

# A 'GAP' IN TAPES REPORTED BY AIDE

## Deputy to Nixon Tells Court Another Conversation With Dean May Be Unavailable

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Special to The New York Times

WASHINGTON, Nov. 7—A Presidential aide testified today that a "gap" had been discovered in one of the White House tape recordings and that as a result another conversation between President Nixon and John W. Dean 3d, then his counsel, might be unavailable.

John C. Bennett, deputy assistant to the President, told Federal District Court here that Rose Mary Woods, Mr. Nixon's personal secretary, had told him this morning that she had discovered a "gap" while putting one of the recordings into written form.

"I presume that in going through some one of the conversations—I believe it was between the President and Mr. Dean—that she found some sort of gap in the recording," Mr. Bennett said, adding that he had not inquired into her problem any further.

"I didn't think it was in the President's interest to get into the contents of that tape," he observed.

The White House announced last week that its recording system had failed to pick up a conversation between the President

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and Dean on April 15 because a six-hour tape in the Executive Office Building had run out before the evening meeting took place.

Nixon lawyers said then that there was also no recording of a call the President made to John N. Mitchell, his campaign manager, on June 20, 1972, three days after the Watergate burglary, because the telephone on which the call was placed was not hooked into the recording system.

These two recordings were among nine that had been subpoenaed from the President by

the special Watergate prosecution force, precipitating a legal battle during which Mr. Nixon at first defied court rulings that he surrender the tapes but finally agreed to do so.

The prosecutors regarded the two conversations that were said to have been unrecorded as critically important to resolving questions as to the President's knowledge of the break-in at Democratic national headquarters in June of 1972 and his participation, if any, in the cover-up of that crime.

Mr. Bennett said that the April 15 conversation with Dean could not have been the one in which Miss Woods discovered a gap because the only tape made that day is now locked in his—Mr. Bennett's—office in the White House.

Miss Woods also reportedly told Mr. Bennett this morning that she did not "transcribe" a

number of the Watergate tapes at the President's request, if witnesses had indicated yesterday. Apparently she meant she had typed something less than a full verbatim record of them.

"That's not the right word. I did not transcribe tapes," Miss Woods said, according to Mr. Bennett, adding that she intended to tell Judge John Sirica when she testifies in the fact-finding hearing on the missing conversations, possibly tomorrow.

"Rose," Mr. Bennett said he replied, "when you go over there just tell them what you have done."

After today's hearing, Richard Ben-Veniste, assistant special prosecutor, told reporters that he was "baffled" by the news of a new-found gap in the White House recordings.

A new attorney made his first public appearance on the

White House legal team defending the President in the tapes controversy. He is Samuel J. Powers Jr. of Miami, a 56-year-old trial lawyer with considerable experience in representing insurance companies in negligence cases.

In Florida legal circles, Mr. Powers is regarded as an ideological conservative who has thus far restricted his political activity to campaign contributions. He took the lead today in examining witnesses, in the

absence of Leonard Garment, the President's counsel, and J. Fred Buzhardt Jr., his special counsel.

So far, all the expense of hiring outside lawyers to represent Mr. Nixon in the Watergate tapes case has been met out of public funds.

Judge Sirica opened today's session by cautioning the press and the public to "withhold final judgment" on the issues raised by the missing White House conversations and "keep

an open mind while the evidence is coming in."

The White House assistant also described how his superior, Alexander M. Haig, Mr. Nixon's chief of staff, had alerted him on July 29, just after the Watergate prosecutors' subpoena had been served, that a list of tapes the President wanted to listen to was "on the way." But he said it had never come, and it was not until two months later that Mr. Nixon conducted a full review of the material.