

# ANOTHER SECTION OF TAPES IS BLANK, A NIXON AIDE SAYS

## Haldeman Discussion With President 3 Days After Watergate Involved

## SIRICA WANTS CUSTODY

## Judge Seeks to Make Sure 'Nothing Else Happens' to Subpoenaed Material

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Special to The New York Times

WASHINGTON, Nov. 21 — The White House disclosed in court today that a portion of another Watergate conversation — this one between President Nixon and H. R. Haldeman three days after the Watergate burglary — had not been recorded.

J. Fred Buzhardt Jr., White House special counsel, told Chief Judge John J. Sirica of the United States District Court here that he learned a week ago today that, for 18 minutes during the middle of that subpoenaed tape, the recording contained "an audible tone" but no conversation.

Mr. Buzhardt said that tests were conducted at the White House yesterday but that they were not successful in providing an explanation for this unrecorded segment.

"All other tapes are audible," Mr. Buzhardt said.

Judge Sirica said that, "in view of what has transpired," he was asking Mr. Nixon to turn over custody of the tapes to his court.

"This is just another instance that convinces the court that it has to take some steps," Judge Sirica said, "not because the court doesn't trust the White House or the President [but because] the court is interested in seeing that nothing else happens."

### Under Seal in Safe

The tapes are now under seal in a White House safe. In the past, Judge Sirica, who has ordered the President to turn over the recordings to him, has asked only for copies of the tapes and not the originals.

Meanwhile, the Senate Judi-

ciary Committee sent to the Senate floor without recommendation two bills calling for the appointment of a special Watergate prosecutor. One would provide for court appointment and the other for selection by the Attorney General.

In addition the former board chairman of the Phillips Petroleum Company invoked the Fifth Amendment's protection against self-incrimination rather than testify to investigators from the Senate Watergate committee about political contributions by the petroleum industry.

Today's disclosure about the tapes came three weeks after the White House announcement that two other subpoenaed conversations had never been recorded.

One of those was a telephone discussion between the President and John N. Mitchell, who was then Mr. Nixon's campaign manager. According

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to Mr. Nixon, the conversation took place over a telephone in the living quarters at the White House that was not connected to the recording system.

The other reportedly unrecorded conversation involved a meeting between Mr. Nixon and John W. Dean 3d, then White House counsel, on the night of April 15. Mr. Nixon has said that the tape had run out before that meeting began.

The report of these other unrecorded conversations, and the President's explanation of why they did not exist, raised widespread incredulity here and around the country and was undoubtedly one of the reasons that Mr. Nixon began last week to make a series of public and private explanations of his Watergate position.

Mr. Buzhardt said after the court hearing today that he had told Mr. Nixon about the unrecorded segment shortly after he discovered it last Wednesday. He took a week to inform the court, Mr. Buzhardt said, because he was not sure whether the conversation in question had actually been subpoenaed.

In a statement about the tape recordings on Nov. 12, Mr. Nixon said that he had "proceeded with a review" of the subpoenaed tapes in late September.

### Meetings on June 20

Nonetheless, despite his own review of the tapes and despite having learned from Mr. Buzhardt about the unrecorded segment, Mr. Nixon made no mention of it in his meeting with newspaper editors Saturday night or in his other public statements over the weekend. He also apparently did not discuss it during his meetings

with members of Congress last week.

Mr. Nixon was reported to have told a group of Republican Governors in Memphis yesterday that he knew of no new "bombshell" revelations in the Watergate case.

Mr. Buzhardt, asked about that statement this afternoon, said that he personally did not consider today's disclosure a "bombshell."

The meeting with Mr. Haldeman, then the White House chief of staff, occurred late in the morning of June 20. Earlier that morning, Mr. Haldeman and John D. Ehrlichman, then the President's domestic affairs

adviser, had met with Mr. Mitchell, Mr. Dean and Richard G. Kleindienst, who was then Attorney General.

In his subsequent testimony before the Senate Watergate committee, Mr. Ehrlichman said that the burglary at the Democratic headquarters three days earlier had been the main subject of the meeting.

Mr. Ehrlichman and Mr. Haldeman then went to see the President.

Mr. Nixon's log for that day shows that Mr. Ehrlichman saw the President for about an hour beginning at 10:30 A.M. and that Mr. Haldeman met with Mr. Nixon for about an hour and 15 minutes beginning at about 11:30 A.M.

According to a person who has seen the logs of Mr. Haldeman and Mr. Ehrlichman, the two men may have been with the President together or a part of the time.

Mr. Ehrlichman told the Watergate committee that he had discussed the Watergate burglary during his talk with Mr. Nixon. Mr. Haldeman was not asked about the meeting during his Senate testimony.

### Buzhardt Explanation

Mr. Buzhardt said today that he was not sure that the tape of the Haldeman conversation

had been subpoenaed—and thus had waited a week before telling the court about the unrecorded portion — because the subpoena of the Watergate

grand jury seems to ask for the recording of one meeting among the President, Mr. Haldeman and Mr. Ehrlichman between 10:30 A.M. and noon that day.

The United States Court of Appeals here, in its Oct. 12 decision ordering the subpoenaed documents to be turned over to Judge Sirica, is explicit, however, in noting that there may have been two meetings and that tapes of both conversations were under subpoena.

"Ehrlichman and then Haldeman went to see the President," the appeals court noted in an appendix to its decision.

The court went on to state the importance of these particular meetings.

"The inference that [Mr. Haldeman and Mr. Ehrlichman] reported on Watergate and may well have received instructions is almost irresistible," the court observed.

It also said that the tapes of the meetings "should show the extent of the knowledge of the illegal activity by the participants or any effort to conceal the truth."

### Announcement to Court

The announcement of the unrecorded discussion came late this afternoon. Mr. Buzhardt, looking pale and tired, stepped before Judge Sirica's bench and gave his explanation in tones that could barely be heard in the courtroom.