

Buzhardt Backs Away
From His Story on Tape

Nixon Lawyer Now Calls Theory of Erasure by Error 'Just a Possibility'

Washington

J. Fred Buzhardt Jr. conceded yesterday that the official White House explanation of the 18-minute gap in a Watergate tap recording was actually not a certainty but, instead, "just a possibility."

On Monday, acting on behalf of President Nixon, Buzhardt had given U.S. District Judge John J. Sirica a document stating the gap in the tape was "believed" to be caused by the use of a wrong button on a tape recorder during the process of reviewing the tape.

The President's personal secretary, Rose Mary Woods, testified Monday that she had mistakenly pressed the wrong button while preparing a transcript of the tape. She said that when she discovered her mistake, she found that a section of the tape carried only a shrill buzz.

In subsequent testimony, however, Miss Wood's insisted that her mistake could have caused a gap of only four or five minutes, not 18 minutes.

Buzhardt said yesterday he had believed the explanation of the gap in the tape at the time he wrote it. His belief, he said, was indeed contrary to Miss Woods' account.

He subsequently made some "tests" of his own, which answered "some of his questions, he said, and, though he never "interrogated" Miss Woods about the matter, he came to believe that she had caused the entire gap.

But, he told the court, he had presented this explanation to the court last Monday only as "a matter of belief," and added it was "not a real certainty."

In a second seemingly contradictory development, it was disclosed in the hearing yesterday that Miss

Woods had nine White House recordings in her possession as recently as Monday morning, just a few hours before she appeared in court to testify that she had apparently caused at least part of the gap on the tape recording of Mr. Nixon's conversation with his then aide, H. R. Haldeman, on June 20, 1972.

According to evidence introduced by Richard Ben-Veniste, the assistant Watergate prosecutor, Miss Woods turned in the tapes — all originals rather than copies — at about 8:30 a.m. Monday to General John C. Bennett, the White House aide who is

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in charge of the "library" of presidential tape recordings.

The dates of the conversations covered in the nine tape recordings all seem to coincide with the period of time when, according to testimony last summer by John W. Dean III, the original

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Watergate defendants were demanding clemency. All nine tapes were originals, rather than copies.

Buzhardt said he had not been "aware" that Miss Woods had the nine tapes.

The disclosure in court that the White House explanation was "just a possibility" took many spectators by surprise for it had seemed clear that the White House meant to place on Miss Woods the full blame for the 18-minute gap — a gap that may have included a conversation in which the President ordered Haldeman to take various "public relations" moves regarding the break-in at the Democratic headquarters at the Watergate complex three days earlier, according to Haldeman's notes.

Buzhardt, after repeating the contention that the White House first learned of the full extent of the 18-minute gap on November 14, testified yesterday that he and others had made a number of "tests" after November 14 to determine whether Miss Woods could, indeed, have erased the entire 18-minute segment.

The tests — the most recent of which occurred Wednesday, he said — generally involved trying to duplicate on a tape the buzzing sound that is now heard for 18 minutes and 15 seconds on the disputed June 20 recording.

In one of his tests, Buzhardt said, he was able to duplicate the sound — and this duplication, he indicated, without explaining why, apparently contributed to his "belief" that Miss Woods did indeed cause the gap.

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