

Tape Gap Known Early by Haldeman

Ex-Aide Testifies

By George Lardner Jr.
Washington Post Staff Writer

Former White House chief of staff H.R. (Bob) Haldeman knew of the controversial "gap" in one of President Nixon's subpoenaed Watergate tapes a week before the erasure was reported to the courts.

Haldeman's one-time deputy, Lawrence M. Higby, testified yesterday that Haldeman told him of the missing segment around Nov. 15. At about the same time, Higby said, Haldeman instructed him to dig up Haldeman's closely guarded notes of the meeting in question.

"I think he just said 'apparently there's a gap in one of the tapes,'" Higby recalled. "I think he said it had been caused by Miss Woods (President Nixon's personal secretary Rose Mary Woods)."

The 18¼-minute erasure was not reported to U.S. District Court Judge John J. Sirica until Nov. 21. At hearings since then, Sirica has expressed growing concern over the White House's failure to report it more quickly—and at its admitted inability to explain how the segment was obliterated.

Higby said he believed Haldeman told him of the gap in the tape recording around noon on Nov. 14 during a phone conversation with Haldeman, who is living in California. Now an official in the Office of Management and Budget, Higby said Haldeman might have first mentioned it to him in the course of another phone call, on the night of Nov. 15, but he said he

See TAPES, A20, Col. 1

TAPES, From A1

thought it was "the day before."

Whichever date is correct, Higby's testimony indicated that Haldeman—himself a target of grand jury inquiry—learned of the gap almost as quickly as White House lawyers discovered it, and perhaps even earlier.

White House special counsel J. Fred Buzhardt Jr. has said that he did not discover the long erasure until the evening of Nov. 14, when he was re-



LAWRENCE M. HIGBY
... "some pressure"

viewing a copy of the subpoenaed recording. Buzhardt said he told current White House chief of staff Alexander M. Haig Jr. and then Mr. Nixon about it the next day, Nov. 15.

The White House lawyer has said that Mr. Nixon was "baffled" by the report.

Haldeman's notes of the June 20, 1972, conversation between him and the President show that a discussion of the Watergate scandal had been obliterated from Mr. Nixon's tape recording of the session.

Higby's testimony yesterday indicated that Haldeman still had control of his files at the White House seven months after his resignation as the President's chief of staff.

After chatting with Haldeman at noon on Nov. 14, Higby said, he got another call from his old boss the next evening while Higby was getting a quick shave in the White House gym.

"I think he indicated I was to get only one document—his June 20 (1972) notes," Higby said. He said Haldeman told him to see Haig first, but Haldeman gave him strict instructions not to give White House officials any of his notes without first reporting back to Haldeman with a summary of what they contained.

Higby said he gave Haig that message, unearthed the notes from Room 522 at the Executive Office Building, where they are being kept under Secret Service guard with other sensitive Watergate-related files, and placed

another call to Haldeman in California. "I just read the notes off the him," Higby said.

Asked the reaction he got, Higby recalled Haldeman's saying, "Oh ... Hmmmmm..." and finally, "That's no problem."

Higby said he took Haldeman's enigmatic "Hmmmmm" to mean, "They'll probably try to make a big deal of that."

The June 20, 1972, recording was erased for an 18¼-minute interval that included what Haldeman jotted down as a

discussion of a "PR offensive" to counter publicity over the Watergate break-in and bugging, which had been discussed just three days earlier.

"We should be on the attack for diversion," Haldeman wrote of his missing chat with the President.

After getting the go-ahead from Haldeman, Higby said, he turned over the two pages of notes to Haig and Buzhardt, who by then had anxiously turned up at Room 522.

"I think there was some pressure to get these notes (to the President) as quickly as possible," Higby said.

Miss Woods has said that Haig brought the two pages, from a yellow legal-sized pad to the President in the Oval Office on the evening of Nov. 15, just as she was leaving. She said she had just finished telling the President that she did not see how she could have caused the entire 18¼-minute gap.

Higby, meanwhile, was on his way home, where, he said, he talked with Haldeman by phone once again, around 9:30 p.m. He said it may have been then, rather than at noon the day before, that Haldeman told him of the "gap."

Asked who told Haldeman, Higby said that he wasn't sure, but he indicated that he thought it was Haig.

Haig could not be reached for comment. He is expected to be called to the witness stand today.

Other witnesses at yesterday's hearing were the President's chief courtroom lawyer, Samuel J. Powers, and the keeper of the tapes, deputy presidential assistant John C. Bennett, an aide to Haig.

Bennett testified about handing Miss Woods a fresh batch of original White House tapes, at Haig's direction, on Nov. 19. He said Haig told him Mr. Nixon wanted Miss Woods to get the "highlights" of these new recordings. They had been requested, but not subpoenaed, by Watergate Special Prosecutor Leon Jaworski on Nov. 15.

White House lawyers have

said they were not told, and were surprised to learn last week, that Miss Woods was still handling original tapes—rather than copies—after disclosure of the 18¼-minute erasure.

Powers, who was stricken with viral pneumonia on Nov. 18 but has now recovered, said he learned of the 18¼-minute obliteration on the evening of Nov. 14, when he and Buzhardt were reviewing it together.

Buzhardt has said he did not realize until that reviewing session that the tape of the Nixon-Haldeman discussion was required by the Watergate grand jury's subpoena. The White House special counsel has maintained that "only the most careful reading" of a court memo filed by former Watergate Special Prosecutor Archibald Cox showed that the tape was covered by the subpoena.

Powers, however, testified that he had no such difficulty. He said Buzhardt did tell him on Nov. 14 that the subpoena was ambiguous, but Powers said he read it over and concluded on the spot that it called for the disputed recording.

"I said that, in my judgment, this (the Nixon-Haldeman meeting) was includable," Powers told Sirica. "I didn't know anything about the clarification (in Cox' memo). I saw that later."

The White House's explanation of its belated discovery of the 18¼-minute erasure rests heavily on the notion that the recording was not clearly covered by the subpoena. Mr. Nixon knew of at least a 5-minute gap in the recording in early October, when Miss Woods has said she first told him of pushing the wrong button while she was reviewing it on her recording machine. She said the President told her not to worry since it was not a subpoenaed tape.

Judge Sirica told reporters that he did not know what the outcome of the current hearings would be, at least until audio experts complete their tests of the suspect recording.