

Controversy On Previous Buggings

Washington

A White House aide said yesterday that the Johnson administration also secretly tape-recorded presidential conversations, but this was immediately challenged by a Secret Service spokesman and by ex-aides to President Johnson.

In a letter to Senator Sam J. Ervin Jr., chairman of the Senate Watergate investigating committee, J. Fred Buzhardt, a special presidential counsel, asserted that "the system, which is still in use, is similar to that employed by the last administration and which had been discontinued" from 1969 until early 1971.

That assertion was instantly challenged by two of President Lyndon B. Johnson's closest advisers. One of them, Joseph A. Califano Jr., now a Washington lawyer, described the Buzhardt statement as "a goddamned outrageous smear, a total smear on a dead President."

A spokesman* for the Secret Service also contradicted the assertion. He said the agency had installed hidden

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*JOHN MURRAY?
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recording equipment at Mr. Nixon's request but had never done similar work for any other administration, including Mr. Johnson's.

Beyond releasing the text of the Buzhardt letter, the White House made almost no information available.

Deputy White House press secretary Gerald L. Warren said Mr. Nixon, who is recovering from a siege of viral pneumonia at Bethesda Naval Hospital, had been told of the Buzhardt letter. He also reported that the White House had been informed that Alexander Butterfield, a former White House aide, planned to disclose the recording plan to the Senate committee.

Buzhardt's letter promised a fuller statement "shortly," but Warren said he did not know when it would be sent to Ervin or whether it would be made public.

The crucial question left unanswered was whether the tape recordings of conversations the President had with alleged participants in the Watergate affair would be turned over to the committee.

Warren repeatedly refused to say whether the tapes fell within the category of materials that the President had previously refused to make available to the committee's investigators.

Warren also left unanswered such other questions as these: Where are the tapes now? Have any of them been destroyed? Have any been transcribed? If so, what have the transcripts been used for? Are such transcripts to be used as the basis for Mr. Nixon's defense, as Butterfield suggested?

The President's action in requesting the recording was apparently not illegal.

Section 2511 of Title 18, U.S. Code, provides that "it shall not be unlawful for a person not acting under color of law to intercept a wire or oral communication where such person is a party to the communication or where one of the parties to the communication has given prior consent . . ."

However, if someone other

than the President or one of his aides who knew of the recordings used the presidential telephone and was recorded, that would be illegal. Such an occurrence would probably be infrequent.

Under telephone company regulations, conversations that are being recorded must be interrupted by a periodic beep to let the person at the other end of the line know of it. This was not done at the White House.

"Normally if we discovered such a violation," a spokesman for the Chesapeake and Potomac Telephone Co. here said, "we'd notify the customer and ask him to stop doing it. I suppose if they continued the recording we could remove their phones. But I don't know what we would do about the White House."

John Murray, the Secret Service spokesman, said the tapes were stored somewhere in the White House, under Secret Service supervision but in the "custody" of the administration.

He confirmed Butterfield's testimony that the listening devices were placed in the White House, the Executive Office Building and the presidential retreat at Camp David, Md. Asked whether there were others as well, he declined comment.

He also declined to estimate how much the installation cost.

Califano, who was President Johnson's chief domestic adviser, said in a telephone interview that he recalled Mr. Johnson asking his secretary to make occasional shorthand notes of

conversations while listening on an extension.

He also said that during several meetings in the Cabinet Room in 1968, which dealt largely with Vietnam, the discussions were recorded. But it was done through microphones placed on the tables in full view of all the participants.

"There was absolutely no secret wiring of the place," Califano declared.

Representative James R. Jones (Dem-Ola.), who was the third man to hold under Mr. Johnson the same job that H. R. Haldeman held under Mr. Nixon, agreed. The only recording equipment he knew of, he said, was on a telephone at the LBJ ranch in Texas, and it was used exclusively to take down complicated messages for relay to the President.

Neither Marvin Watson nor Jack Valenti, Jones' predecessors in that position, could be reached for comment.

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Butterfield - see
Jack Anderson,
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