

Special to The New York Times
WASHINGTON, Nov. 12—
Following is the text of President Nixon's statement issued by the White House today on the status of the evidence in the Watergate case:

As a consequence of the public disclosure, two weeks ago, that two conversations of the President were not recorded on the White House recording system, doubts have arisen about just what happened to these conversations and why they were not recorded. The purpose of this statement is to help dispel those doubts and to spell out certain steps I will take to offer information to the court that will help determine the substance of all nine conversations subpoenaed by the court.

First, there are no missing tapes. There are two conversations requested by the courts which were not recorded. The first is a four-minute conversation with the former Attorney General, John Mitchell, on June 20, 1972. The second is a meeting of 55 minutes with John Dean, late in the evening of Sunday, April 15, 1973.

There is no question in my mind but that the open court hearing, now being conducted, will demonstrate to the court's satisfaction the truth of our statements that these two conversations were never recorded. In fact there is no affirmative evidence to the contrary. I believe that when the court concludes its evaluation of the testimony and documentary evidence, public doubt on this issue will be completely and satisfactorily removed.

In the meantime, I believe it important to make a statement about this proceeding so that misconceptions about this matter do not persist simply because certain basic facts are not presented to the American public.

Prosecutor and Court

First, the Senate select committee did not subpoena the substance of the two unrecorded conversations. That material was requested only by the special prosecutor, and the court, who believed the substance of nine Presidential conversations was necessary for completion of the Watergate investigation.

We are complying fully with the Federal court decision. In seven of nine instances, the actual recording of the conversation is being

submitted; this includes 5 conversations in which John Dean participated—September 15, 1972, March 13, 1973, two on March 21, 1973, one on March 22, 1973. For all nine conversations covered by the subpoena, such contemporaneous notes and memoranda as were made of the conversations are being provided in accordance with the court order.

Before discussing these matters, the issue of when and why the recorded conversations were listened to by me, and by others on my behalf, should be placed in chronological perspective.

On June 4, 1973, I listened to the tape recordings of a number of conversations I had with John Dean in order to refresh my memory of those discussions. All of the conversations to which I listened that day had taken place prior to March 21, 1973. My purpose in reviewing the recordings of my conversations with Mr. Dean was to confirm my recollection that he had not reported certain facts to me prior to March 21, 1973. In late April, 1973, I asked H. R. Halde- man to listen and report on the conversation of March 21, 1973, in which he had been present for a substantial portion of time. My primary purpose in having Mr. Halde- man listen to this tape was to confirm my recollection that March 21, 1973, was the date on which John Dean had first reported certain facts to me.

The Precise Truth

There had been rumors and reports to the contrary—one of them suggesting that John Dean and I had met 30 or 40 times to discuss Watergate—and I wanted to refresh my recollection as to what was the precise and entire truth.

On September 29, 1973, I began a review of the tape recordings subpoenaed by the special prosecutor for the grand jury and by the Senate select committee. The reason was it had been my deliberate intention to litigate the matter up to the Supreme Court, if necessary, to protect the right of confidentiality and the related principle of separation of powers. By late September, however, I had come to the conclusion that the national interest would be better served by a reasonable compromise.

Thus, in late September, I began to consider various approaches which led to what

has come to be known as the "Stennis Compromise" . . . turning over to both the Senate committee and the court the full substance of the relevant recorded conversations, leaving the verification of the precision and accuracy of that substance to Senate Stennis. That compromise offer, accepted by the Senate committee chairman and vice chairman, proved unacceptable to the special prosecutor.

It was during this process that I first became aware of the possibility that two of the 10 conversations in question had not been recorded.

A Search Was Ordered

I proceeded with a review of the eight recorded conversations and subsequently ordered a further search for recordings of the two conversations in question and an investigation into the circumstances which caused the conversations not to be recorded. The search and investigation were not finally completed until Oct. 27.

One of the conversations for which no recording could be found was a four-minute telephone call I made to John Mitchell on the evening of June 20, 1972. The only telephone calls which were recorded in the residence of the White House were those made in the Lincoln Sitting Room which I use as an office. Telephone conversations in the family quarters have never been recorded during this Administration. The telephone call with John Mitchell was one that I made on the telephone in the family quarters just before going in to dinner and consequently it was not recorded.

My conversation with John Dean on Sunday evening, April 15, 1973, was not recorded because the tape on the recording machine for my Executive Office Building office was used up and ran out earlier in the day. The tape which was on the operating recorder on Sunday, April 15, 1973, contains recordings of the conversations in my Executive Office Building office on Saturday, April 14, 1973. It also contains a portion of the first conversation I had in that office on Sunday, April 15, 1973, which was with Attorney General Kleindienst. During that conversation the tape ran out.

