

# New Nixon Tape Has Gap

Washington

President Nixon's lawyer told a federal court yesterday there is a gap of more than five minutes when a tape ran out in the middle of one of the 20 recorded Watergate conversations surrendered under court order.

The new gap occurs midway through a 45-minute meeting between Mr. Nixon and his former top advisers, H. R. Haldeman and John Ehrlichman on April 17, 1973, it was disclosed in papers filed with U.S. District Judge John J. Sirica by

presidential counsel James D. St. Clair.

St. Clair said five minutes, 12 seconds of the conversation apparently were never recorded because of a delay in replacing a full tape reel with a fresh one.

"Judging from the notations on the tape boxes, the tape ran out and was replaced in the midst of this conversation," St. Clair said. "A timing of the two segments indicates that approximately five minutes and 12 seconds of conversation were never recorded."

30 sec  
St. Clair had told Sirica on Tuesday that he was not aware of any missing portions of the 20 conversations.

His concession that the gap existed was made in an eight-page index and analysis of the first batch of 64 recordings that Mr. Nixon has been ordered to furnish Sirica for his private inspection.

St. Clair also asked the judge to withhold portions of ten of the conversations from special Watergate prosecutor Leon Jaworski on grounds that those portions are protected from disclosure by executive privilege and are unrelated to the Watergate case.

Sirica is reviewing the tapes to determine which parts to turn over to Jaworski for use in the Watergate coverup trial beginning in September.

Another batch of tapes is scheduled for delivery to Sirica tomorrow.

The April 17 conversation, in which Mr. Nixon, Haldeman and Ehrlichman discussed ways to publicly defend the President from Watergate charges, is the only one St. Clair acknowl-

edged as having a missing portion.

But he mentioned a confusing time sequence in another conversation between Mr. Nixon and Haldeman on April 14, 1973.

"There is some ambiguity as to the correct time of this conversation," St. Clair wrote. "At the very beginning of the conversation, the President alludes to having just been outside for a ceremony. Yet the President's log indicates that this conversation took place before the President did an event in the Rose Garden."

Anyway, St. Clair asserted, "there is no question that this is the only conversation between the President and Mr. Haldeman which is recorded before" a later session when the two were joined by Ehrlichman.

Associated Press