

# St. Clair Tells Court of Another Gap in

## 5 MINUTES LOST FROM A KEY TALK Recordings of White House

Nixon Transcripts Had Shown No Missing Portions in Tape of Meeting With Top Aides

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WASHINGTON, July 31—The White House told Judge John I. Sirica today that more than five minutes of a Presidential conversation of April 17, 1973, had not been preserved by White House tape-recording equipment.

The tape of the 45-minute discussion between President Nixon and his top aides had been subpoenaed by Leon Jaworski, the special prosecutor and was surrendered to the United States District Court yesterday in compliance with a Supreme Court decision upholding the subpoena.

James D. St. Clair, Mr. Nixon's chief Watergate defense attorney, told Judge Sirica yesterday, upon turning over the first 20 tape-recorded conversations subpoenaed by the prosecutor that he was not aware of "gaps" or anomalies in any of the reels of tape.

In a statement submitted to the court today, however, in which he asserted claims of executive privilege with respect to some portions of some conversations, Mr. St. Clair disclosed that "approximately five minutes and 12 seconds" of the April 17, 1973, discussion "were never recorded."

### Included in Transcripts

A transcript of the tape recording of that meeting, which ended just seven minutes before the President made his public announcement about "major developments" in the Watergate case, was included in the edited transcripts published by the White House and simultaneously submitted to the White House and simultaneously submitted to the House Judiciary Committee last April.

The Judiciary Committee, which was then investigating and has since recommended the impeachment of the President, was never provided the April 17 tape recording itself, however.

That tape was released for the first time yesterday to Judge Sirica in response to the high court's unanimous decision last week upholding Mr. Jaworski's subpoena.

In the analysis filed with the court today, Mr. St. Clair noted that the omission, the third so

far in tapes produced in response to subpoenas by the prosecution, "occurs at page 1125 of the blue book."

Page 1125 is about midway through the April 17 transcript prepared by the White House and included in the large blue volume of transcripts made public. But there is no indication anywhere in the transcript that the conversation is not continuous.

Mr. St. Clair explained that the "gap" was caused when one of the tape recorders in the basement of the Executive Office Building, next door to the White House, ran out of tape.

The delay occurred while those in charge of monitoring the machines, which were under the control of the Secret Service, replaced the full reel with a fresh one, he said.

Judge Sirica announced late last night that a recording of a meeting on June 20, 1972, between the President and H.R. Haldeman, then chief of the White House staff, contained a segment of 18½ minutes in which a buzz obscured what apparently was a conversation about the Watergate break-in three days earlier.

A panel of technical experts concluded after examining the tape that the buzz had been caused by an intentional attempt to erase the tape. A Watergate grand jury investigation so far has not determined the responsibility for the erasure.

### Earlier Assertion

Earlier this month, Richard Ben-Veniste, one of Mr. Jaworski's assistants, announced in Judge Sirica's court that a recording of a conversation held March 20, 1973, in the Oval Office contained a gap of nearly 19 minutes.

The April 17, 1973, conversation that was the subject of today's disclosure began in the President's office at 3:50 P.M. according to the published White House transcript.

With Mr. Nixon were Mr. Haldeman, John D. Ehrlichman, then his principal domestic adviser, and Ronald L. Zeigler, his press secretary.

The chief topic of discussion, according to the published transcript, was whether Mr. Nixon should make a public announcement that day about rapidly accelerating developments in the Justice Department's investigation of the Watergate cover-up.

Mr. Ehrlichman advised the President that he should do so, the transcript shows. Mr. Nixon and his aide then proceeded to hammer out the phrases that were to startle the press and

the public less than an hour later.

"The next part is what I'm concerned about," Mr. Nixon said. "I began new inquiries, shall we say?"

"Well, I don't know," Mr. Ehrlichman responded.

PRESIDENT: 'Four weeks

ago we' why don't we say. Shall we set a date? That sounds a hell of a lot stronger if we set a date."

EHRlichman: All right.

PRESIDENT: "On March 21, I began new inquiries..."

The President contended in his public statement a few minutes later that as a result of

"serious charges" that had come to his attention on March 21, 1973, he "began intensive new inquiries" into the Watergate case that led to "major developments" and "real progress... in finding the truth."

THE FRESH AIR FUND.

## Conversations