

Buzhardt Now Says White House Explanation of Gap in Tape

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WASHINGTON, Nov. 29—J. Fred Buzhardt, Jr. conceded today that the official White House explanation of the 18-minute gap in a Watergate tape recording was not a certainty but, instead, "just a possibility."

On Monday, acting on behalf of President Nixon, Mr. Buzhardt gave Federal Judge John J. Sirica a document explaining that the gap in the tape was "believed" to have been caused by the use of a wrong button on a tape recorder during a reviewing of 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, she insisted that her mistake could have caused a gap of only four or five minutes, not 18 minutes.

Believed It at Time

Mr. Buzhardt insisted today that he had believed the explanation at the time he wrote it; his belief, he agreed, was indeed contrary to Miss Woods's account.

Yet he testified that before arriving at that belief, he had, for a few days, wondered whether there could be any acceptable explanation. Asked by the prosecution whether he had concluded at one point that there was "no innocent explanation" for the 18-minute gap, Mr. Buzhardt replied that he had, saying, "I did not have any explanation of how this could have been done accidentally."

He subsequently made some "tests" of his own that, 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 presented this explanation to the court last Monday only as "a matter of belief." It was, he said, "not a real certainty."

In a second seemingly contradictory development, it was disclosed in the hearing today that Miss Woods had nine White House recordings in her possession as recently as this 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 President Nixon's conversation with H. R. Haldeman on June 20, 1972. Mr. Haldeman was Mr. Nixon's chief of staff at the time.

According to evidence intro-

duced by Richard Ben-Veniste, the assistant Watergate prosecutor, Miss Woods turned in the tape—all originals rather than copies—at about 8:30 A.M. to Gen. John C. Bennett, the White House aide who is in charge of the "library" of Presidential tape recordings.

Tapes Were Originals

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 3d, the original Watergate defendants were demanding clemency. All nine tapes were originals, rather than copies.

Mr. Buzhardt said that he had not been "aware" that Miss Woods had the nine tapes, and, indeed, when Mr. Ben-Veniste read the list of the nine from General Bennett's log, the White House lawyer seemed to be hearing the information for the first time.

Yet even he knew, he testified, that Miss Woods was reviewing at least one tape last Thursday, at the behest of President Nixon.

Mr. Buzhardt said that he thought the date of the tape was either Jan. 3, 1972, or Jan. 4, 1973.

According to Dean, Jan. 3 was the date that E. Howard Hunt Jr., one of the original defendants in the Watergate case, demanded clemency and money. Dean said that at a meeting involving Dean, Charles W. Colson, a White House aide, and John D. Ehrlichman, Mr. Nixon's domestic adviser, Mr. Ehrlichman said that he would check with the President on clemency, and Mr. Colson argued against it.

On Jan. 4, according to Dean, Mr. Ehrlichman told Dean that he had given Mr. Colson approval of Presidential clemency for Hunt.

The excerpt from General Bennett's record of the nine tapes that Miss Woods had in her possession, as read by Mr. Ben-Veniste, indicated that she had the tape recording of conversations in the Oval Office on Jan. 3. The log also listed a tape for Oval Office conversations on Jan. 4, but gave the year as 1972.

Had Copy Made

Mr. Buzhardt said that he learned on Thanksgiving Day that Miss Woods was reviewing the tape. He immediately told the White House chief of staff, Alexander M. Haig Jr., he said, that Miss Woods should be using a copy of the tape rather than the original.

As he recounted it, Mr. Haig agreed with the lawyer's complaint and said that Mr. Buz-

hardt could arrange for a copy to be made. Mr. Buzhardt said that he had one made that afternoon, and that he gave it to Miss Woods the following morning—along with the original.

Asked why he had given her the original, too, he replied that she was apparently the

one to whom the original had been signed out in the log.

Mr. Buzhardt was the subject of an indirect criticism yesterday by the White House press secretary, Ronald L. Ziegler, who said at a briefing that there had been "some mistakes" in the White House legal team's handling of the case. Mr. Buzhardt seemed taken aback by the disclosure that Miss Woods had had so many tapes in his possession.

Among other things, it turned out that at the time Miss Woods was reviewing these tapes for the President, Mr. Buzhardt was engaged in correspondence with the special Watergate prosecutor, Leon Jaworski, regarding the availability of either similar or identical material.

As Mr. Buzhardt, a clearly unwilling witness, sat hunched

over in his chair, Mr. Ben-Veniste asked him if he meant to testify that "unbeknownst" to him Miss Woods was working on the material at the same time he was corresponding with the prosecution about it.

The witness was silent for a moment, then, with a slight grimace, he replied, "I may well have been advised. I don't know."

The disclosure took many spectators by surprise as well, for until today 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 obliterated a conversation in which the President ordered Mr. Haldeman to take various "public relations" moves regarding the break-in three days earlier at the Democratic headquarters at the Watergate.

Indeed, Miss Woods had been subpoenaed by the prosecution last Wednesday, presumably on the basis of information from the White House lawyers regarding Miss Woods' "error." According to Miss Woods, Mr. Haig told her on Thanksgiving that she should get her own lawyer, and that the White House lawyers would not represent her in the matter.

Later today, still another incident added to the confusion regarding the White House attitude toward Miss Woods.

Is Not a Certainty

After the prosecution finished questioning Mr. Buzhardt, Charles S. Rhyne, the attorney for Miss Woods, began cross-examining him, trying to establish who the attorney for Miss Woods was at the time of her first appearance in court on Nov. 8.

Mr. Rhyne said "Mr. Garment and Mr. Powers spent some hours rehearsing her on her testimony" before Miss Woods appeared in court. Judge Sirica struck the reference to "rehearsing" from the record and called the lawyers to the bench conference, the judge excused Mr. Buzhardt until further notice, leaving Mr. Rhyne's original question unanswered.

When reporters asked Mr. Rhyne outside the courtroom if Miss Woods was in trouble, he would only smile and say, "If you guys can't figure it out, you're dumber than I thought you were."

Asked if he was going to get another chance to question Mr. Buzhardt, Mr. Rhyne just smiled.

Mr. Buzhardt, after repeating the contention that the White House first learned of

the full extent of the 18-minute gap on Nov. 14, testified today that he and others had made a number of "tests" after Nov. 14 to determine whether Miss Woods could indeed have erased the entire 18-minute segment.

The tests—the most recent of which occurred yesterday, 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.

Not Exact Duplication

In one of his tests, Mr. 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.