

# MISS WOODS SAYS SHE CAUSED 'GAP' IN TAPE BY ERROR

## President's Secretary Tells Court of Her Erasure in Subpoenaed Recording

### NIXON-HALDEMAN TALK

## Sirica Gets Transcriptions for Protective Custody Pending Examination

By LESLEY OELSNER  
Special to The New York Times

WASHINGTON, Nov. 26—President Nixon's personal secretary testified today that through some "terrible mistake" she had pressed the wrong button on her tape recorder and thus caused an 18-minute "gap" in one of the subpoenaed Watergate tape recordings.

She said that she had told the President of the error minutes

*Excerpts from a summary and analysis of tapes, Page 37.*

after it occurred last Oct. 1 — and that he had assured her it did not matter.

"He said, 'There's no problem because that's not one of the subpoenaed tapes,'" the secretary, Rose Mary Woods, testified in Federal Court here.

Mr. Nixon did remark that "it was too bad," Miss Woods recounted. But he told her that he understood, she testified, and said to her, "Don't worry about it."

#### Talk With Haldeman

The conversation whose tape recording has an 18-minute erasure—or "gap," as Miss Woods insisted on describing it—was a discussion between Mr. Nixon and H. R. Haldeman, one of his former key aides, on June 20, 1972, three days after the break-in at Democratic headquarters in the Watergate building.

The White House did not disclose the 18-minute gap on the tape until last Wednesday. It has maintained that it did not know that the conversation in question was covered by the subpoena until Nov. 14, a week earlier.

According to the White House,

there was an "ambiguity" in the subpoena issued by the special Watergate prosecution for the President's Watergate-related tape recordings. As a result, the White House contends, the Presidential counsel first believed that the special prosecution wanted only the recording of an earlier June 20 Presidential conversation—one with John D. Ehrlichman, also a former Nixon aide.

#### Tapes Given to Judge

The White House today turned over the disputed tape recordings and other materials to Chief Judge John J. Sirica of the Federal District Court here, who asked last week, in the wake of the disclosure of the 18-minute gap, that they be

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given to the court for protective custody pending examination by technical experts.

With the material, the White House turned over as well a 22-page "index and analysis" of what it was providing to the court. And according to the document, the June 20 conversation between Mr. Nixon and Mr. Haldeman included a discussion of Watergate-related public relations measures.

The White House was giving Judge Sirica Mr. Haldeman's "handwritten notes" of the meeting, the document said, and the notes "reflect that the President gave instructions to Mr. Haldeman to take certain actions of a public relations character which related to the Watergate incident."

The United States Court of Appeals here, which ruled in October that the President must comply with the subpoena, had left open the possibility that Mr. Nixon could still make "particularized" claims of executive privilege regarding certain portions of the material covered by the subpoena.

In its index and analysis today, prepared in accordance with the court of appeals' instructions, the President maintained that various conversations covered by the subpoena involved non-Watergate matters and thus were privileged.

In discussing one of the disputed conversations, moreover, the White House said in the document that the talk should not be disclosed even though it involved Watergate. This was a conversation on June 30, 1972, by Mr. Nixon, Mr. Haldeman and John N. Mitchell shortly before the announcement that Mr. Mitchell was resigning as chairman of the Committee for the Re-election of the President.

"There are a few passing and collateral references to Watergate which are not substantive," the document asserted.

Judge Sirica must now rule on whether or not to accept the President's assertions of priv-

ilege.

Miss Woods testified today that Alexander M. Haig, the President's chief of staff, had told her on Sept. 29 that she need transcribe only the portion of the June 20 tape covering the President's discussion with Mr. Ehrlichman.

The document presented by the White House, for its part, repeats the White House contention that it was believed "until Nov. 14" that the second portion of the tape was not under subpoena. The document

also supports Miss Woods's statement that she reported her mistake immediately, saying, "The incident was detected and reported when made to the President, and shortly thereafter to the White House counsel, J. Fred Buzhardt."

At a briefing today, however, Gerald L. Warren, deputy White House press secretary, contradicted these statements. Mr. Warren said that the President was told "shortly before leaving" on his recent Southern trip that there was a problem with the June 20 tape. When Mr. Nixon returned here, Mr. Warren said, he inquired about the problem and was told that there was an 18-minute gap.

Miss Woods has been Mr. Nixon's secretary for 22 years, working for him and, when needed, fiercely defending him. Today, her face and voice seeming sometimes tense and at other times appearing to be annoyed, she gave an account that observers considered as favorable to the President as the situation allowed.

#### Transcribed Tapes

She said that she was with the President at Camp David the last weekend of September, and that her task was the transcription of the tapes for his future reading. He listened to the June 20 tape for just a few minutes that weekend, she said, "pushing buttons back and forth." His comment, she said, was, "I don't see how you're getting any of this, it's so bad."

She spent the weekend working on the Ehrlichman portion of the June 20 tape, she said, and went back to the White House Oct. 1 with the task incomplete.

She was in her office listening to the tape and, waiting to hear some indication that Mr. Ehrlichman had left the room, she heard the beginning of the Haldeman-Nixon conversation, she related.

Then she said, her telephone rang. She reached to answer it, and "through some error, in some way," she "pushed the record button down."

Miss Woods's testimony about what followed was somewhat confused. She said first that she did not know whether she had also had her foot on the foot pedal or whether the record button had instead

stuck; later she said she "must have" kept her foot on the pedal.

The "record" button is next to the "stop" button. John Madaris, chief engineer for the U.S. Recording Company in Washington, which is the distributor of Uher tape recorders, said it was "definitely" possible for Miss Woods to have erased the tape.

"She could have rewound the machine at a very high speed while the 'record' button was down," Mr. Madaris said. "It would only have taken a minute and a half to erase 18 minutes of tape."

A foot pedal presented in court this morning as the one used by Miss Woods was not the Uher model, which would have had to be pressed for 18 minutes for an erasure.

"It wouldn't make much sense" to use a different foot pedal with the singular ability to play the tape forward, Mr. Madaris said. "One of the main attractions of the Uher 5000 is its versatility for transcribing. It seems ridiculous not to use the pedal that can go forward and backward," he said.

Judge Sirica was plainly disturbed by Miss Wood's testimony, and drew from her the concession that when she testified before him on Nov. 8, she had made no mention of the 18-minute erasure.

He also asked Mrs. Vollner of the Watergate prosecution to read from the Nov. 8 transcript what Miss Woods had said about "precautions" she had taken regarding the tapes.

"Everyone said to me," he careful, Miss Woods testified. "I don't think I'm so stupid that they had to go over and over it. I used every possible precaution."

"What precaution?" Mrs. Vollner asked then. "I used my head, the only one I had to use," came the answer.

Miss Woods is to testify again tomorrow.

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United Press International

**J. Fred Buzhardt Jr., Presidential counsel carrying Watergate tapes, and Rose Mary Woods, personal secretary to Mr. Nixon, arriving at court in Washington yesterday. Accompanying Miss Woods is Charles S. Rhyne, her attorney.**