



Universal 5000: Is the talk gone forever? Joe Heiberger—Washington Post

## Doing the Twist While Erasing the Tape

How plausible is Rose Mary Woods's explanation for the erased tape, and what might experts still learn from it?

Technicians familiar with the Uher Universal 5000 recorder-playback machine that Miss Woods was using all but unanimously agree that her story is physically possible, but highly unlikely.

For one thing, Miss Woods's story also described an improbable sequence of contortions. At the ringing of the telephone, she said, she must have jabbed at the tape machine with her right hand, missing the STOP button and hitting the RECORDING instead; then she twisted backward and to the left, grabbing a telephone 5 feet away from her typewriter; she tucked the receiver between her shoulder and chin and may even have stabbed the appropriate button on the telephone with the same hand; then she settled down for a five-minute telephone call, taking occasional notes; and through all this action, her left toe was set firmly on the tape machine's pedal

control, allowing the tape to run on and erase itself.

In a courtroom demonstration of this scenario, Miss Woods took her foot off the pedal even before picking up the imaginary phone—and at best, her theory explains less than a third of the eighteen-and-a-quarter minute erasure. And even if the contortions were granted, said Uher distributor Sidney Rosen, it didn't make sense to press the STOP button at all, since simply lifting a foot from the pedal would stop the tape. In court, Miss Woods testified that she used both techniques on occasion.

The machine could have erased all eighteen minutes of the tape in about twenty seconds if Miss Woods had pressed RECORDING and hit the foot pedal hard, putting it into a "fast rewind" mode. But that would have meant that Miss Woods had already listened to the missing conversation, and she testified that she had heard none of it. It would also have left a high-pitched squeal on

the tape, not the low hum that is heard throughout the gap. That hum, experts say, might have come by induction from Miss Woods's high-intensity desk lamp, her electric typewriter, or the recorder itself—but only if the machine were in a normal, forward recording mode.

**Proximity:** Presidential counsel J. Fred Buzhardt offered another theory. In experiments with the Uher recorder, Buzhardt testified, he had approximated the hum by placing the machine in close proximity to Miss Woods's lamp and typewriter. The noise, he said, fell in volume when the typewriter was turned off—which might account for an audible drop in the hum's pitch about five minutes into the gap. Buzhardt's clear implication was that Miss Woods concluded her phone call, shut off her typewriter, and did something else while the tape ran on for another thirteen minutes. The trouble with this version was that Buzhardt acknowledged he was only able to reproduce the hum by using the keys on the recording machine—without the foot pedal connected.

However the erasure occurred, there is a slender chance that the conversation might be recovered. At the weekend, the tape was delivered in a steel box by six armed U.S. marshals to New York's Federal Scientific Corporation, to find out—among other things—whether computerized "signal enhancement" techniques might be able to restore an audible signal. Dr. Thomas Stockham of the University of Utah, one of six technical experts invited by Judge John Sirica to examine the tapes, told NEWSWEEK that it would be "premature and guessey" to make any predictions but said he hoped to "have those answers in January."

Most experts, however, discounted any chance of recovering intelligible conversation. "If it had been a simple erasure there might have been a chance," says Harold K. Lipset, a San Francisco investigator who has worked with electronic surveillance and detection devices for more than two decades. "But with that hum on top, that conversation is gone."

