

Sirica Eyes Grand Jury Investigation

By George Lardner Jr.
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U.S. District Court Chief Judge John J. Sirica said yesterday that he may recommend a federal grand jury investigation of the controversial erasures on one of President Nixon's Watergate tapes.

Declaring that he was in some respects both "judge and jury" in the case, Sirica said he hoped to make his decision in "due course."

At the same time, there were signs that Watergate Special Prosecutor Leon Jaworski might not wait. The FBI announced it has already started investigating the circumstances surrounding the erasures at Jaworski's request.

A companion recommendation from Sirica for a grand jury investigation would amount to a finding by the judge that a crime had probably been committed, either in the obliteration of 18½ minutes of conversation from the subpoenaed tape or during the long weeks of testimony about the incident.

President Nixon's personal secretary, Rose Mary Woods, has said she might have accidentally caused a gap in the tape while reviewing it in her White House office for Mr. Nixon last Oct. 1.

The report of a panel of technical experts submitted to Sirica Tuesday strongly suggested that the subpoenaed recording may have been tampered with deliberately by parties unknown.

The experts said the 18½-minute gap in the recording was the result of at least five separate erasures, all done manually. They said the erasures were "almost surely" produced on the Uher 5000 recording machine Miss Woods said she used, but not by any mistakes with the floor pedal, as she has suggested.

Watergate prosecutors charged at a hearing before Sirica yesterday that Secret Service testimony about the machine also seemed to conflict with that of Miss Woods.

Called to the witness stand yesterday morning, Secret Service agent Louis B. Sims, head of the technical security detail at the White House, said he arranged for purchase of the machine Oct. 1, the same day Miss Woods said she began using it.

Miss Woods had already begun summarizing the tape in question during the Sept. 29-30 weekend at Camp David, but by all accounts was unhappy with the Sony 800-B she had been using, partly because it had no foot pedal.

See TAPES, A4, Col. 1

TAPES, From A1

Sims said Mr. Nixon's appointments secretary, Stephen Bull, contacted him around 10 a.m. on Monday, Oct. 1, and asked for "a recorder with a foot-pedal capability." But a quick check of Secret Service supplies, Sims said, showed none available.

"Mr. Bull had asked to have the recorder by noon," Sims said, but the Secret Service was forced to go out and buy one and so missed the deadline "by about an hour."

Secret Service records introduced into evidence showed the Uher was purchased for \$528.80 from the Fidelity Sound Co. at 1200 18th St.

A Secret Service man picked it up and delivered it to the Technical Security Division, Sims said, around 12:30 p.m. He said it "came with a foot pedal . . . in a little box . . . in a plastic package that the recorder came in."

He said the machine was checked out and delivered to Bull by Sims and Secret Service security specialist Everett Sholl at 1 or 1:15 p.m. Sholl showed Bull how to use it and, Sims said, the agents left after about five minutes.

Watergate Assistant Special Prosecutor Richard Ben-Veniste reminded Judge Sirica of Miss Woods' testimony about playing the June 20, 1972, tape in her White House office that day.

She said in testimony last November that she listened to the recording for "probably two, maybe 2½" hours that day. She gave no indication that she used any other machine but the Uher.

Miss Woods also testified that she might have caused a gap in the tape when she twisted around at her desk to answer a 5-minute phone call. She said she accidentally pushed the "Record" key instead of the "Stop" key on the machine and must have kept her foot on the floor pedal at the same time.

She said she stopped the machine as soon as she finished the call and noticed her mistake, then played the tape briefly to discover a shrill buzzing noise, and went to tell the President of her "terrible mistake" about five minutes later.

The judge said he was not, but added that he might as well state publicly what he had already told opposing lawyers in the dispute during private sessions in his chambers. Sirica said he had to decide whether to recommend that Jaworski take the case to the grand jury.

"That's the decision I have to make," Sirica emphasized. "I'll make that decision in due course."

Bull was the next witness called to the stand. He promptly faced questioning about the foot pedal that the Secret Service delivered to him with the machine before Bull turned both over to Miss Woods. Secret Service records state that a "Uher Foot Control" pedal had been purchased.

Miss Woods, however, said she was given a Fidelitape pedal, which she used. Examining it on the witness stand, Bull said the Fidelitape looked like the one he got from the Secret Service and turned over to Miss Woods.

