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Miss Woods: Tape Erased By Accident

By George Lardner Jr.
Washington Post Staff Writer

Watergate prosecutors charged yesterday that one of President Nixon's subpoenaed tapes was erased just at the start of a discussion of the Watergate scandal.

The charge was leveled in federal court here yesterday afternoon in the midst of testimony by President Nixon's personal secretary, Rose Mary Woods.

She said she caused the "gap" in the recording by accidentally pushing the wrong button when she was trying to transcribe it for Mr. Nixon last Oct. 1.

The testimony came as the White House turned over to the court the reels of tape and related documents subpoenaed last summer, including the one with the 18¼-minute blank that kept Miss Woods on the witness stand all day.

Miss Woods insisted that she had no idea what the missing segment contained. She said she never listened to it since White House chief of staff Alexander M. Haig Jr. told her that it was not covered by the Watergate grand jury's subpoena.

The controversial tape involves a 79-minute meeting between Mr. Nixon and former White House chief of staff H.R. (Bob) Haldeman on June 20, 1972, just three days after discovery of the break-ins and bugging of Democratic National headquarters here.

Miss Woods said the last thing she heard on the recording was a chat between the President and Haldeman about a trip to the West, including a few words about Ely, Nev., where Mrs. Nixon was born.

The tape then deteriorates into what White House lawyers described as a "constant hum"—without any audible conversation—for 18¼ minutes.

Notes taken by Haldeman indicate that the first topic discussed after the banter about Ely was the Watergate case.

"Be sure EOB (Executive Office Building) office is thoroughly checked re bugs at all times," Haldeman wrote at the top of his second page of notes. "What is our counterattack?"

"PR offensive to top this," Haldeman's notes continue. "Hit the opposition w/their activities. Point out libertarians have created public callousness. Do they justify this less than stealing Pentagon Papers, Anderson file, etc.? We should be on the attack for diversion."

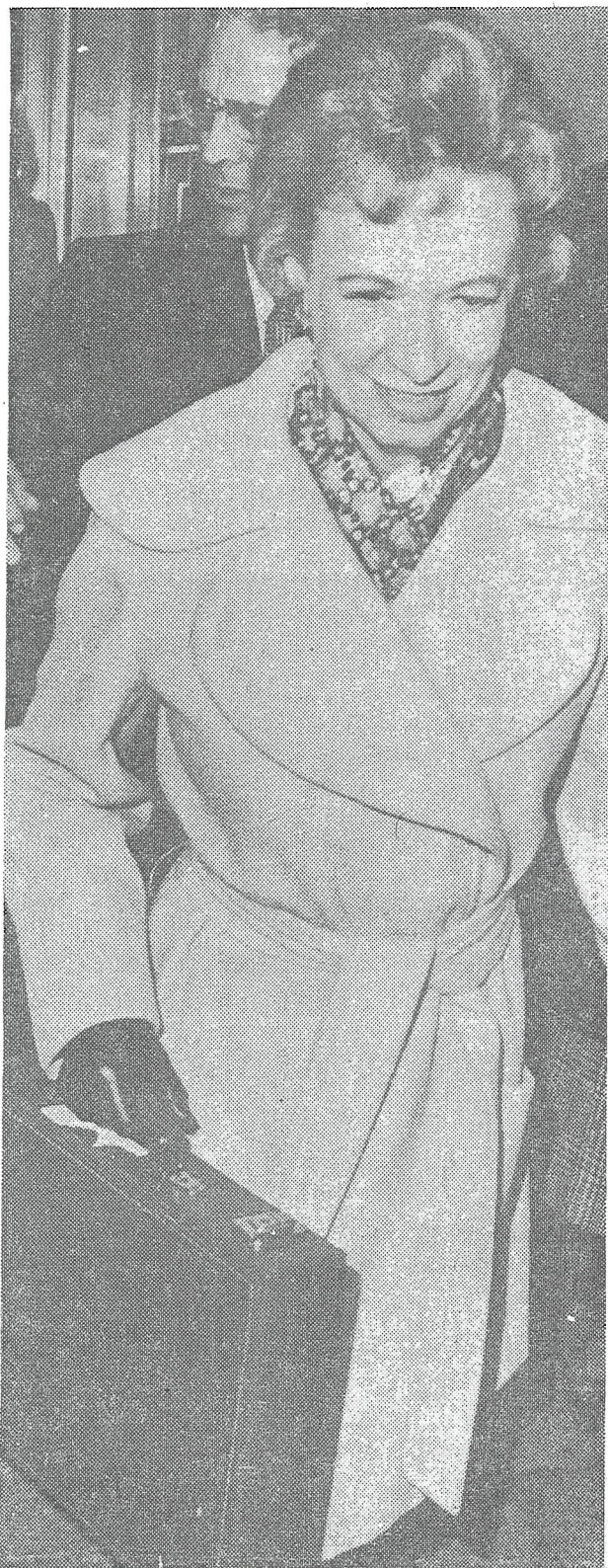
Assistant Watergate special prosecutor Jill Volner charged that Haldeman's notes showed that "the portion obliterated related to Watergate."