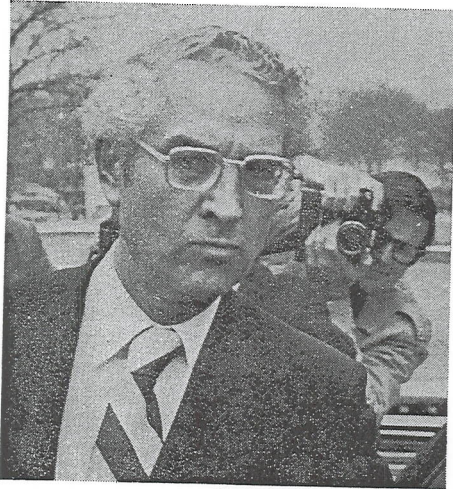
Newsweek



last Sept. 29 to transcribe for Mr. Nixon. The June tape included back-to-back conversations first with domestic-affairs counselor John Ehrlichman, then with Haldeman. But Haig called her on the morning of the 29th to tell her that Cox had been "a little bit confused" in his subpoena—he had lumped the two aides together in one meeting with Mr. Nixon—and that all he really wanted was the Ehrlichman session alone. She said she labored 29 hours that day and the next trying to set down the gist of the meeting from a bad tape on a lo-fi tape-recorder; it turned out, so the White House said, to be a privileged policy talk on a higher-education bill and other matters—not including Watergate.

**'Buzzes and Buzzes and Buzzes'**

Miss Woods's account of Oct. 1, her first day back in her own White House office, was one of those secretarial nightmares: a day in which she came in exhausted, got 50 or 60 phone calls and in between labored to finish the transcrip-



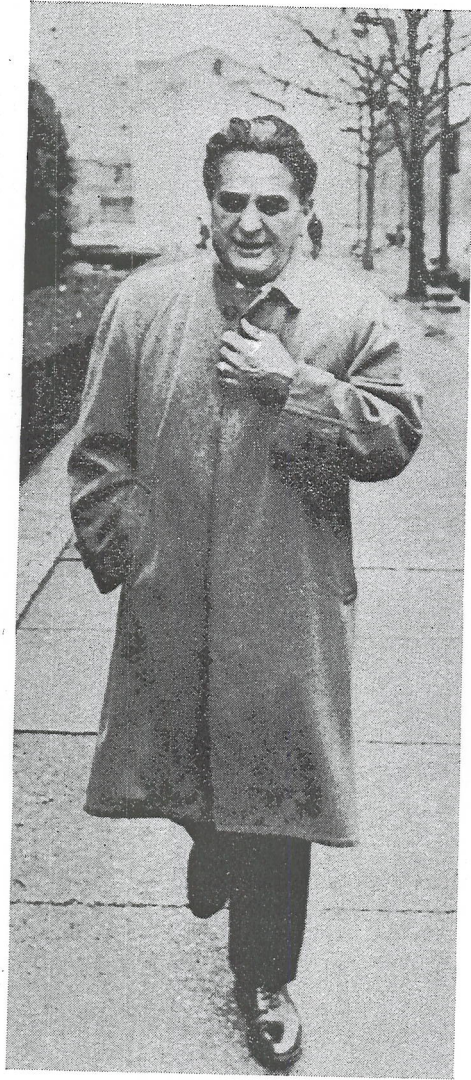
Wally McNamee—Newsweek

**Rhine: 'I could blow the lid off'**

tion with the unfamiliar Uher recorder. She let the tape wind on past Ehrlichman into the Haldeman conversation, she said, "so that I could be sure that John Ehrlichman was gone from the room . . ." She was three minutes and 40 seconds into Haldeman, in her account, when the phone rang. "And that is the time," she said, "that through some error on my part, some way in turning around to reach one of my phones which buzzes and buzzes and buzzes, I pushed the RECORD button down." That was a mistake—she was reaching for the STOP button—but it alone would be harmless; it takes two simultaneous errors to erase a tape accidentally, and Miss Woods would only guess at the second: "I must have kept my foot on the foot pedal."

What was lost was everything the two men said about Watergate. The tape was played in open court—the first ever to be aired in public—and was disappointingly trivial when it could be heard at all through a cacophony of whirrs, whistles, whines, rattling papers, clatter-

ing china and other intrusive background noises. There were audible snippets of Mr. Nixon ordering consommé for lunch; telling Ehrlichman that press conferences were better for him than speeches; complaining that the press had favored Hubert Humphrey in 1968; dictating a note to the governor of South Dakota—and then the humming until, precisely eighteen minutes and fifteen seconds later, the conversation resurfaced with some speculations about the upcoming Democratic convention. The only clue to the missing material was some notes of



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**Sirica: His Honor was displeased**

