

WXPost

# 1 Subpoenaed Conversation

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Defense lawyers for President Nixon said yesterday that one of 13 new White House conversations subpoenaed by the Watergate special prosecution force was never recorded, and that another is of "poor audio quality."

Presidential special counsel James D. St. Clair said that a half-hour telephone conversation June 21, 1972, between Mr. Nixon and former counsel Charles W. Colson was never taped because the President apparently placed the call from his second-floor White House bedroom.

It is the second conversation the White House has said was not taped for the same reason. Last November, presidential lawyers said a June 20, 1972, telephone call Mr. Nixon made to former Attorney General

John N. Mitchell could not be found because it apparently was made from a telephone in the President's living quarters.

The President's Oval Office and a suite in the Executive Office Building were wired for automatic recording of telephone conversations, but the family quarters were not.

In an index and analysis of the 13 subpoenaed tape recordings submitted yesterday to U.S. District Court Judge John J. Sirica Jr., St. Clair made no mention of the substance of the President's telephone conversation with Colson that apparently was not recorded.

However, St. Clair said that "it would appear that" a tape of a 17-minute telephone talk between the President and Colson the preceding day, June 20, 1972, relates to the alleged Watergate cover-up.

St. Clair said the tape is flawed by "poor audio quality," but he did not specify the nature of the flaws.

The call was recorded in the Executive Office Building beginning at 8:04 p.m., three days after the break-in at the Democratic National Committee headquarters.

The tapes were among 13 turned over to Judge Sirica on Friday as a result of the Supreme Court decision against Mr. Nixon's claim of executive privilege.

Most of the tapes reportedly were reviewed by Mr. Nixon in May in connection with an out-of-court settlement that Watergate Special Prosecutor Leon Jaworski had proposed to resolve the subpoena dispute.

The President considered the proposal briefly, but then turned it down after listening to what was on at least some of the recordings.

Sirica has already listened

## Never Taped, St. Clair Says

to some of the tapes for any relevant evidence they might contain, and has said he expects the review to occupy him until the Watergate cover-up trial is to begin Sept. 9.

Of the 13 presidential conversations summarized in St. Clair's index, the White House is claiming executive privilege on parts or all of eight.

Taking into account the three transcribed conversations released by the White House Monday — in which the President is shown as directing the early Watergate cover-up efforts — St. Clair's report to Sirica contains only two previously undisclosed tapes for which the President is making no claim of executive privilege.

When the White House produced the first 20 subpoenaed tapes July 30, it submitted an eight-page report claiming executive

privilege for 23 scattered segments. At that time St. Clair also disclosed that there was more than five minutes missing from one tape because a reel was replaced while a conversation was going on.

Still left unanswered by St. Clair's analysis yesterday is why a nine-minute, face-to-face conversation between the President and his chief of staff, H. R. (Bob) Haldeman, on June 23, 1972, covered only one page in the typed transcript released by the White House Monday.

In the conversation, the President discussed Haldeman's attempts to impede an FBI Watergate investigation by invoking the Central Intelligence Agency, and also mentioned political concerns.

The conversation ends in midsentence while the Presi-

dent is talking, and the only explanation in the White House transcript is the notation, "voices fade."

There is no mention in the index and analysis of any gaps or extraordinary circumstances that would account for such a brief conversation covering nine minutes' time. There was also no claim of executive privilege for any portion of the conversation.

An answer to that question could be provided in Sirica's courtroom at 1:30 p.m. today, when White House lawyers are scheduled to turn over tapes of 31 additional conversations. The White House also is expected to deliver a report on those who had custody of the tapes, and Mr. Nixon's daily logs for 64 dates covering all of the subpoenaed conversations.