

No Dictated Memo

Nixon's New Offer To Court on Tapes

Personal Notes of Dean Talk

Washington

President Nixon offered yesterday to furnish U.S. District Judge John J. Sirica with background information on two conversations sought by Watergate investigators that the secret White House recording system had failed to record.

The President's action came as Judge Sirica brought to a close, except for the testimony of one witness, his fact-finding hearings on the missing conversations. The judge announced an agreement between the White House and the Watergate prosecutors to speed evidence from the tapes to the grand jury.

Mr. Nixon reported in a statement that he would provide the judge with his own handwritten notes taken during an April 15 meeting with John W. Dean III, then his counsel. The conference went unrecorded, according to the White House, because tape on the recorder had run out.

SUMMARY

As recently as a week ago, the White House had promised to provide a dictation belt recording of the President's summary of the April 15 meeting, in lieu of the gap in the tape, but officials admitted yesterday that the dictation belt was also missing.

The President said he would make available a dictation belt containing his re-

collection of the second missing conversation, a telephone call to John N. Mitchell, his campaign manager, on June 20, 1972, three days after the burglary of Democratic national headquarters in the Watergate complex.

Mr. Nixon also volunteered to provide a second dictation belt dealing with two conversations with Dean

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on March 21, along with the actual tape recordings of those meetings. The President said he was taking these steps to dispel any public doubt about White House cooperation with the investigation.

STEPS

The agreement announced by Sirica will involve these steps:

- A joint panel of technical experts will examine the subpoenaed tapes and all other material submitted by the White House in search of "any evidence of tampering or alterations of the tape recordings."

- All the tapes and other material will be copied, and the original sealed and stored in the White House vault until they are delivered to Judge Sirica for his screening.

- The White House will submit to the court by November 20 an analysis and index of all the subpoenaed material, together with the actual tapes. On November 30, the prosecutors and White House lawyers will hold a closed conference

with the judge to discuss claims of privilege by the President.

DECLINE

Under the decision of the U.S. Court of Appeals, the

President may decline to submit any material on the tapes that relates to "national defense or foreign relations" and the Watergate prosecutors can "inspect the claim and showing" and challenge it in a closed proceeding before the judge.

Thereafter, Sirica will decide whether any of the material is privileged and should be withheld from the grand jury. He will transmit to the jurors, after consulting the prosecution force if he wishes, all portions that appear to provide relevant evidence for their investigation.

Because the hearings were not technically concluded — Alexander Butterfield, a former White House aide, is abroad and will testify late this week — Sirica did not announce any rulings based on the fact-finding session or any personal conclusions.

It seemed clear from his proposed schedule, however, that he is not disposed to argue with the White House contention that two of the tapes under his jurisdiction were simply not in existence, at least pending some contrary evidence of tampering from the technical experts.

DICTATION

The news that there was no presidential dictation belt covering the April 15 meeting with Dean came as another in a series of abrupt White House reversals with respect to potential Watergate evidence.

Assistant Attorney General Henry Petersen testified before Sirica yesterday that the President had told him on the telephone on April 18 that Dean had claimed three days earlier that the prosecutors had promised

him immunity and "I have it on tape if you want to hear it."

As recently as November 2, Gerald L. Warren, deputy White House press secretary, assured reporters that Mr. Nixon had dictated the gist of the April 15 Dean conversation into a dictaphone.

"I know it was tape-recorded, dictaphone belt or whatever — I get in trouble when I used brand names. You know what I mean. It was dictated into a recording machine by the President."

"Has anyone checked that tape to make sure it exists?" Warren was asked.

"That is the one we are talking about, sure," he replied.

STATEMENT

In his statement yesterday, the President said he had checked his personal diary file for records of April 15 over the November 4-5 weekend, and "I found that my file for that day consists of personal notes of the conversation held with John Dean the evening of April 15, 1973, but not a dictation belt."

"My personal diary file consists of notes of conversations and dictation belts of recollections," he continued. "and I believe in June that I had dictated my recollections of April 15, 1973, of conversations which occurred on that day."

The President also said he would make available to the court three reels of tape covering the times of the two unrecorded conversations "to assist the court in verifying" that they were never picked up.

These are the tapes of all telephone calls from three White House extensions during June 20, when the Mitchell call was placed, and two reels operating in the President's hideaway in the Executive Office Building before, after or during April 15.

"It is my hope," Mr. Nixon said, "that these steps will clear up this aspect of the Watergate matter once and for all."

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