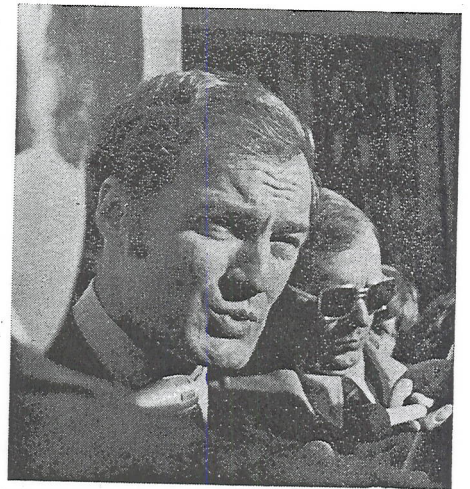
Haldeman's suggesting that he and Mr. Nixon had in fact discussed Watergate, but as a problem in public relations, not in public corruption. "What is our counter-attack?" he had jotted. "PR offensive to top this—hit the opposition w/ their activities . . . we should be on the attack—for diversion . . ."

If the two men said anything incriminating to either one of them, the tape revealed nothing of it. Nor did Miss Woods; she said she hung up her phone after a conversation of no more than six minutes, saw the RECORDING button down—and "practically panicked." She rewound the

tape, played it back to where she had left off, discovered the hum, dashed to the Oval Office and, as she recounted it, told Mr. Nixon, "I am terribly embarrassed." She blurted out her explanation, she said, and the President told her, "Don't worry about it, that is not one of the subpoenaed tapes . . . it is too bad, but don't worry about it."

The skepticism was heavy. Sirica had prosecutor Jill Volner read back the transcript of her earlier testimony on Nov. 8, when she remembered having been told not to push the RECORDING button—"and I think I used every possible precaution to not do that." Mrs. Volner asked what precautions. "I used my head," Miss Woods snapped then. "It is the only one I had to use." Sirica listened to the reprise, then impatiently asked Miss Woods why she hadn't thought to mention her little mishap on the 8th. "I was petrified," she said. "It was my first time ever in a courtroom . . . all I can say is that I am just dreadfully sorry."

Mrs. Volner, too, picked at the visible



Lawrence McIntosh

**Krogh: A plumber pleads guilty**

holes in the story. She put Miss Woods through a courtroom re-enactment of the incident—and noted for the record that her foot came off the pedal when she reached for an imaginary phone. That afternoon, Miss Woods re-created the "accident" in her own office, with a photographer on hand; the resulting pictures showed her in an awkward sliding-into-third-base stretch with her chair rolled back from the recorder, her left hand scooping up the receiver and her left toe presumably pressing down on the treadle—where it would have had to stay for eighteen uninterrupted minutes to account for the entire erasure.

**Why Push the Button?**

"And why did you push any button at all when you picked up the telephone?" asked Mrs. Volner.

"Because normally if I have the START on I would push the STOP button so the machines wouldn't run on and on," said Miss Woods.

"Isn't it a fact that if you took your foot



off the foot pedal the machine would have stopped?"

"Yes, probably would have."

"Why did you push a button?"

"Because—I don't know why . . ."

The first day, Miss Woods seemed willing to concede that, while she was on the phone for only five minutes or so, she might have caused the entire erasure—"Obviously my judgment of timing is bad." But the second day, she insisted she couldn't account for any more of the buzz than the time she had spent on the phone, and by the third, she questioned whether the whole reconstruction was accurate—and thus whether she could have caused any of the hiatus at all. "I don't know if I left my foot on the pedal," she said. "I am telling you what everybody *thinks* happened, or you are *saying* it happened." The resulting confusion

left the court—and the beleaguered Nixon defense—with three hypotheses rather than the pat one put forward by the White House, and Buzhardt himself conceded from the stand that that theory had been "just a possibility all along."

