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Haldeman challenged by panel on version of contents of tapes; Nixon alone to decide on access

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The New York Times/George Tames

H. R. Haldeman discussing Presidential tapes at hearing

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## SENATORS IRATE

### Ervin Sees a 'Planned Action to Leak a Version of Talks

By JAMES M. NAUGHTON

Special to The New York Times

WASHINGTON, July 31—The Senate Watergate committee challenged, in terms of alarm and indignation, the testimony today of H. R. Haldeman about the contents of secret White House recordings of President Nixon's Watergate conversations.

Senator Sam J. Ervin Jr., the chairman of the investigating committee, asserted that Mr. Haldeman's testimony was part

Excerpts from the testimony are on Pages 21 and 22.

of a "planned action" by the White House to "leak" a favorable version of the taped conversations.

Several of the North Carolina Democrat's colleagues joined him in expressing resentment that the President had denied them access to the recordings, but had permitted Mr. Haldeman to take one of them home after resigning from his post as the White House chief of staff last April 30.

#### Left in a Closet

And one member of the committee expressed concern that the tape might have been altered when he elicited from Mr. Haldeman a concession that the former Presidential aide had left it in a closet for two days.

Mr. Haldeman insisted, in his second appearance before the Senate panel, that he was trying to be "as accurate as I can" in recounting the taped discussions between the President and John W. Dean 3d, the dismissed White House legal counsel and chief witness against the President.

Mr. Haldeman said that he was "very much aware that my accuracy in attempting to describe the contents of those tapes is subject to verification" if the Senators or the Government's special Watergate prosecutor, Archibald Cox, should obtain a Federal court order granting access to the President's tapes.

Mr. Haldeman disclosed as he began his testimony yesterday that President Nixon asked him in April to listen to the recording of a March 21 discussion with Mr. Dean and permitted him earlier this month—as a private citizen—to play back at his home the tape of a conversation last Sept. 15

involving Mr. Dean.

In today's issue, The New York Times reported erroneously that Mr. Haldeman had listened to the tape of last March 21 earlier this month and to the tape of Sept. 15, 1972, last April.

Although Mr. Haldeman spent much of today denying allegations that he had been a participant in the Watergate cover-up or, more frequently, saying that he had "no recollection" of events described by prior witnesses, the Senators were clearly more interested in the controversial tape recordings.

The vice chairman of the committee, Senator Howard H. Baker Jr., Republican of Tennessee, told Mr. Haldeman that he shared Senator Ervin's concern that the testimony had placed the committee in a "strange situation." And Mr. Baker said it had "heightened" his own determination to gain access to the tapes.

Furthermore, Senator Daniel C. Inouye, Democrat of Hawaii, flew from Mr. Haldeman late today the disclosure that he had left the Sept. 15 tape at his Washington home—in a box in a closet—about 48 hours.

"Is it possible that this tape, during those 48 hours, could have been doctored?" Senator Inouye asked.

"I don't believe it is possible," Mr. Haldeman replied.

#### Took Other Tapes

He also told Mr. Inouye that, on the day he left the Sept. 15 tape at his home, the President made available to him an unspecified number of other tapes. Mr. Haldeman said he took them home, but decided that it would be improper to listen to conversations in which he had not been a participant, and so returned all the tapes to the White House around July 11.

Senator Ervin's angry denunciation of the testimony on the contents of the tapes—which he had insisted yesterday on receiving from Mr. Haldeman—appeared to have been prompted in part by the discovery that Mr. Haldeman's attorney, John J. Wilson, advised the President's counsel last Sunday that Mr. Haldeman was likely to have to testify about the contents.

The Senator said he was forced to infer that there had been "a little bit of collaboration" between Mr. Haldeman and the White House and, at one point, he told Mr. Wilson, "It just shows there has been a little [of] what we call in North Carolina 'canoodling together.'"

#### 'A Simple Principle'

Mr. Wilson replied that he had merely consulted with J. Fred Buzhardt, the special White House counsel, "on a simple principle, and that was to what extent they would permit us to disclose" the contents of the tapes. Mr. Wilson insisted, as did Mr. Haldeman, that the White House did not know until Mr. Haldeman sat at the witness table late yesterday what he would testify.

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Mr. Haldeman told the Senators yesterday, as he read an 89-page prepared statement denying that he or Mr. Nixon had taken part in the Watergate break-in or cover-up, that he was ordered by the President not to disclose any discussions he had heard on the tapes but had not heard in person. But Mr. Haldeman added that he had a prepared "addendum" he could read, revealing the contents of the taped conversations, if the committee insisted. The committee did insist and Mr. Haldeman read the addendum.

