

Garment

Protests

Haig Quiz

Prosecutors Link Tape Gap To Nixon Stand

By George Lardner Jr.
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Watergate prosecutors suggested yesterday that there was a direct link between a series of White House mishaps with the Watergate tapes and President Nixon's subsequent attempts to withhold the recordings from the courts.

Assistant Watergate Special Prosecutor Richard Ben-Veniste voiced the suspicions late yesterday afternoon in cross-examining White House chief of staff Alexander M. Haig Jr.

White House lawyers quickly objected to the line of questioning. Acting White House counsel Leonard Garment protested what he called the apparent innuendoes about Mr. Nixon's short-lived proposal in mid-October to produce only a summary of his subpoenaed Watergate conversations.

Ben-Veniste pointed out that Mr. Nixon and top White House officials already knew when the compromise was broached—that two of the subpoenaed discussions could not be found.

They were also aware, Ben-Veniste told U.S. District Judge John J. Sirica, that the President's personal secretary, Rose Mary Woods, had apparently wiped out five minutes of conversation on another tape.

The White House has contended that it was not aware until mid-November that the erased recording was also covered by the Watergate grand jury's subpoena. White House lawyers said they discovered at the same time that a total of 18½ minutes had actually become obliterated.

The long erasure has yet to be explained. It wiped out a discussion of the Watergate scandal between Mr. Nixon and then White House chief of staff H. R. Haldeman on June 20, 1972, just three days after discovery of the break-in and bugging of Democratic National headquarters here.

Judge Sirica called a halt to

yesterday's lengthy hearing when questioning turned to the President's proposed out-of-court "compromise." The judge told Ben-Veniste to try again in the morning in light of the White House protests that the new line of inquiry was irrelevant.

The exchange concluded a whirlwind day of testimony that included a command performance by Miss Woods.

Put back on the witness stand late yesterday morning at Judge Sirica's direction, she flatly contradicted earlier testimony by two White House lawyers about a Nov. 14 meeting they had regarding the 18½-minute erasure.

Mr. Nixon's courtroom advocate, Samuel J. Powers of Miami, told the court that he and White House special counsel J. Fred Buzhardt had just discovered the long gap on the evening of Nov. 14 while they were monitoring the suspect recording in a White House office.

Powers said Miss Woods—who has contended that she could have erased only five minutes at most—came into the room shortly afterwards.

"She was shocked about it,"

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Powers testified. "She couldn't understand how it happened." He said she then left, brought back her Uher recording machine and demonstrated how she mistakenly pressed the wrong button while reviewing the tape for Mr. Nixon last Oct. 1—during a five-minute phone call.

In testimony last week, Buzhardt also said that Miss Woods brought the machine to the two lawyers for a quick demonstration.

Miss Woods denied it yesterday.

"I was in there (with the lawyers) only two or three minutes," she said. "I did not even sit down . . . I cannot remember bringing a tape recorder into that room at any time . . . All they told me was that there was a meter of some sort" that showed the 18-minute gap, she said.

Subsequently told Haig to get her own lawyer, Miss Woods also testified that she thought White House attorneys had been representing her untid as recently as Thanksgiving. She said she particularly recalled a meeting with Buzhardt, Powers and Garment early on Nov. 8 before she went into court and told Judge Sirica that she took every "possible precaution" with the Watergate tapes she had summarized for the President.

Buzhardt has said he did not give Miss Woods any advice and only poked his head in

briefly during the meeting. Miss Woods, however, testified that "Mr. Buzhardt was in the room most of the time."

"They told me not to volunteer anything," Miss Woods said. "That I should answer the questions 'yes' or 'no' and just don't get into a lot of discussion on anything."

Miss Woods' newly hired lawyer, Charles S. Rhyne, alluding to the Nifon-Haldeman tape of June 20, then asked her whether she had been advised in any way "not to discuss non-subpoenaed matter."

"I don't believe that came up," Miss Woods replied. She said she already was under the impression that she was

to testify only about subpoenaed recordings and documents at the Nov. 8 appearance. She had been told by Haig and Mr. Nixon in early fall that the subpoena did not cover the June 20 Nixon-Haldeman conversation.