#### Strict Constructionist

The tantalizing collateral mystery was why Mr. Nixon and his legal staff—having been alerted on Oct. 1 that there was at least a short gap on the tape—kept it secret for nearly two months. Buzhardt continued blaming the "ambiguity" of the original subpoena, which was based on sketchy information and which in fact did call for a tape of a single meeting among Mr. Nixon, Halde-

man and Ehrlichman between 10:30 a.m. and noon on June 20. The prosecution filed a supporting memorandum in August correcting the time and noting that Ehrlichman "and then" Haldeman went in to see the President between 10:30 and 12:45. But Buzhardt, to Sirica's open incredulity, said that "only the most careful reading" could have caught these nuances; all summer and fall, accordingly, he stuck to the strict-constructionist view that Cox meant only Ehrlichman's conversation, which didn't touch on Watergate, and not Haldeman's, which did.

This version tidily explained the President's long silence and even Miss Woods's failure to mention the buzz on Nov. 8; the assumption, said Buzhardt, was that the accident befell an unsubpoenaed tape and was



## NATIONAL AFFAIRS

therefore "inconsequential." It was only on the 14th, he said, that he called together everything involved in the case, determined that the recording was indeed covered by the court's orders—and discovered that the gap was eighteen minutes long instead of four or five. He reported all this next day to Haig, who said irritably that it was "a mighty late date" for such momentous discoveries, and then to Mr. Nixon, who professed himself "baffled" by the length of the gap and asked if Buzhardt could explain it.

### 'I Don't Want to Listen'

Buzhardt didn't have an answer, and in fact seemed by his own testimony to have gone out of his way not to get one from the presumptive best witness—Rose Mary Woods. He said she reminded him of the buzz-out in late October and offered to play it back to him; he was, he

with it on the 8th under the mistaken impression that the two lawyers were representing her. And, NEWSWEEK learned, Rhyne was dubious that the White House team could have neglected to ask her about the buzz. "They're all lawyers, they've been around," he said; the implication was that they had constructed the official story without her. The dangers to Miss Woods were plain. "My client is being tried," Rhyne told Sirica in a hushed bench conference, and afterward he told a friend: "They sent her down here like a lamb to the slaughter. You wouldn't believe what they had asked her to do."

Other mysteries stipped the court record. One was the discovery of the new unexplained silences on the seven surviving tapes; the White House argued (and technical experts tended to agree) that even a trivial background noise could have set off the sound-activated system and left blank spots if nobody happened

made-up, fibustered the first question for 21 minutes, took only five more all told and quit with a thicket of hands in the air waving for recognition.

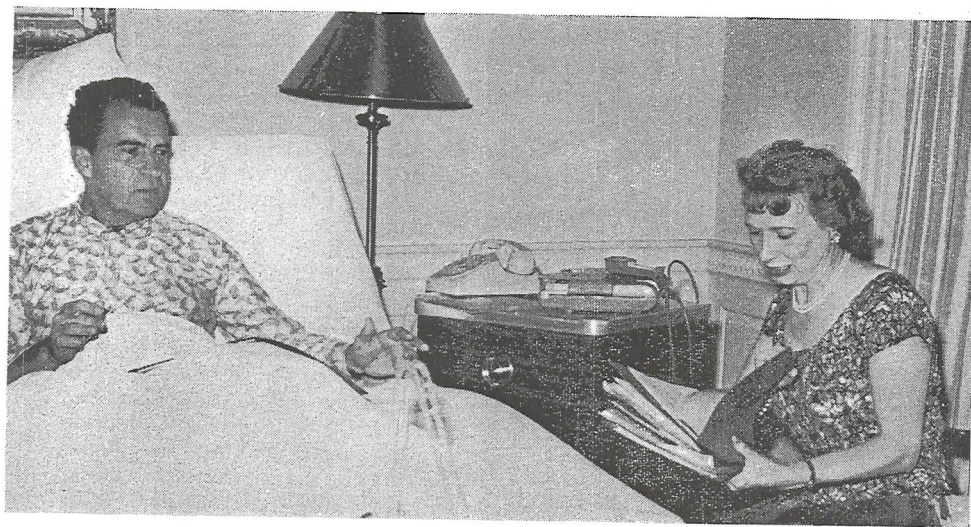
The senators were hardly more impressed. Several of them, including Hubert Humphrey, came in having already agreed among themselves to go gently on Watergate. But they still had to interrupt a long opening soliloquy on football to get Mr. Nixon on the subject at all, and by the end of a long, rambling cocktail-hour séance, the six senators forgot about protocol and began getting up to go without waiting for the President to dismiss them. He did bring heads snapping up, as several recalled later, by declaring abruptly: "I am going to release my tax returns." But the senators who bore this happy news to reporters outside were promptly undercut by the White House, which said Mr. Nixon meant only to include data from his returns in some of his forthcoming Watergate white papers.

