

## HAIG WILL TESTIFY ABOUT TAPE 'GAP'

Nixon Aide Will Go to Court  
at Prosecution's Request,  
Not White House's

By LESLEY OELSNER

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WASHINGTON, Nov. 30 — President Nixon's chief of staff, Alexander M. Haig Jr., will testify in Federal Court next week about the circumstances surrounding the discovery of the 18-minute "gap" on one of the subpoenaed Watergate tape recordings.

Mr. Haig will testify at the request of the special Watergate prosecution rather than of the White House, according to Leonard Garment, Mr. Nixon's counsel. The White House has no plans, Mr. Garment indicated today, to present any witnesses or evidence of its own to try to explain how the gap was caused or why it was not publicly disclosed until last week.

The only account that the President is offering to the court about the gap is thus the written explanation that his lawyer, J. Fred Buzhardt Jr., presented on Monday in Mr. Nixon's behalf. According to that account, 18 minutes and 15 seconds of the recording of Mr. Nixon's June 20, 1972, conversation with H. R. Haldeman were accidentally erased when Mr. Nixon's secretary pushed the wrong button on her tape recorder while replaying the conversation.

Yesterday, however, Mr. Buzhardt conceded that this explanation was "just a possible explanation" and not a "certainty" at all.

Even before this concession, his other testimony, as well as the testimony of the secretary, Rose Mary Woods, had cast considerable doubt on the account.

Miss Woods said that she did not understand how she could have caused more than five minutes of the gap; the longer she remained in the witness chair, the more definite and insistent she became about the matter.

She closed out her third day of testimony by stating that she had never intended to testify that she had "erased" Mr. Nixon's conversation with Mr. Haldeman, then one of his chief assistants. All she had meant by her earlier testimony this week, she said, was that she was "afraid" that by pressing the wrong button she had caused part of the buzzing sound that is now heard for 18 minutes on the tape recording.

The part of the conversation

obliterated by the gap includes a segment in which Mr. Nixon instructed Mr. Haldeman to take certain "public relations" moves to "top" the effect of the break-in at Democratic headquarters at the Watergate complex three days earlier. "we should be on the attack—for diversion," Mr. Haldeman's notes of the conversation say.

### One of Nine Talks

That conversation is one of the nine Presidential discussions covered by the prosecution subpoena. Two of the other conversations were never recorded, according to the White House. Tapes of seven of them as well as other subpoenaed material are now in the custody of Chief Judge John J. Sirica of the Federal Court here, who will begin examining them Monday to determine which material to give to the grand jury investigating Watergate crimes.

This afternoon, with the door locked and the door windows covered with brown envelopes, Judge Sirica met privately in his courtroom with lawyers from the prosecution and the White House to discuss the manner in which the subpoenaed material is to be processed.

It was only a preliminary meeting and did not involve the "particularized" claims of executive privilege that the President is asserting about certain portions of the subpoenaed tapes and documents, Todd Christofferson, Judge Sirica's law clerk, said later. But, he said, the lawyers—Leon Jaworski, Henry Ruth, Richard Benveniste and Philip A. Lacovara for the prosecution and Mr. Garment and Douglas Parker for the White House — agreed "amicably" on various procedural matters.

The White House agreed to turn over to the court the transcripts that Miss Woods made of the subpoenaed tape recordings, Mr. Garment said.

It also agreed, he said, that copies of the material about which the President asserted no privilege should be made available to the prosecution quickly.

Mr. Lacovara, for the prosecution, said simply that "satisfactory arrangements are being made."

The public hearings on the matter of the 18-minute gap is to resume Tuesday morning. Other witnesses are to include John C. Bennett, the White House official in charge of keeping the Presidential tape recordings; Lawrence M. Higby, a former aide of Mr. Haldeman, and Samuel Powers, trial lawyer from Texas who was added several weeks ago to Mr. Nixon's legal team.

This week's hearing, at which the prosecution and even the judge often openly expressed skepticism and disbelief over the testimony, disclosed among other things that White House personnel had recently been reviewing many other tape recordings besides the subpoenaed ones. Some of these have been requested, though not subpoenaed, by the special Watergate prosecution.

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