Acting White House counsel Leonard Garment jumped to his feet, objecting strenuously to the characterization.

U.S. District Judge John J. Sirica replied drily that "the exhibit (Haldeman's

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Accidental erasure is very difficult, electronics experts say. Page A5.



By Frank Johnston—The Washington Post

t. At right, Rose Mary Woods leaves after testifying.

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notes) will speak for itself." The judge then had Mrs. Volner read the notes into the record.

Interrupting the testimony from the bench at times, Sirica expressed concern that Miss Woods had not told the court of the 18-minute blank in the tape when she first testified before him on Nov. 8.

By her account, both she and Mr. Nixon had known of the "accident" with the recording since Oct. 1 when it occurred.

"Didn't you think it was important on Nov. 8 to tell everything you knew had happened?" Judge Sirica asked her.

Miss Woods said she thought she was supposed to testify "only about subpoenaed tapes."

"It was my very first time ever in a courtroom," she said of her Nov. 8 appearance. "I was petrified. I understood we were talking only about the subpoenaed tapes. All I can say is that I am dreadfully sorry."

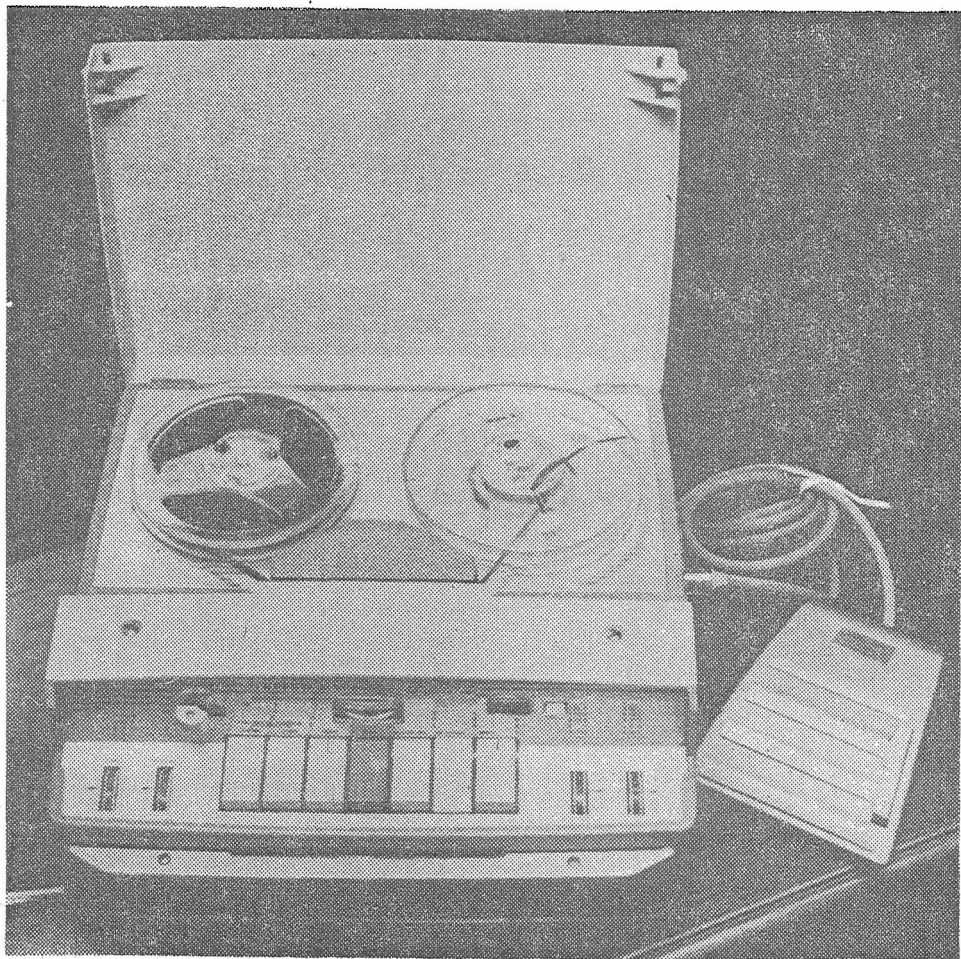
Sirica then asked for a re-reading of Miss Woods' testimony Nov. 8 when she said she used "every possible precaution" to prevent any accidental erasures. When she was asked "what precautions," she replied testily at that session: "I used my head. It was the only one I had to use."