### Up Against the Wall

The imbroglio over the erased tape only fed a suspicion that had been spreading in Washington anyway: that Operation Candor was too little, too late. The danger signs of disaffection among Republicans were already flaring around the country. One respected party leader flatly refused a White House request that he sign and submit a ghost-written newspaper piece defending the President. "There wasn't," he said, "a single sentence in it that I agreed with." Another similarly declined an SOS for help in the candor blitz, ostensibly because he was too busy, actually out of fear that to back Mr. Nixon now is political suicide. And the anxieties were only increased by Miss Woods's week in court. She became an object of sympathy among party pros, not because her story persuaded them but because she was thrust forward to tell it at all. "The President," said one man intimate with both him and Miss Woods, "is at the point of devouring his own children."

It is precisely within his own party that Mr. Nixon now stands in greatest jeopardy. His strategy rests heavily on the simple and accurate calculation that there are not enough votes in the House to impeach him. "We've got nothing to impeach him for," said one Democratic hierarch there, nor was there any great surge to find something—not even in the nearly universal suspicion that the Watergate tapes have been tampered with. But the process is in motion, and if the impulse to desert Mr. Nixon spreads unabated through his party with the coming of an election year, his calculus for survival may be disastrously altered. One old but now exiled Nixonian read the wondrous tales of the tapes last week and guessed sadly, "He has to have his back against the wall." He does—and short of some magical turn in his fortunes, he may find himself standing there increasingly alone.

Newsweek, December 10, 1973



The oldest Nixonian: Rose Mary visits the boss in a hospital, 1960

remembered, "in a hurry and said, 'No, I don't want to listen.'" Buzhardt, Haig and another White House lawyer, Sam Powers, saw her on Nov. 15, the day after the extent of the erasure was discovered, and—in Buzhardt's telling—still managed to avoid the critical issue: how her five-minute gaffe could have blanked out eighteen minutes.

"Wasn't that something that was on your mind?" asked prosecutor Richard Ben-Veniste.

Buzhardt said yes—"the whole matter was very much on my mind"—but he neglected to pop the central question then, or even in a subsequent encounter with Miss Woods on the 20th. "Did somebody tell you not to talk to Miss Woods?" asked Ben-Veniste. Buzhardt said no. "Did the President or General Haig directly or indirectly . . . imply that you should not?" Buzhardt said no again.

All of this fed Charles Rhyne's gathering anger at the way his client had been treated. He charged in court that, for one thing, Miss Woods had been "rehearsed" in her original story by Garment and Powers and had been sent to court

to be talking, but the prosecution was suspicious nevertheless. There was, moreover, the disclosure that Miss Woods had recently checked out another series of tapes and had turned them back in only last week. These, as it developed, included the new set Jaworski wanted, all of them from the days early last January when, according to John Dean, White House staffers were discussing whether to promise Executive clemency to the Watergate spymaster, E. Howard Hunt, to keep him quiet—and when Mr. Nixon himself may have agreed to grant it.

The President maintained a lofty distance from the proceedings, tending conspicuously to the problems of the people—mainly energy and the Middle East—and scaling back his frenetic Operation Candor datebook to the Seafarers speech and two more private audiences with deputations from Capitol Hill. Neither of these sessions went especially well. Mr. Nixon, for one thing, was relentlessly talky; some of the House Democrats—mostly sympathetic conservatives—said he came in looking heavily

"The trouble with Republicans is that when they get in trouble they start acting like cannibals."

Richard M. Nixon, 1958  
Congressional Quarterly,  
Vol. 1, p. 45