In addition, Mr. Wilson gave the Senators a letter from Mr. Buzhardt yesterday, stating that if Mr. Haldeman was "asked to

testify" about the contents of the recordings, "the President has requested" that Mr. Wilson tell the committee Mr. Haldeman must decline.

Referring today to the circumstances of Mr. Haldeman's disclosure and to what he called Mr. Buzhardt's "powder-puff objection," Senator Ervin asserted that there was an "irresistible" inference that the White House knew what Mr. Haldeman planned to tell the committee.

Senator Ervin also said Mr. Nixon had declared in a letter to the Senator last week that the tapes were in the President's "sole" custody and that none of them had been or ever would be transcribed.

"Here a witness appears and makes them public just a few days after that," the Senator said. He added:

"Should we infer that the private word of the White House becomes 'inoperative' a few days after it is given?"

Mr. Haldeman replied that the White House had only been consulted about the "dilemma" that the witness faced regarding the tapes.

But Senator Ervin declared that "the clear indication is that White House counsel wanted Mr. Haldeman to reveal his interpretation of the tapes to the public."

#### Tapes Viewed as Crucial

The committee regards the tapes as central to an ultimate determination of President Nixon's involvement, if any, in the Watergate cover-up.

Mr. Dean testified last month that he first became persuaded of Mr. Nixon's involvement in the cover-up at a meeting last Sept. 15. The former White House counsel said the President had congratulated him for his efforts to assure that no one would be indicted by a Federal grand jury except the seven original Watergate defendants.

Mr. Dean also alleged that he sought unsuccessfully last March 21 to persuade the President that the cover-up must end and that it was "a cancer growing on the Presidency."

Mr. Haldeman testified yesterday—and clung today to the assertion—that the tapes of the Sept. 15 and March 21 meetings did not support Mr. Dean's testimony. He said that, to the contrary, the tapes authenticated Mr. Nixon's declarations of innocence.

The President said last week that the tapes supported his position but that portions of them might be misinterpreted by persons who had perspec-

tives or motives different from his.

Thus, Senator Ervin contended today, "the committee might interpret the tapes in quite a different way from the way Mr. Haldeman has interpreted them." He added, "I am going to have to confess that I am going to be rather scrupulous in considering whether I should accept Mr. Haldeman's interpretation."

#### Weicker Voices Concern

Senator Lowell P. Weicker Jr., Republican of Connecticut, said that his concern about the tapes was more basic. He maintained that it was "grossly unfair" to other potential defendants in the Watergate case to be denied access to the recordings when Mr. Haldeman had been permitted to hear them.

And Senator Herman E. Talmadge, Democrat of Georgia, asked Mr. Haldeman why "a private citizen"—as Mr. Haldeman is now—should be "more entitled to listen to those tapes than a Senate committee of the Congress of the United States."

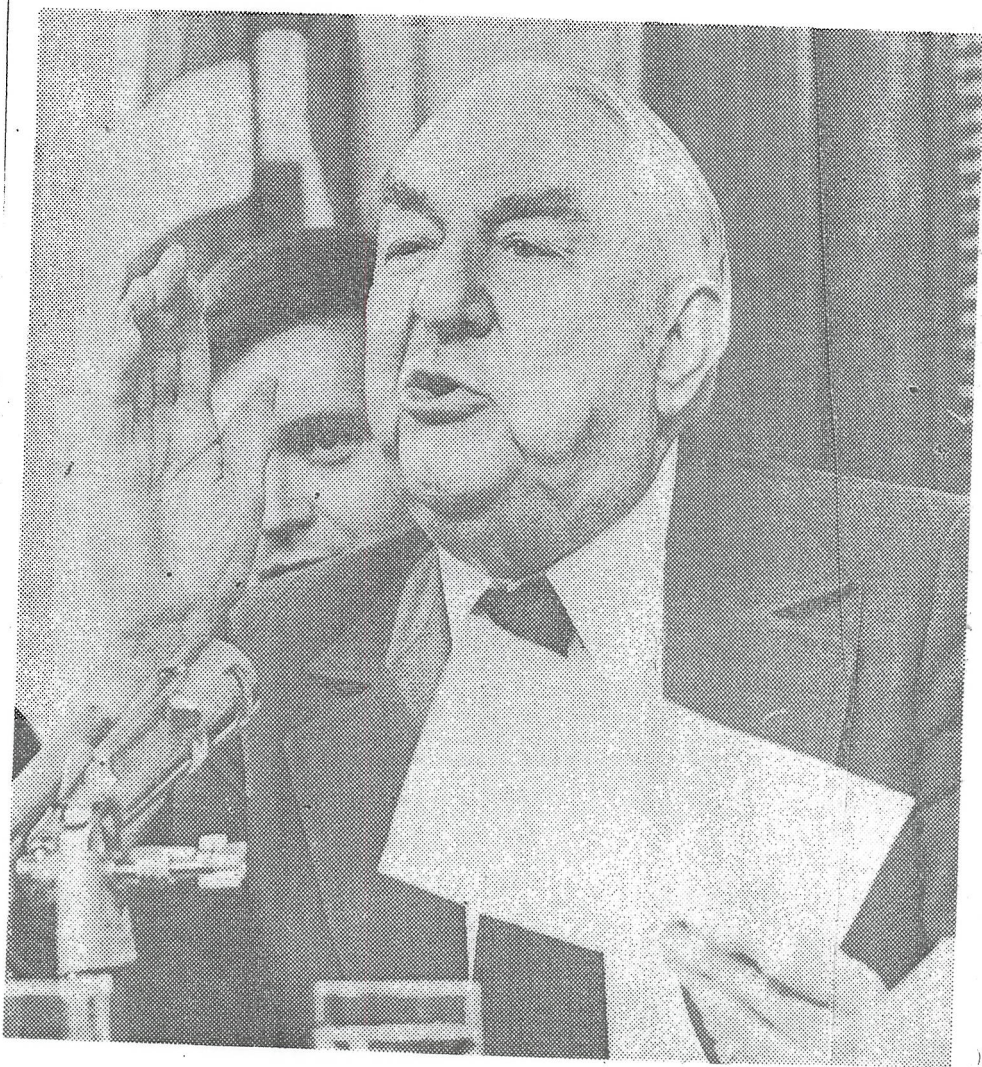
It was, Mr. Haldeman said, "a question that I cannot answer" except to say that he had listened to them as a "means of reporting to the President" what they contained.

