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**NIXON'S AIDE SAYS  
ADDITIONAL TAPES  
HAVE BLANK SPOTS**

**But Buzhardt Declares the  
Gaps of Several Minutes  
Are 'Not Surprising'**

**PROSECUTOR SKEPTICAL**

**Spokesman for White House  
Insists That 7 Subpoenaed  
Talks Remain Intact**

By LESLEY OELSNER

Special to The New York Times

WASHINGTON, Nov. 28—

One of President Nixon's attorneys testified in Federal District Court here today that there were a "number" of blank sections lasting several minutes each on subpoenaed White House tape recordings.

The attorney, J. Fred Buzhardt Jr., termed this disclosure unimportant, telling reporters at the midafternoon recess, "Don't get excited," and testifying later that the existence of the "spots" was "not particularly surprising."

Leonard Garment, the White House counsel, also de-emphasized the disclosure, telling Chief Judge John J. Sirica, who was presiding over the hearing, that the existence of the blank sections was a "collateral" matter and that its significance would have to be determined by technical experts.

Tonight the White House press office also attempted to make clear that the "spaces" described by Mr. Buzhardt were simply blank spaces rather than "gaps" in which parts of conversations had been obliterated.

**'Conversations Are Intact'**

"On the seven subpoenaed conversations," Gerald L. Warren, the deputy spokesman said, "with the exception of the 18-minute gap [which has been under inquiry in court this week] those seven subpoenaed conversations are intact."

But Richard Ben-Veniste, the member of the special Watergate prosecution force who was questioning Mr. Buzhardt, noted that he disagreed with Mr. Buzhardt at least about technical details of just what the blank spots showed.

In response to Mr. Garment's

objection that the testimony about the blank sections was "collateral" to the issue at hand, involving an 18-minute lapse on one key tape, Mr. Ben-Veniste spoke in a clearly skeptical tone. "Apparently it's a coincidence" that Mr. Buzhardt first learned of the existence of the blank spots the same day that he says he first learned that the particular lapse under discussion lasted a full 18 minutes, Mr. Ben-Veniste said.

**Expert Questioned**

After he finished testifying, Mr. Buzhardt made another unexpected disclosure. He said he had been told that there was a "remote" possibility that the material originally recorded on the 18-minute segment that had been obliterated could in some way be "brought out."

In his testimony earlier, he had said that on Nov. 14 when he discovered the full extent of the 18-minute "gap," he asked a technical expert whether the obliterated section could be restored. He went to a White House technical expert, Howard Rosenblum "of

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N.S.A." [presumably the National Security Agency], and asked, "if there was an erasure, was there a process" whereby the missing sound could be "brought out."

Mr. Ben-Veniste, who was pursuing a different point, did not ask whether Mr. Rosenblum had answered affirmatively.

After court, however, Mr. Buzhardt was asked how Mr. Rosenblum had answered.

"Very unlikely," he replied. But when he was asked if it was possible, he replied, "It was remote."

The original recording are in Judge Sirica's custody and are being guarded by United States marshals pending examination by technical experts to determine whether they have been tampered with.

It was unclear whether the experts would try the process that Mr. Rosenblum described to Mr. Buzhardt.

**Attempt Is Indicated**

It was also unclear whether the White House had tried to restore the lost sections, although Mr. Buzhardt, in his testimony, indicated that the White House might at least have taken a tentative first step.

Just after his remark about questioning Mr. Rosenblum, he noted that he had tried to "duplicate the sound" of the 18-minute lapse, a buzzing

noise, and this, possibly, was the first step recommended by Mr. Rosenblum. The purpose of duplicating the sound, Mr. Buzhardt indicated, was to try to determine what could have caused the lapse.

In the afternoon session, Mr. Ben-Veniste elicited a number of statements that add further to the confusion that has arisen since Judges Sirica began his inquiry into whether the President was adequately complying with the Watergate prosecution's subpoena of tape recordings and other materials bearing on nine specific Watergate-related conversations.

Mr. Buzhardt said under questioning, for instance, that he received last Aug. 13 the same document that, he insisted, led him to conclude on Nov. 14, for the first time, that the prosecution subpoena covered the tape in which the 18-minute lapse occurs.

**3 Days After Break-In**

That conversation was between the President and H. R. Haldeman, then his chief of staff, in the Executive Office Building on June 20, 1972. In the conversation, the President, among other things, ordered "public relations" actions to be taken regarding the break-in three days earlier at Democratic headquarters in the Watergate complex here.

A document submitted by the White House to the court on Monday indicates that the 18-minute lapse obliteration the discussion of the public relations action.

Mr. Nixon had talked with Mr. Haldeman beginning about 11:30 A.M., after talking earlier to another aide, John D. Ehrlichman. The prosecution subpoena called for materials regarding the meeting on June 20 involving Mr. Nixon, Mr. Ehrlichman and Mr. Haldeman from "10:30 A.M. to noon (time approximate)."

**'Close Reading' Needed**

The White House said it first felt that the subpoena covered only the conversation between Mr. Nixon and Mr. Ehrlichman. Not until Nov. 14, the White House has said, did it realize that the Haldeman-Nixon conversation was covered as well.

Today, Mr. Buzhardt testified that a "close reading" of a prosecution memorandum describing the nine conversations specified in the subpoena had led him to realize that the Haldeman conversation was covered.

The memorandum states that Mr. Nixon "met with John D. Ehrlichman and H. R. Haldeman in his Old Executive Office Building on June 20, 1972, from 10:30 A.M. until approximately 12:45 P.M." It also states that "Ehrlichman and then Haldeman went to see the President."

Judge Sirica asked if a "close reading" was really needed. Mr. Buzhardt replied that it was because, as he saw it, there were really two meetings that day and the subpoena referred to "meeting."

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**Attached to Opinion**

Mr. Ben-Veniste pointed out that the United States Court of Appeals for the District of Columbia Circuit attached the memorandum to its opinion last Oct. 12 when it ruled that Mr. Nixon must comply with the subpoena.

"And of course you studied that opinion?" the prosecutor asked.

"I read it, yes," the lawyer replied.

Beyond that, however, as Mr. Buzhardt conceded, when pressed, the prosecution gave that memorandum to the White House last Aug. 13.

Mr. Buzhardt's testimony about the blank spots on various, unspecified tapes came after testimony about the process by which the White House made copies of the subpoenaed tape recording some two weeks ago, with representatives of both the prosecution and the White House counsel present.

**Question Is Posed**

It came in response to a question by Mr. Ben Veniste, which, according to the notes of the official court reporter, went as follows:

"In the process of copying the tapes it is a fact, is it not, Mr. Buzhardt, that the technician involved, using an instrument, was able to determine merely by viewing the instrument while copying that tape that there were substantial gaps on the tape which would have been inconsistent with the testimony about how the machinery operated, because it was voice-actuated machinery, and there should be no reason for silence on the tape?"

"I didn't attend the copying, Mr. Ben-veniste," the witness replied. "I don't know. I was advised subsequently that there were spots on the—you could tell from the oscilloscope that there were spots where there were apparently no conversations on the tape."

An oscilloscope is an electronic device that presents a visual image of changes in a varying current, such as those caused by sound.

At that point Judge Sirica called a recess.





Associated Press

Chief Federal Judge John J. Sirica strolling to lunch yesterday after court session on White House tapes.