The excerpt having been read out, Sirica leaned back in his chair and said, "That was the part I wanted to hear."

Submitting a 22-page summary with the reels of tape that they turned over to Judge Sirica's "protective custody," White House lawyers contended that the missing 18-minute interval "was caused by the depression of a record button during the process of reviewing the tape, possibly while the recorder was in the proximity of an electric typewriter and a high intensity lamp" at Miss Woods' desk.

They also said there was nothing on the June 20, 1972, tape as it now exists that relates to the Watergate scandal. Besides portions of the 79-minute meeting with Haldeman, it also includes another 55-minute session earlier the same day between Mr. Nixon and former White House domestic adviser John D. Ehrlichman.

Miss Woods said she mistakenly pressed the "record" button on the machine she was using when she turned around at her desk in the White House Oct. 1 to answer the phone. While on the phone, she said she must have kept her foot on the pedal that she had been using to play back the tape on the machine, a Uher Universal, 5000.



Associated Press

This is the type of tape recorder that Rose Mary Woods used at time of erasure.

She said, however, that she thought she had been on the phone only about 5½ minutes—not 18 minutes.

Under questioning by Mrs. Volner, Miss Woods acknowledged that she could have stopped the machine simply by taking her foot off the pedal instead of trying to press the "Stop" button.

"Then why did you push the button?" Mrs. Volner demanded.

"Because I've done it both ways," Miss Woods said.

Accompanied by her own lawyer, Charles S. Rhyne, Miss Woods was called to the stand yesterday morning with a warning from Watergate prosecutors that anything she said could be used against her.

Far more subdued than when she testified previously, the President's long-time secretary added new and sometimes conflicting details about her handling of the June 20 tape when it was first given to her at Camp David last Sept. 29.

The Watergate grand jury had subpoenaed it as a recording of a meeting "involving Richard Nixon, John Ehrlichman and H. R. Haldeman from 10:30 a.m. to noon (time approximate)."

Miss Woods testified earlier this month that she spent more than 30 hours trying to type out the "gist" of the recording, at Mr. Nixon's request. She said then that "it was between the President and Ehrlichman chiefly and Haldeman briefly . . . It seemed to me that it lasted for months. It

must have been a two-hour or three-hour meeting."

Yesterday, however, Miss Woods said she typed out only the remarks between the President and Ehrlichman and none, or almost none, of the conversation between the President and Haldeman. She also said that it was only a 55-minute meeting (with Ehrlichman) that she worked on. She said that "someone"—she couldn't recall who—had told her recently that this was the real length of the meeting she listened to and tried to commit to paper.

Miss Woods said she never tried to transcribe the session with Haldeman because of instructions she got over the phone from Haig on the morning of Sept. 29 while she was at Camp David. She said Haig called "to tell us that the second part (the meeting with Haldeman) was not subpoenaed."

