

St Clair Analysis of Recordings Raises New Questions on White House Transcripts

Latest Tapes Data Vary From Earlier Documents

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WASHINGTON, Aug. 1—An "analysis" of the tape recordings of 20 White House conversations prepared by President Nixon's chief defense lawyer is at variance with other Presidential documents, including transcripts of the taped conversations themselves that were previously submitted to the House Judiciary Committee.

The submission of the "analysts" to the United States District Court here yesterday by James D. St. Clair, the Nixon counsel, followed by one day his surrender to Judge John J. Sirica of the actual tapes of the 20 conversations.

The recorded conversations, all involving President Nixon, are among those subpoenaed from the White House by Leon Jaworski, the Special Watergate prosecutor. They were the first of the group that the President has agreed to turn over to Mr. Jaworski in response to the Supreme Court's 8-0 decision last week upholding the subpoena.

An examination of the St. Clair analysis in conjunction with other documents, including sworn testimony by Secret Service agents, appeared to raise questions about the completeness of the transcripts and about the explanation that Mr. St. Clair gave yesterday for a new five-minute "gap" in one of the subpoenaed tapes.

The analysis was presented to Judge Sirica to outline the White House arguments that the court should withhold some parts of some conversations from Mr. Jaworski under the doctrine of executive privilege asserted by Mr. Nixon.

'Ambiguity' Noted

In analyzing the recording of a meeting on April 14, 1973, between the President and H. R. Haldeman, then chief of his White House staff, Mr. St. Clair noted "some ambiguity as to the correct time of this conversation."

"At the very beginning of the conversation," he told the court, "the President alludes to having just been outside for a ceremony. Yet the President's log indicates that this conversation took place before the President did an event in the Rose Garden."

Whatever the time of the meeting with Mr. Haldeman, however, the transcript of the conversation prepared by the White House and submitted to the Judiciary Committee and the public last April contains no allusion by Mr. Nixon to an outside ceremony.

Asked whether a portion of

the conversation had been omitted from the published White House transcript, Gerald L. Warren, the White House deputy press secretary, replied only that if Judge Sirica wished to ask Mr. St. Clair about the apparent discrepancy, "he'd be happy to discuss it."

The preface to the thick, blue volume of 42 transcribed and edited Presidential conversations notes that it represents "the best efforts accurately to transcribe the material contained on the recording tapes."

It adds that all deletions of "expletives," characterizations of third persons and material unrelated to President Nixon's conduct in the Watergate matter had been noted in the text.

The published transcripts, which have been found at variance in numerous cases with transcripts prepared by the Judiciary Committee, are replete with such deletions but none is indicated anywhere in the Nixon-Haldeman meeting.

None of the 20 tapes surrendered to the court on Tuesday has been made available to the Judiciary Committee. Judge Sirica will entertain Mr. St. Clair's assertions that portions of some of the conversations are protected by the doctrine of executive privilege before deciding which parts of them can be given to Mr. Jaworski.

In an analysts yesterday, Mr. St. Clair also disclosed that five

minutes and 12 seconds of another oval office conversation three days later, on April 17, 1973, had not been recorded.

Mr. St. Clair said in his analysis that the delay occurred in involving the President, Mr. Haldeman and John D. Ehrlichman.

However, a transcript of the same conversation made public in April by the White House identifies another participant—Ronald L. Ziegler—who is not listed in the St. Clair analysis of the conversation.

According to the testimony of Raymond C. Zumwalt, one of the Secret Service agents who set up the White House recording system in February of 1971, the seven microphones hidden throughout the Oval Office were connected to a two-recorder system.

Mr. Zumwalt, the chief of the Secret Service's technical security division, testified before Judge Sirica last year that the two machines were used on alternate days.

He said each had a six-hour and 22-minute recording capacity, and was activated by an

automatic timer that switched the recording system from one machine to the other at midnight.

He also told the court that the system was operable only when the "locator" device used by the Secret Service showed that Mr. Nixon himself was in the office.

Mr. St. Clair, in his analysis, noted that a full reel was removed from the Oval Office machine at 4:20 P.M. on the afternoon of April 17, 1973. According to the President's logs, the meeting began at 3:50 P.M. and ended at 4:35.

Subtracting the 5-minute and 12-second gap cited by Mr. St. Clair, the machine would have run out of tape at about 4:15 P.M.

However, an examination of the President's "daily diary" for April 17, 1973, which was submitted by the White House to the Judiciary Committee, shows that by 3:50 P.M., when the conversation in question began, the President had spent only 5 hours 9 minutes in the Oval Office.

Thus, following Mr. Zumwalt's arithmetic, an additional hour and 13 minutes of tape would have remained on the machine at that point.

By 4:15 P.M., the time Mr. St. Clair approximates the tape ran out, some 43 minutes thus would have remained.

Mr. Warren explained that the Secret Service agents in charge of the system did not monitor it continuously, and he said he assumed that the full reel had been discovered as the result of a routine check.

Asked whether there might be gaps in other recordings for the same reason, Mr. Warren replied that it was "hard to say." But he noted that Mr. St. Clair had remarked publicly that innocuous disparities might be found to exist in other tapes.

Earlier Disclosure

There have been previous disclosures of anomalies on the tapes. An 18½ minute "buzz" obscures a watergate-related conversation between President Nixon and Mr. Haldeman on June 20, 1972, three days after the Watergate break-in.

Mr. Jaworski's office disclosed last month that about 19 minutes of a March 20, 1973, White House conversation were never recorded.

One possible reconciliation between Mr. St. Clair's assertion that the tape ran out at 4:15 P.M. and contrary indications that some tape remained could be that part of the tape was recorded between 12:01 A.M. and 9:18 A.M., the time the diary shows that Mr. Nixon entered his office.

But the President's daily diary given to the Judiciary Committee for April 16, the previous day, does not show that the President was in the Oval Office between midnight and 9:18 A.M.