Bull said he arranged for the new equipment because of the difficulties Miss Woods had been having with the Sony at Camp David, where the two had been working together over the weekend. He said the Secret Service agents delivered it to him Oct. 1 during "the noon hour—12, 1 o'clock, something like that."

Bull said he repacked the Uher and brought it to Miss Woods' office after the Secret Service agents had left. He said he could not recall whether Miss Woods was there when he walked in and set the equipment up for her.

"I do remember demonstrating the machine for her that day, but I don't know when," Bull said.

A Secret Service receipt for the Uher states that it was given to Bull in "the afternoon" of Oct. 1. The receipt was signed "Steve Bull," but had other initials next to the signature, indicating that a Secret Service agent had written in his name.

Bull confirmed that the signature was not his.

"So this is an unauthorized signature?" Ben-Veniste asked him.

"Yes, indeed," Bull replied.

By all of yesterday's accounts, however, Miss Woods

did not get the Uher until the afternoon of Oct. 1, very shortly before she says she told Mr. Nixon of her "terrible mistake" with it. Miss Woods has also testified that Oct. 1 was the last day she worked on the erased tape.

Despite that, the recording was, according to previous testimony, one of those carried down to Key Biscayne Oct. 4 where Miss Woods has said she continued summarizing subpoenaed tapes for the President with the Uher recorder.

Bull said he packed the tapes and the recording equipment for Miss Woods in a large carrybag and brought it down to Key Biscayne for her. But Bull said yesterday that he couldn't remember the dates of the tapes that he packed and could not identify any of those he cued up for her on the Uher while they were at Key Biscayne.

The White House aide was even harder put to explain the sequence of a Sept. 29 phone conversation with Alexander M. Haig Jr. about the controversial tape.

Bull said he and Miss Woods arrived at Camp David around 10 a.m. that day to begin work on all subpoenaed recordings, starting with the now-erased June 20, 1972, tape. The grand jury subpoena for that recording described it as a meeting between Mr. Nixon, then White House chief of staff H. R. (Bob) Haldeman and White House domestic adviser John D. Ehrlichman.

In setting up the tape for Miss Woods, Bull said he discovered that Mr. Nixon met first only with Ehrlichman. He said this raised a question in his mind about what the subpoena called for. Bull said he then raised the issue, on his own initiative, with Haig by now chief of staff, over the telephone.

According to Haig's testimony in December, Bull told him of the problem by phone from Camp David on Sept. 29 at "approximately" 9:50 a.m. Haig said he then contacted

White House counsel J. Fred Buzhardt, who advised him that the subpoena only called for Mr. Nixon's conversation with Ehrlichman. Haig testified that he then placed another call to Camp David and told Miss Woods to give that message to Bull.

By contrast, Bull said yesterday that he first spoke with Haig that day "perhaps" 30 to 60 minutes after arriving at Camp David. He said he talked with Haig two or three times that day and could not recall whether it was in their first phone conversation, or one later in the day, that he mentioned the problem with the June 20 tape.

White House logs show that President Nixon arrived at Camp David on the afternoon of Sept. 29 and visited Miss Woods and Bull in Dogwood Cabin there from 1:58 to 2:05 p.m. Bull was asked if he had discussed the problem with Haig by the time the President had arrived.

White House logs show that Mr. Nixon also talked to Haig by phone from Camp David immediately after leaving Dogwood Cabin—from 2:09 to 2:21 p.m.

"My recollection is that I had," Bull replied.

Obliterated from the June 20 tape was a discussion of the Watergate scandal between Mr. Nixon and Haldeman. Yesterday's hearing ended with Bull stating that he never listened to that part of the recording. He also "unambiguously" denied to newsmen that he erased it.

"Quite frankly, I don't know what happened," Bull declared.