Normally, I see very few people in my Executive Office Building office on the weekends. However, on the weekend of April 14 and 15,

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the activity in my Executive Office Building office was unusual and unanticipated. Certain reports made to me by my staff early in the morning of April 14, 1973, led me to have lengthy discussions with staff members during the day in my office in the Executive Office Building. In addition, international developments required a lengthy meeting with my assistant for national security affairs late that morning.

On Sunday, April 15, 1973, I began another series of meetings in my Executive Office Building office at about one o'clock, P.M. The first meeting was with Attorney General Kleindienst. Thereafter the meetings continued until late in the evening with the exception of a break of about two hours for dinner. I did not meet with John Dean until approximately nine o'clock that evening. Since the tape on the recorder for my Executive Office Building office had run out during my afternoon meeting with Attorney General Kleindienst, the Dean meeting was not recorded.

It should be pointed out that the court order calls for evidentiary materials such as notes and memoranda in addition to recordings of specified conversations. The court order spells out a detailed procedure for turning materials over for Judge Sirica's private review. In recent days, in an effort to locate materials for the court. A diligent search has been made for materials that might shed further light on the substance including the unrecorded conversations with John Mitchell on June 20, 1972, and with John Dean, on the evening of April 15.

Personal Diary File

Since I have been in office, I have maintained a personal diary file which consists of notes which I have personally taken during meetings and of record recollections. The dictation belts and notes are placed in my personal diary file by my secretary. They are sealed under specific instructions that they may not be transcribed.

In the course of searching my personal diary files, I have located a dictation belt that I dictated at 8:30 P.M. on June 20, 1972, on which, among other activities of the day, I referred to a telephone call with John Mitchell. The portion of the belt relating to the conversation with John

Mitchell will be submitted to the court.

We have also located the dictation belt of my recollections of the conversations in question for March 21, 1973; and the relevant portions of these recollections together with the actual recordings of the conversations, of course, will also be submitted to the court in compliance with its order.

Over the weekend of Nov. 4 and 5, 1973, upon checking by personal diary file for April 15, 1973, to locate information to be produced in accordance with the court's order, 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 original handwritten notes, made during my meeting with John Dean on the evening of April 15, 1973, will be submitted to the court.

On June 11, 1973, the special prosecutor requested a tape of a conversation I had with John Dean on April 15, 1973, (which I had previously offered to let Assistant Attorney General Petersen hear).

As has been pointed out, my personal diary file consists of notes of conversations and dictation belts of recollections, and I believed in June that I had dictated my recollections of April 15, 1973, of conversations which occurred on that day. The response to the special prosecutor made on June 16, 1973, referred to such a dictation belt. At that time, however, I did not review my file to confirm that it contained the belt.

I have made a diligent search for other evidentiary materials that might shed light on the substance of my conversation with John Dean on the evening of April 15, 1973. Other than my contemporaneous notes of that meeting mentioned above, I have found no such evidence. However, I did meet with John Dean on Monday, April 16, 1973, on two occasions. The first was in the morning in the Oval Office; the second was in the afternoon in the Executive Office Building office. This was my final meeting with Mr. Dean before he left the White House staff. Both of these conversations were recorded on the White House recording system. I recently reviewed the recordings of these conversations. A comparison of my

notes of the April 15, 1973, meeting and the recording of the conversation with Mr. Dean on the morning of April 16, 1973, shows both conversations covered much the same subject matter. There are references throughout the conversation on the morning of April 16 to the conversation held the evening before.

I shall voluntarily submit to the court, under the procedures applicable to recordings of conversations already covered by the court order, these recordings of my two conversations with John Dean on April 15, 1973.

Materials Listed

In addition, as stated above and consistent with the court order, the court will be provided with:

- (1) The portion of the dictation belt containing my recollection of the June 20, 1972 conversation with Mr. Mitchell.
- (2) The portion of the dictation belt of my recollections of the meetings with Mr. Dean on March 21, 1973.
- (3) Contemporaneous notes from the April 15, 1973 conversation with Mr. Dean.
- (4) All other materials covered by the court order.

I have also authorized my counsel to make available to the court certain tape recordings not covered by the court order to assist the court in verifying that the two conversations in question were not recorded. The additional tape recordings to be provided are (a) the full reel of telephone recordings covering the period of June 20, 1972, and (b) the two reels of tape which were on the recorders for my Executive Office Building office on April 15, 1973. This will permit the court to check the sequence of the conversations against my daily logs of meetings and telephone conversations already provided to the court, and thus further demonstrate that the Mitchell and Dean conversations in question were not recorded.

I have also agreed that a group of court-approved independent experts employing the most advanced technological methods shall examine all tapes in question for any evidence of alterations to the tapes.

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