According to a note that Miss Woods said she made while Haig was talking to her, he told her: "Former Watergate Special Prosecutor Archibald Cox was a little bit confused in his request re the meeting on June 20th. It says Ehrlichman/Haldeman meeting — what he wants is the segment on June 20 from 10:25 to 11:20 with John Ehrlichman alone."

Miss Woods said she did not finish her work on the tape until Oct. 1 when she pressed the wrong button while she was reviewing the first few minutes of the Haldeman conversation to make sure that Ehrlichman had left.

When she realized what she had done, she said, she went in to tell the President "just as soon as I saw his office was empty . . . I was very upset as you can imagine."

"I went in and said 'I am just terribly embarrassed,'" Miss Woods recalled. "He said, 'It's too bad but don't worry about it. That is not one of the subpoenaed tapes.'"

Asked how the President knew that, Miss Woods said that "his counsel," presumably White House special counsel J. Fred Buzhardt Jr., had told him.

She said she only listened to about the first 3 to 4 minutes of the conversation with Haldeman and never reviewed any intelligible part of the tape following the exchange ending with the word, "Ely."

The "constant hum" on the Nixon-Haldeman section of the tape begins 3 minutes and 40 seconds after the start of the conversation between the two men. Haldeman's notes indicate the last things they discussed before moving into the conversation about "bugs" in the Executive Office Building was a draft letter to the Governor of South Dakota, which Mrs. Nixon

had just visited. In it, according to Haldeman's notes, Mr. Nixon ended with the observation about how Mrs. Nixon's parents had been married in South Dakota and "later moved to Ely, Nev."

In the White House summary submitted to Judge Sirica with the tapes yesterday, Buzhardt asserted that "it was not until the evening of Wednesday, Nov. 14" that the President's lawyers realized that the Nixon-Haldeman meeting was covered by the grand jury subpoena after all.

Alluding to a memo that Cox submitted to Judge Sirica on Aug. 13, Buzhardt said "only the most careful reading" of it "discloses that the special prosecutor seeks a recording of more than one meeting on June 20, 1972."

In the memo, Cox had said the tape he wanted was one of a meeting where "Ehrlichman and then Haldeman went to see the President." The former prosecutor also listed the meeting as lasting from "10:30 a.m. until approximately 12:45 p.m.," a refinement apparently made possible by access to White House logs that Cox did not have when the subpoena was first issued July 23.

Buzhardt said he had felt up to this month that only the Ehrlichman meeting was called for because that session, which lasted from 10:25 to 11:20 a.m., "most nearly coincided with the time specified in the subpoena," and because public testimony had focused on that meeting and not the one with Haldeman.

Watergate prosecutors told a reporter yesterday, however, that the White House had never brought these distinctions to their attention before last week. The Presidents' meeting with Haldeman began at 11:26 a.m. on June 20, 1972, and lasted until 12:45 p.m. According to Cox's memo in support of the grand jury subpoena, that day at the White House gave the President's aides "their first full opportunity for full discussion of how to handle the Watergate incident . . . The inference that they (Ehrlichman and Haldeman) reported on Watergate and may well have received instructions, is almost irresistible."

In her testimony, Miss Woods, who will be called back to the stand today, said the President himself listened to portions of the June 20 recording when she first tackled it at Camp David with a Sony recording machine.

"The President," Miss Woods said, "listened to different parts of the tape, pushing the buttons back and forth." She said he was using an earphone.

Miss Woods said she thought Mr. Nixon told her of hearing "three voices" at one point on the recording, but she said she never heard that many herself. She said Mr. Nixon spent only 5 to 10 minutes in the Camp David cabin, sympathizing with her on what a difficult job he'd given her.

Miss Woods said she reviewed a copy of the controversial segment of the tape during the past week—from the last few minutes of the meeting with Ehrlichman through the "shrill noise" to a point where the President can again be heard talking with Haldeman. She said the discussion at that point picked up with "something about the Democratic convention or the seating of delegates." But, she said, "I didn't take it down. I didn't try to type it."