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**St. Clair Says
9 Talks Were
Not Recorded**

By William Claiborne
Washington Post Staff Writer

President Nixon's defense lawyer disclosed yesterday that nine tape-recorded conversations—or nearly a third of the last group of tapes surrendered yesterday under Supreme Court orders—apparently never existed.

White House special counsel James D. St. Clair said the conversations either were made on telephones not plugged into the taping system, or were held in rooms that were not wired to recorders.

In two instances, St. Clair said, White House officials simply have been unable to find recordings of conversations covered by subpoenas issued by Watergate special prosecutors.

However, St. Clair did hand over to U.S. District Court Judge John J. Sirica tapes of 22 presidential conversations, thereby fulfilling the July 24 Supreme Court order that Mr. Nixon surrender evidence relating to the upcoming Watergate cover-up trial of top former presidential and campaign aides.

The nonexistent tapes would have included conversations the President had with his former two top aides, H. R. (Bob) Haldeman and John D. Ehrlichman in April, 1973, when the Watergate cover-up was unraveling.

Those telephone calls, St. Clair said, were made from a portion of the White House residence that was not connected to the taping system. Five subpoenaed conversations in the final list of 31 tapes apparently do not exist because they involved calls made from the White House residence section.

Two subpoenaed conversations, Mr. Nixon's lawyer said, were never recorded because they occurred at the President's retreat at Camp David, Md., and automatic recording devices had

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already been removed from there.

Those conversations included the President, Haldeman, Ehrlichman and, on one occasion, former White House counsel John W. Dean III.

As for the tapes that White House officials have been unable to account for, St. Clair said one involved a conversation in late January, 1973, when the President and former White House aide Charles W. Colson purportedly discussed clemency for Watergate conspirator E. Howard Hunt Jr.

St. Clair said his staff would continue to look for that tape, or any record of it.

Another missing tape for which St. Clair had no explanation covers a conversation on Feb. 20, 1973, between Mr. Nixon and Haldeman at which the main topic of conversation was former campaign aide Jeb S. Magruder and his interrogation by the authorities.

During yesterday's final tapes hearing, Sirica announced that he was adamantly opposed to releasing copies of the presidential tapes to lawyers for the defendants in the Watergate cover-up trial, which is scheduled to begin Sept. 9.

Warning against the possible leaking of the tapes to the press and noting that the Supreme Court order provided only for the release of the relevant portion of the tapes to the special prosecutor, Sirica said:

"I don't want the prosecution to allow these tapes to be let out of the office unless they are being used here [in the courtroom]," Sirica said.

He said he was fearful the tapes might turn up at a "Georgetown cocktail par-

ty," an obvious reference to the controversial playing of one of Mr. Nixon's tapes last December by friends of William A. Dobrovir, a lawyer who had subpoenaed the tape in a civil suit challenging the administration's increase in milk price supports.

"Lord forbid, we don't want that to happen again," said Sirica, warning that release of the White House tapes to individual defense lawyers would tempt secretaries and "young lawyers" to leak the contents.

Assistant Special Prosecutor Jill Volner assured Sirica that the tapes could be made available to defense lawyers "for listening in our office," and she pledged to work out such an arrangement.

Frank H. Strickler, attorney for Haldeman, also argued in court that personal notes his client made while serving in the White House should not be given to the special prosecutor.

"He maintains that they are his personal property, made by him for his own personal use," Strickler told Sirica.

The judge invited the defense lawyer to file a formal motion to that effect by Monday, and Strickler said he would.

St. Clair said he had spent two hours yesterday personally searching one White House file cabinet in hopes of finding Haldeman's notes of a March 23, 1973, meeting between the President and his former chief of staff, but that he could not find them.

Sirica ordered that five taped conversations for which no claim of executive privilege has been made be turned over to the special prosecutor. The judge said that after listening to the tapes, "in each instance the tape recording contains material of an admissible and relevant character."