

# White House Acknowledges

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White House lawyers acknowledged yesterday that more than five minutes of conversation are missing from one of the subpoenaed Watergate tapes that President Nixon surrendered this week.

The missing segment involves an April 17, 1973, meeting in the Oval Office between President Nixon and former aides H. R. (Bob) Haldeman and John D. Ehrlichman.

The White House-edited transcript of the conversation, which was made public three months ago, reflects no such interruption.

In a report to U.S. District Court Judge John J. Sirica, however, the President's chief defense lawyer, James D. St. Clair, said that "approximately five minutes and 12 seconds of conversation were never recorded." He blamed the lapse on a delay in replacing a full reel of tape with a fresh one.

St. Clair disclosed the gap in an eight-page index and analysis of 20 subpoenaed tapes that were turned over to Judge Sirica Tuesday as potential evidence in the Watergate cover-up trial.

The White House asserted claims of privilege for 23 segments totaling more than 48 minutes on the grounds these portions were unrelated to the Watergate case and ought not be made public.

The claims, however, appeared to be far less extensive than the deletions that were made in the White

House transcripts of the same conversations. The President seemed to be tacitly conceding that there was more relevant evidence on the tapes than he had previously suggested.

The five-minute, 12-second gap that St. Clair reported came in the midst of a 45-minute discussion between the President, Haldeman and Ehrlichman about the formulation of a public statement Mr. Nixon could make about the Watergate scandal.

St. Clair pinpointed the omission as occurring at a point where Mr. Nixon is talking about having White House aides testify before the Watergate grand jury.

The White House-edited transcript, at the page St. Clair cited, reads as though there were nothing missing except a brief "unintelligible" remark by the President.

The April 17, 1973, meeting in question lasted from 3:50 to 4:35 p.m., but the reel of tape recording the conversation apparently ran out at 4:20 p.m. St. Clair indicated that Secret Service technicians manning the recording equipment then installed a fresh reel, but "a timing of the two segments indicates that approximately 5 minutes and 12 seconds of conversations were never recorded."

All the claims of executive privilege asserted yesterday dovetailed with points in the White House transcripts that read simply "Material unrelated to President's actions deleted." St.

Clair said the 23 segments "should remain confidential" since they are "not related at all to the subject matter before this Court."

A spot check of the White House transcripts, however, show many other deletions which the President apparently decided he could not ask Judge Sirica to endorse.

At a meeting with Haldeman on the morning of April 17, 1973, for example, the President said his attorney, Herbert W. Kalmbach, should be informed that Nixon campaign deputy Frederick C. LaRue was talking "very freely" to government prosecutors. But the edited White House transcript of that conversation shows that some remarks were deleted just before Mr. Nixon told Haldeman to make sure that Kalmbach was notified.

Similarly, at an April 16, 1973, meeting between Mr. Nixon, Haldeman and Ehrlichman which lasted nine minutes, the White House

transcript ends with Ehrlichman suggesting that the President ask then-White House counsel John W. Dean III "whether he intends to plead guilty or not."

According to the White House transcript, Mr. Nixon, who was about to meet with Dean and ask him to submit a letter of resignation, responded "Yeah."

Ehrlichman: "And that will weight(sic) in your own (unintelligible)."

The President: "That's right. That's right. (Unintelligible)."

At that point, the White House transcript ends with the notation: "Material unrelated to presidential actions deleted." Once again, however, Mr. Nixon's lawyers asserted no claim of privilege yesterday for any portion of this conversation.

Watergate Special Prosecutor Leon Jaworski has subpoenaed the tapes of 64

The White House yesterday abandoned any claim of privilege for whatever was deleted.

## Tapes Gap

Similarly, at an April 16, post-Watergate conversations, all but one of them involving Mr. Nixon and one or another of four former top aides: Haldeman, Ehrlichman, Dean and former White House special counsel Charles W. Colson.

The 20 tapes surrendered to Judge Sirica Tuesday have all been partially disclosed in White House censored transcripts.

In announcing publication of the transcripts on April 29, the President contended that nothing else on the tapes was relevant.

"The materials I make public tomorrow," Mr. Nixon said then in a televised speech, "will provide all the additional evidence needed to get Watergate behind us and get it behind us now."

The White House is scheduled to give Judge Sirica another batch of tapes Friday morning.

The tape of the April 17, 1973, afternoon meeting between Mr. Nixon, Haldeman and Ehrlichman was the

only one of the first 20 that the White House listed as having some conversation missing from it.

However, St. Clair said there was "some ambiguity" over the correct time of another subpoenaed conversation—between the President and Haldeman in the Oval Office on April 14, 1973.

According to White House logs, it took place between 1:55 and 2:13 p.m. that day, but St. Clair reported, "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."

Despite the discrepancy, St. Clair said "there is no question that this is the only conversation recorded between the President and Haldeman" before the next one that was subpoenaed—a 2:24 p.m. session at which Ehrlichman joined the other two.