Judge Sirica urged Miss Woods before she left the witness stand to search her mind for any relevant information she could think of.

"The only thing the court is concerned about," the judge told her, "is we want to find out the truth—what caused this 18-minute and 13-second gap. Was it by accident? Was it by some action by somebody . . . to cover up something if that is the expression, to prevent justice from being done?"

"It doesn't matter who it hurts," Sirica told her. "I'm not saying I don't believe you. I haven't made up my mind one way or another." But he added, "this is the greatest forum you'll ever have any opportunity to speak at. This is the time to do it. This is not a trial."

Miss Woods responded by saying she felt she was being tried "by the jury of newspaper, radio and media people. She reminded Sirica of news stories this week reporting that the judge was dissatisfied with her testimony.

"I'm telling you I did not make that statement," Sirica told her. But he indicated he indicated that he had suggested to White House lawyers that she remain available for a final appearance if necessary. "The first thing you know, I'll be on trial," Sirica quipped.

Miss Woods stepped down from the witness stand after assuring the court that she had no knowledge of any tampering or intentional obliteration of any of Mr. Nixon's secret tapes.

Haig testified next, declaring that the President was "in-

credulous" on being told Nov. 15 that the erased Watergate tape had been subpoenaed after all.

The White House chief of staff said he told the President that Buzhardt had changed his mind the night before and concluded that the controversial recording would have to be surrendered to the courts.

"The President was very very disturbed when I told him this," Haig reported. "He was almost incredulous that such a mistake could have been made."

Haig's testimony appeared to conflict with earlier White House claims that Mr. Nixon remained doubtful about the tape being required by the Watergate grand jury subpoena until the following week when the 18 $\frac{1}{4}$ -minute blank was finally reported to Judge Sirica.

In between Haig's initial reports to the President on Nov. 15 and the disclosure to the judge six days later, the President assured Republican governors in Memphis that they need not worry about any more bombshells in the Watergate case.

Haig said he also told the President on Nov. 15 that the erasure had obliterated a discussion of the Watergate scandal. The White House chief of staff said he learned this himself that same evening after obtaining Haldeman's notes of the meeting in question.

"It was not a piece of news that I accepted with any tranquility," Haig recalled. "I pointed this out to the President."

Haig said he told Haldeman of the gap that same night in a phone call to California which Haig said he placed because no one at the White House could find the combination to the lock Haldeman had put on his closely guarded files.

"I told him we had a problem and what that problem was," Haig said. "I told him we should have that combination—at the White House and no place else."

Disavowing any expertise on the Watergate scandal, at least "until very recently," Haig repeatedly blushed under cross-examination by Ben-Veniste, who steadily peppered him with excerpts from

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By James K. W. Atherton—The Washington Post

Presidential aides Alexander M. Haig Jr. and Leonard Garment on way to court.

earlier testimony in an attempt to "refresh his recollection."

"It's easy for you to peck at me," Haig told the prosecutor at one point. "But I'm not an expert."

Much of the interrogation centered on the Sept. 29-30 weekend at Camp David where Miss Woods first started reviewing the Watergate tapes for Mr. Nixon, including the June 20 recording. Ben-Veniste introduced the President's log for that day, which showed far more activity than has previously been disclosed.

According to the log, Mr. Nixon visited the cabin Miss Woods was using as soon as he arrived for a short seven-minute meeting, met again with Miss Woods later in the day for 31 minutes, and spoke over phone still later with Buzhardt and with Haig.

Haig recalled telling Miss Woods around 10 a.m. on Sept. 29 that the subpoena did not cover the Nixon-Haldeman conversation, a notion he just picked up from Buzhardt. The White House chief of staff also remembered another phone conversation with presidential aide Stephen Bull, who was helping Miss Woods that day, but Haig could not recall much of what was said.

"Is it not a fact that Mr. Bull advised you that he was not able to find two of the subpoenaed conversations?" Ben-Veniste demanded.

"I don't recall any problem

"I don't recall any problem with missing tapes that weekend," Haig insisted. "It's not the kind of thing I'd focus on."

Mr. Nixon has stated publicly that it was around that same weekend that he decided "that the national interest would be better served" by an out-of-court compromise.