

White House Discloses Nixon-Colson Tape Gap

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WASHINGTON, Aug. 9 — But D. Todd Christoffersen, Seventeen minutes of a crucial telephone conversation on March 21, 1973, between President Nixon and his chief trouble-shooter were never recorded, the White House disclosed today.

The call, from Mr. Nixon to Charles W. Colson, then a special counsel to the President, took place at about the time that \$75,000 in "hush money" was being delivered to E. Howard Hunt Jr., a Watergate conspirator who had threatened to disclose the "seamy" side of the White House unless he was paid.

According to an index and "analysis" of 26 Presidential conversations subpoenaed by Leon Jaworski, the special Watergate prosecutor, and supplied to Federal Judge John J. Sirica, the tape on the White House recording equipment "ran out" about midway through the 31-minute conversation.

Cover-Up Involved

But the analysis, prepared by James D. St. Clair, a White House counsel who represented Mr. Nixon, states that the first 14 minutes of conversation preserved on tape "appears to relate to the subject matter before this court."

The conversations, part of a total of 64 subpoenaed by Mr. Jaworski, are all believed by the prosecutors to relate to the role of Mr. Nixon and some of his former White House aides in the cover-up of the Watergate bugging case.

Three of the 64 tapes turned over so far contain conversations between Mr. Nixon and H. R. Haldeman, then his chief of staff, six days after the June 17, 1972, break-in at the Democratic party's Watergate headquarters.

It was those conversations, in which Mr. Nixon approved an attempt to limit the Federal investigation of the incident to keep it from touching members of his re-election campaign staff, that accelerated this week's melting away of Congressional support and led to the President's resignation.

John D. Ehrlichman, Mr. Nixon's former domestic adviser, who, like Mr. Haldeman and four others, is under indictment for his role in the cover-up, asked today that the impending trial in the case be delayed or moved from Washington because of this week's "inflammatory" developments.

Mr. Ehrlichman contended in a plea to the court that the "massive and pervasive" publicity that had attended the "virtual toppling of a Presidential Administration" would prove damaging to his chances of receiving a fair trial.

Claims Under Study

Mr. St. Clair had presented claims, on behalf of Mr. Nixon, that several portions of the subpoenaed conversations were not relevant to the Watergate cover-up, were protected by executive privilege, and therefore should not be surrendered to Mr. Jaorski.

The judge has not yet passed on any of the claims, however, and it is unclear whether they still retain any legal force now that Mr. Nixon has left office.

But D. Todd Christoffersen, Judge Sirica's law clerk, said today that the judge was still "going on the assumption" that the claims required a ruling from him as to their validity.

Mr. St. Clair, who did not appear in court today to present the analysis, told Judge Sirica on Wednesday that tapes of nine of the 64 subpoenaed conversations could not be found, despite a "diligent search."

Today, John A. Chester, another White House lawyer, presented to the court one of the nine missing tapes, a Jan. 8, 1973, conversation that Mr. Nixon and Mr. Colson had about Mr. Hunt.

Search to Continue

Asked by newsmen whether the White House would continue to represent Mr. Nixon in the cover-up case, Mr. Chester replied, "I would assume that when Mr. Nixon becomes a private citizen . . . he will have his own lawyers."

Mr. Chester told Judge Sirica that he would continue to search for another missing tape, of a Feb. 20, 1973, meeting between Mr. Nixon and Mr. Haldeman in which Jeb Stuart Magruder was discussed.

Mr. Magruder, the former deputy director of the Committee for the Re-election of the President, pleaded guilty to obstruction of justice in the Watergate cover-up and is now in Federal prison.

Of the seven other conversations for which the White House said Wednesday that no recordings could be found, five were described by Mr. St. Clair in the analysis as telephone calls made or received by Mr. Nixon from his "residence" on the second floor of the White House. Mr. St. Clair said it was his belief that they were never recorded.

One telephone in that part of the mansion, in the Lincoln Room, was connected to the secret taping system before it was disconnected last summer, but the instruments in Mr. Nixon's bedroom apparently were not.

Haldeman Call Missing

The two other conversations occurred during meetings between Mr. Nixon and his aides at Camp David, the Presidential retreat in the catocin mountains of Maryland.

One of the five telephone calls placed from the White House residence and purportedly never recorded was made to Mr. Haldeman at 12:08 A.M. ON April 16, 1973, the weekend that the Watergate cover-up began to come apart.

But a call a few minutes earlier from Mr. Nixon to Henry E. Petersen, the Assistant Attorney General then in charge of the Watergate investigation, that was also made from the second-floor White House residence, was preserved on tape.

Bar Suspends Ehrlichman

OLYMPIA, Wash., Aug. 9 (UPI) — The State Supreme Court suspended John D. Ehrlichman today from the practice of law because of his Federal conspiracy conviction. Mr. Ehrlichman was chief domestic advisor to former President Richard M. Nixon.