Mr. Haldeman had the reputation among the White House

colleagues of a stern supervisor who brooked no errors by subordinates. He told the Senators this morning that he had operated on the assumption that the White House staff he headed would have "zero defects."

#### Spoke Without Passion

But his demeanor at the witness table in the Caucus Room of the Old Senate Office Building was anything but stern. He clasped his hands—or, oc-



Senator Sam J. Ervin Jr., of North Carolina, chairman, speaks during Watergate hearing

The New York Times

asionally, unfolded his fingers into a prayerful form—and he spoke without passion in a mellow voice, occasionally displaying an engaging grin.

But Mr. Haldeman challenged time and again the questions put to him about testimony of earlier witnesses—including that of Mr. Dean and former Attorney John N. Mitchell—that he had taken part in events that contributed to a cover-up effort.

He specifically denied that Mr. Dean had told him last summer that Jeb Stuart Magruder, then deputy director of the Committee for the Re-election of the President, intended to give perjured testimony about the Watergate conspiracy.

He denied Mr. Mitchell's testimony to the committee that they had discussed, soon after the Watergate break-in on June 17, 1972, some questionable White House activities undertaken by two Watergate conspirators, E. Howard Hunt and G. Gordon Liddy.

#### Uncertain About Funds

Mr. Haldeman insisted several times that, even though he had arranged for the return of \$350,000 in cash from the White House to the re-election committee early this year, he had no specific knowledge that the funds would be used to insure the continued silence of the Watergate defendants.

For the most part, however, Mr. Haldeman told the Senators and committee lawyers he had no recollection of meetings at which he allegedly was advised of break-in plans or cover-up activities.

He said he could not recall Mr. Dean's having warned him in February, 1972, that Liddy was proposing an intelligence program involving burglaries, wiretapping and other illegal acts. He said he could not remember being informed by his aide, Gordon C. Strachan, two months later that the campaign committee had established a "sophisticated political intelligence gathering system" with a budget of \$250,000 or more.

#### Clemency and Money

Mr. Haldeman also told the panel he had no specific recollection of any White House discussions before last March of demands by the Watergate conspirators for Presidential clemency and money.

When Samuel Dash, the chief counsel of the committee, asked him when he first learned of the Watergate break-in, Mr. Haldeman replied:

"That seems to be the crucial question, and I have to give, I guess, the most incredible answer. I don't know, Mr. Dash. I simply don't remember how I learned about it or precisely when or from whom."

When Mr. Dash asked the witness later to describe "who initiated the request" three weeks ago that Mr. Haldeman listen to the Sept. 15 tape recording, Mr. Haldeman answered:

"I am not sure whether I did or whether the President did in a message to me. But it was one way or the other on the basis that it ended up being that I should listen to it and give him a report as to its content."

Mr. Haldeman was at his most positive when he sought late today to refute Mr. Dean's assertion that Mr. Dean never had been asked to conduct an official investigation of the Watergate case.