts will examine the subpoenaed tapes and all other material submitted by the White House, in search of "any evidence of tampering or alterations of the tape recordings."

¶ All the tapes and other material will be copied, and the original sealed and stored in

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the White House vault until they are delivered to Judge Sirica for his screening.

¶ The White House will submit to the court by Nov. 20 an analysis and index of all the subpoenaed material, together with the actual tapes. On Nov. 30, the prosecutors and White House lawyers will hold a closed conference with the judge to discuss claims of privilege by the President.

Under the decision of the United States Court of Appeals for the District of Columbia, the President may decline to submit any material on the tapes that relates to "national defense or foreign relations" and the Watergate prosecutors can "inspect the claim and showing" and challenge it in a closed proceeding before the judge.

Thereafter, Judge Sirica will decide whether any of the material is privileged and should be withheld from the grand jury. He will transmit to the jurors, after consulting the prosecution force if he wishes, all portions that appear to provide relevant evidence for their investigation.

### No Rulings Announced

Because the hearings were not technically concluded — Alexander P. Butterfield, a former White House aide, is abroad and will not testify until late this week — Judge Sirica did not announce any rulings based on the fact-finding session or any personal conclusions.

It seemed clear from his proposed schedule, however, that he was not disposed to argue with the White House contention that two of the tapes under his jurisdiction were simply not in existence, at least pending some contrary evidence of tampering from the technical experts.

The news that there was no Presidential dictation belt covering the April 15 meeting with Mr. Dean came as another in a series of abrupt White House reversals with respect to potential Watergate evidence.

Assistant Attorney General Henry E. Petersen testified before Judge Sirica today that the President had told him on the telephone on April 18 that Mr. Dean had said three days earlier that the prosecutors had promised him immunity and "I have it on tape if you want to hear it."

On June 16, J. Fred Buzhardt Jr., special counsel to the Presi-

dent, wrote to Archibald Cox, then the Special Prosecutor, that "the tape to which the President referred in his discussion with Mr. Petersen was a tape on which the President dictated his own recollections of that conversation after it was finished."

As recently as Nov. 2, in Key Biscayne, Gerald L. Warren, deputy White House press secretary, assured reporters that Mr. Nixon had dictated the gist of the April 15 Dean conversation into a Dictaphone, so that the only record of the talk had not vanished with the word that the contemporaneous recording equipment had failed to pick it up.

In his statement today, the President said that he checked his personal diary file for records of April 15 over the Nov. 4-5 weekend, and "I found that my file for that day consists of personal notes of the conversation held with John Dean the evening of April 15, 1973, but not a dictation belt."

"My personal diary file consists of notes of conversations and dictation belts of recollections," he continued, "and I believed in June that I had dictated my recollections of April 15, 1973, of conversations which occurred on that day."

### 'To Assist the Court'

The President also said he would make available to the court three reels of tape covering the times of the two unrecorded conversations "to assist the court in verifying" that they were never picked up.

These are the tapes of all telephone calls from three White House extensions during June 20, when the Mitchell call was placed, and two reels operating in the President's hideaway in the Executive Office Building before, after or during April 15.

"It is my hope," Mr. Nixon said, "that these steps will clear up this aspect of the Watergate matter once and for all."

Mr. Buzhardt conceded under questioning that he probably told a United States Attorney in New York on Oct. 18 that there were "mechanical difficulties" in connection with the April 15 tape and that it might not be available for judicial inspection.

It was not until two weeks later that the Nixon lawyer announced in court that the April 15 conversation had never been recorded. He insisted today that the "difficulties" he had mentioned on Oct. 18 were procedural and not a reference to recorder failure.