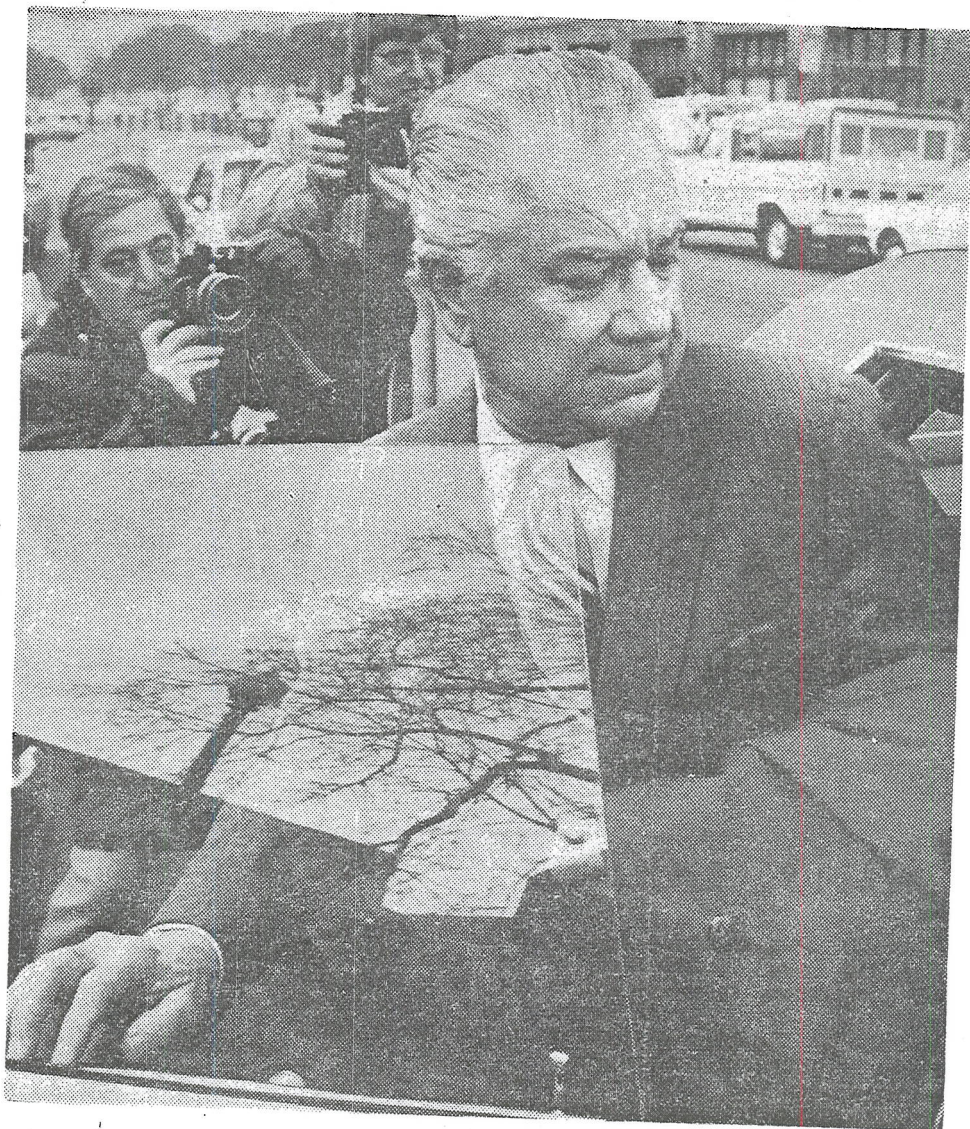
"I would say I went into his office around 2:15 p.m.," Miss Woods said. "So I would say that I told him five minutes afterwards because I was so—I was very upset as you can imagine."

Ben-Veniste pointed out that Mr. Nixon's logs for that day show Miss Woods meeting with him in his suite at the Executive Office Building at 2:08 p.m. (Miss Woods said she told the President of her mistake in the Oval Office at the White House.)

The prosecutor's suggestions that Miss Woods could hardly have listened for 2½ hours on a machine she didn't have that long brought heated objections from Miss Woods' lawyer, Charles S. Rhyne. He protested that Ben-Veniste was "arguing the evidence" in the case.

At first, the judge simply overruled him, saying he saw "nothing improper" in Ben-Veniste's remarks. But the dispute bubbled up again moments later. At one point, Sirica told Rhyne, "Don't get your blood pressure up."

Rhyne persisted, saying that Sirica was "conducting a trial."



By Frank Johnston—The Washington Post
Watergate Special Prosecutor Leon Jaworski leaves U.S. District Court.