

Buzhardt on 'Gap'

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White House special counsel J. Fred Buzhardt admitted yesterday that he saw "no innocent explanation" for the 18¼-minute Watergate tape recording erasure when he first reported it to the court last week.

Testifying before U.S. District Court Judge John J. Sirica, Buzhardt said he subsequently resolved "some" of the questions in his own mind about the obliterated segment.

Buzhardt told reporters later that he was now "satisfied there are innocent ways it could have occurred." But he said that he still has no explanation for what happened to the subpoenaed tape, especially in light of testimony by Mr. Nixon's personal secretary, Rose Mary Woods, that she could have caused only part of the gap.

It was also disclosed at yesterday's hearing that Miss Woods was still handling original White House tape recordings a few days ago, without the knowledge of White House lawyers.

The recordings had been requested, but not subpoenaed, by Watergate Special Prosecutor Leon Jaworski on Nov. 15.

The prosecutor's request indicated a concentrated pursuit of allegations that Mr. Nixon authorized an offer of executive clemency for Watergate conspirator E. Howard Hunt Jr. early last January, shortly before Hunt was put on trial.

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Hunt pleaded guilty a few days after the trial started on Jan. 8.

Jaworski asked the White House for tapes and related documents on Jan. 3 and 4 conversations involving Mr. Nixon, former White House adviser John D. Ehrlichman and former White House special counsel Charles W. Colson.

Former White House counsel John W. Dean III told the Senate Watergate committee last summer that Colson told Ehrlichman "he felt it was imperative that Hunt be given some assurances of executive clemency."

"... Ehrlichman said that he would have to speak with the President," Dean testified. "On January 4, I learned from Ehrlichman that he had given an affirmative regarding clemency for Hunt and that Colson had talked with (Hunt's lawyer William) Bittman again about the matter."

Nine tapes revolving around the Jan. 3 and 4 dates were checked out to Miss Woods on Monday, Nov. 19, by the keeper of the recordings, deputy presidential assistant John Bennett, an aide to White House chief of staff Alexander M. Haig Jr.

The checkout was made

four days after Buzhardt has said he told Mr. Nixon of the 18¼-minute erasure in the 1972 recording that Miss Woods might have fouled up.

Buzhardt, however, said he did not know Miss Woods had any original tapes in her possession until Thanksgiving, Nov. 22, when he discovered she was making a digest of one of them on a substitute Uher recording machine.

He said he immediately arranged for Secret Service technicians to make a taped copy that she could use. He said he had already told Haig the day before, on Nov. 21, that he saw "no innocent explanation" for the erasure in the June 20, 1972 recording.

"When you told Haig that there was no innocent explanation, he knew that Miss Woods had the nine original tapes?" asked Watergate assistant prosecutor Richard Ben-Veniste.

"Probably," Buzhardt replied.

The White House lawyer said it was not until after this past Monday that he learned that Miss Woods had had not just one original tape but nine in her possession. She returned them to Bennett Monday morning just before beginning her testimony before Judge Sirica.

By then, Buzhardt said Miss Woods "some time last week had typed transcripts of some telephone conversations" of one of the recordings. He said Haig handed the transcripts to him last weekend and "I put them in my safe. I don't know what all she was requested to transcribe."

The telephone conversations that Jaworski requested involved a series of five phone calls between Mr. Nixon and Colson last Jan. 3-4.

The special prosecutor



United Press International

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had also requested the tape of a meeting between Mr. Nixon, Ehrlichman and former staff chief H. R. Bob Haldeman, probably in the Oval Office, last Jan. 3, and of a subsequent session between the President and Colson in Mr. Nixon's Executive Office Building suite on Jan. 4.

Finally, Jaworski requested a series of memos or "talking papers" prepared by former White House aide Gordon Strachan in the latter part of 1971 as well as a memo from March or April of 1972. That last memo, Jaworski wrote, suggested Haldeman "call (former Attorney General) John N. Mitchell to arrange for G. Gordon Liddy to report to (Assistant Attorney General) Robert C. Mardian." Liddy subsequently was indicted and convicted in the June, 1972, break-in at Democratic National Committee headquarters.