

Another 'Gap' In Nixon Tapes

Washington

A 19-minute gap exists in another of President Nixon's Watergate tapes, a conversation on March 20, 1973, between the President and John D. Ehrlichman, the special prosecutor's office said yesterday.

In making the disclosure to U.S. District Judge John J. Sirica, Assistant Prosecutor Richard Ben-Veniste said the partly-blank tape was under subpoena by the House Judiciary Committee.

It is not among the White House conversations subpoenaed by the special prosecutor's office, he said.

The tape is still in the custody of the White House, and Ben-Veniste did not tell Sirica—and refused to tell reporters later—how prosecutors learned about the gap.

It is likely, however, that evidence of this gap was uncovered by a federal grand jury that is still probing an 18½-minute buzz on an earlier Watergate tape—a conversation on June 20, 1972, between Mr. Nixon and H. R. Haldeman, his former chief of staff.

James D. St. Clair, Mr. Nixon's chief Watergate attorney, told reporters outside the judiciary committee offices later yesterday that a reel of tape had run out in the middle of the March 20 conversation.

He said that Special Prosecutor Leon Jaworski's office was informed of this early last month and that Ben-Veniste's statements in court were "misleading and unjustified."

Saying the White House taping system did not automatically switch reels, St. Clair told reporters:

"There was apparently an interval during which one tape had run out and, prior to the installation of a replacement tape, where a portion of the conversation was not recorded."

In response to St. Clair, a

spokesman for the special prosecutor's office said:

"This office stands by what Mr. Ben-Veniste said in court this morning."

The spokesman declined to say if the White House had voluntarily offered an explanation last month about the gap.

At the White House, Deputy Press Secretary Gerald L. Warren said he is confi-

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dent that there has been no alteration in the March 20, 1973, recording, which is among those Mr. Nixon has refused to provide the House impeachment investigators.

"I don't know what Mr. Ben-Veniste is talking about," Warren said. He accused the prosecutor of "playing more to the press gallery" than presenting evidence in court.

Ben-Veniste made the disclosures as he asked the court to order the White House to index all tapes relating to the Watergate case and to take precautions to preserve the tapes.

Instead of granting that request, Sirica ordered the record of yesterday's hearing forwarded to the Supreme Court, which is studying the question of whether President Nixon must turn over tapes and other Watergate evidence to the prosecutor's office.

Ben-Veniste said still another tape, which he did not describe, had been "torn and to some extent mangled" by a White House Secretary who was transcribing it.

The March 20, 1973, tape could be significant for several reasons. It was the day before the President had acknowledged that John W. Dean III, then his White House counsel, gave him a full report on the extent of the Watergate coverup.

It was also the day that Ehrlichman has said he talked to Dean about threats that E. Howard Hunt Jr. would publicly reveal activi-

ties of the secret White House plumbers unit of which Hunt had been a member.

The tape containing the gap is of a meeting in the Oval Office between the President and Ehrlichman from 4:26 p.m. to 5:39 p.m. that day.

Disclosure of the new tape gap came at a hearing called by Sirica to explore a White House offer to give Jaworski the tapes of 20 of 64 conversations he has subpoenaed — the same 20 conversations released in edited form by the White House last April 30.

The White House made this offer last Monday (during arguments before the Supreme Court on whether the President must furnish all 64 recordings for the September 9 coverup trial of six former administration officials and campaign aides.

Associate Prosecutor James Neal told Sirica, however, that the White House offer "is illusory, it is nothing, it helps us not at all."

He said the White House is only willing to furnish excerpts of the 20 tapes — the same excerpts on which its edited transcripts were based.

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