

# TAPE EXPERTS TELL SIRICA THAT GAP IN 18-MINUTE WATERGATE RECORDING WAS DUE TO AT LEAST 5 ERASURES

## WORDS ARE LOST

### White House Cautions Against Drawing Any Conclusions

By LESLEY OELSNER

Special to The New York Times

WASHINGTON, Jan. 15—A court-appointed panel of six technical experts reported today that the 18½-minute gap on a crucial Watergate tape recording was caused by at least five separate erasures and recordings, and not by a single accidental pressing of the wrong button on a tape recorder, as the White House has suggested.

The panel also reported that the conversation on the tape—in which President Nixon apparently ordered H. R. Halde- man to carry out a "public re-

Text of the advisory panel's report is on Page 16.

lations" offensive to counteract the effect of the Watergate break-in at the Democratic national headquarters three days earlier—could not be retrieved.

Meanwhile, the White House refused to make a "premature comment" on the experts' findings, but asserted that conclusions should not be drawn while the matter was still before the court. [Page 17.]

The tape in question was subpoenaed last summer by the special Watergate prosecution. The White House first announced the existence of the gap on Nov. 21, nearly a month after President Nixon finally announced that he would abide by the court's order to comply with the subpoena.

According to legal experts, the fact that the White House did not report that there had been at least five separate acts of erasure on the subpoenaed tape could be the basis for a contempt of court citation

against either Mr. Nixon or his lawyers, should a court determine that officials knew of the erasures.

Moreover, if it is determined that someone deliberately made the erasures, lawyers say, that person could be prosecuted for obstruction of justice.

The only official explanation that the White House has ever given of the gap, was that it had apparently been caused by

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the President's personal secretary, Rose Mary Woods, through a mistake she made while listening to the tape to make a transcript.

In a document submitted to the court Nov. 26 on Mr. Nixon's behalf, J. Fred Buzhardt Jr., at that time the chief of the President's Watergate legal defense team, stated that the gap had apparently been caused by Miss Wood's accidentally pressing of the wrong button on the machine.

#### No Conclusion on Cause

The panel, in its five-page report, released by Judge John J. Sirica, and in testimony by its members in Federal Court, declined to say whether they thought the erasures had been caused accidentally or deliberately.

Under questioning by the Assistant special Watergate prosecutor, Richard Ben-Veniste, however, panel members agreed that the technical evidence they had found in examining the tape would be "consistent" with the results that would be found if their had been a deliberate attempt to erase the tape.

If it were an accident, "it would have to be an accident that was repeated at least five times?" Mr. Ben-Veniste asked at one point, his voice skeptical. Correct, replied Richard H. Bolt of Lincoln, Mass., the first of the experts to take the witness stand.

The office of the White House declined to comment on the panel's report, saying that such comment would be "premature" since the matter was still before the court.

The White House office said, in a statement, that "it would be altogether incorrect and im-

proper for premature judgments or conclusions to be reached in the absence of any judicial decision and while the process is still under way."

#### Response by Nixon Aide

After court recessed this afternoon, James St. Clair—the latest of President Nixon's attorneys in the case—told reporters that "I think I'm going to talk to my own experts."

Mr. Bolt, who with the five other experts was appointed by Judge Sirica after the White House and the special prosecutor had given him the experts' names, was standing nearby. "I thought we were your experts," he replied.

Miss Woods testified before the court on Nov. 26 about her "terrible accident." She said that her telephone had rung while she was in the midst of listening to the tape, Oct. 1, and that when she reached for it, she "must have" pressed down on the "record" rather than the "stop" button and kept her foot on the foot pedal while she talked.

As her testimony progressed, however, she insisted more and more vehemently that she had only been on the phone for four or five minutes and that thus she could have caused only a four- or five minute portion of the erasure.

Mr. Buzhardt subsequently said that his explanation had only been "just a possibility." Gen. Alexander M. Haig Jr., President Nixon's chief of staff, then offered his own theory: He said that women often talk longer on the phone than they admit, and that Miss Woods had probably caused the entire gap.

#### Earlier Haig Testimony

General Haig also said that at one point—when the White House counsel could not determine the cause for the buzzing sound that could be heard for 18 minutes on the tape, in place of conversation—various persons in the White House had thought the gap was caused by "sinister forces." He said, though, that the staff had then determined that the buzzing was caused by the proximity of the tape recorder to a tensor lamp and an electric typewriter, and that the sinister forces theory was thus abandoned.

The panel of experts rejected the lamp-electric typewriter explanation of the buzzing sound, saying that it had apparently been caused by a combination of factors; a defective component in the recorder used

by Miss Woods, certain sound levels on the electrical power line to which the recorder was plugged, and, perhaps, the placing of a hand near the machine.

Their key finding, however, was that the gap had been caused by a number of erasures rather than one—as Mr. Bolt put it during his cross-examination by Mr. St. Clair this afternoon, "just how the buzz started is not really relevant."

The experts—whose explanations turned the court into something of a university lecture hall, replete with charts and blackboard and dozens of listeners straining to under-

stand—made their finding through a process described as "developing" the tape. They covered the tape with a magnetic fluid that allowed them to see various markings on the tape.

The key marking was what they called the "quartet signature"—four tiny lines, each half a millimeter high, in a group three millimeters wide—which the "erase head" of the recorder marks onto the tape each time the erase function is halted. There were five such marks on the tape, according to the testimony.

There were also marks indicating a total of nine different "starts" to the erasing and re-recording process, but not all of these nine segments had what the experts called "certain endings"—apparently because they were erased by other markings. According to

the testimony, there were thus between five and nine separate actions taken to erase and re-record segments of the 18½-minute stretch of tape.

The quartet signature, according to the testimony, occurs only when the machine has been operating and then the "record" button is released—and, while the button can be released by pressing any of four buttons on the machine, it must be done manually.

Judge Sirica interrupted the discussion at one point to ask the "significance" of the markings.

#### "Button Was Deactivated"

"It definitely means that the record button was deactivated, which can only be done by release of the record head, which can only be done by pressing one of the four buttons," the witness at the moment, Thomas

G. Stockham Jr. of the University of Utah, replied.

Pressing them "manually?" Judge Sirica asked.

"Or with a stick," the witness replied. The answer coming after months of testimony about "sinister forces" and descriptions of reaching for a phone while playing a machine several feet away, drew loud laughs from almost everyone in the courtroom, except for those who sat at the White House table.

The group at that table today included Miss Wood's at-

torney, Charles S. Rhyne, who in earlier stages of the case had insisted on sitting elsewhere.

The experts said that there were three small fragments of "speech-like sound" on the portion of the tape bearing the 18½-minute gap, each next to a small silence.

Mr. Ben-Veniste pressed for an explanation, asking if those portions could be on the tape, if someone erased a portion of the conversation then rewound the tape, then tried to advance it to the "exact spot" where the erasure ended and then be-

gan a new erasure on a subsequent portion of the tape.

Dr. Stockham replied that it was "conceivable," for, as he put it, "It's extremely difficult to arrange" for the subsequent erasure to begin at the precise point on the tape where the last erasure ended.

Several questions were phrased in terms of Miss Woods; at one point, in saying that to create a certain effect on the tape "he" would have to take a certain action. Mr. Bolt quickly stated that he had been using the "editorial 'he'."