

Nixon Tape Gap Remains A Mystery

Washington

For Henry Ruth, the famous 18½ minute Nixon tape gap is the one that got away.

"That was a particular frustration," the retiring special Watergate prosecutor said. "I sure would have liked to have solved the 18½ minute gap."

The case had all the elements of a classic mystery. Only a few persons — all of them known — could have erased the key Watergate tape. The crime was committed during a relatively short period of time.

But all those who could have done it — including Richard Nixon — have denied responsibility.

Thus in the prosecutor's final report released yesterday is this frustrating conclusion:

"A lengthy investigation concluded that only a small number of people had had the opportunity to make the erasures, but was unable to fix criminal responsibility on any particular individual or individuals."

Ruth would not name the "small number of people" and refused to advance his own theory on what happened. But he said the broad outlines of the case had been spelled out in public court hearings on the gap.

The tape was of a meeting between Mr. Nixon and his chief of staff, H. R. Haldeman, on June 20, 1972 — the first working day at

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the White House after the Watergate break-in. Haldeman's notes later showed the erased portion of the tape contained a discussion of Watergate.

A panel of technical experts called in by Chief U.S. District Judge John Sirica said the tape had been erased deliberately. It showed which tape recorder had done the deed, and this fact narrowed the time of the erasure to a six-week period between Oct. 1 and Nov. 12, 1973 — just before the tape was turned over to Sirica.

Five people had access to the tape during that period. Mr. Nixon had overall custody. His secretary, Rosemary Woods, was transcribing it, helped by two Nixon assistants, Stephen Bull and John Bennett. The fifth person with access was White House counsel J. Fred Buzhardt.

Miss Woods testified she may accidentally have erased a portion of the tape — but no more than five minutes and certainly nothing like 18½ minutes. The 23-member grand jury heard testimony on the gap from more than 100 persons, including four of the five people who had access to the tape.

Mr. Nixon gave prosecutors a



AP Wirephoto

HENRY RUTH
Retiring prosecutor

sworn statement that presumably covered the issue.

"I can't say what was in (Mr. Nixon's) grand jury transcript," Ruth said. "But you will recall his lawyer in other court cases said he had nothing to do with it."

Thus does the 18½ minute gap remain one of the unsolved mysteries of Watergate.

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