

(9)/10 18½ Minute Gap Notes

**SCREENED**  
By *clap* Date *1/23/01*

7 601  
EXHIBIT  
62 IN  
-EVD

~~CONFIDENTIAL~~

Cox was a little bit confused in his request re the meeting on June 20th. It says Ehrlichman/ Haldeman meeting -- what he wants is the segment on June 20 from 10:25 to 11:20 with John Ehrlichman alone.

Al Haig

10:10AM Sept. 29<sup>th</sup>, 1973

(Camp David)

Benhardt testimony

9/29/74 - Fact of conners with Neonase subpoena  
43-49

4/29/74 ~~Conn~~ Fact that conners with ~~Benhardt~~ Mrs  
66-72 + Haig, re erasure + not subpoenaed

11/12/73 Connors ~~re~~ given re 6/20 Mitchell  
tape + generally re CV request

<sup>CP 9-9</sup>  
11/28/73 - In August discussed subpoena with  
CP 9-9b RN  
summary)

P.N. told him re Woods accident

11/29 Connors with Haig + RN

Check 11/12 notes)

# Check C of A Bug

check  
journalist

1. Decuman re - not telling as telling court  
Bug 11/1 statement

2. What an 6/20 tape

3. discussions re - scope of subpoena  
8/13 SF memo

4. Copies of transcripts to RV -  
per 6/20 - any p/0 ~~HRH~~ HRH

5. On 11/12 - Bug questioned re Woods  
gap

6. 7/29 weekend

7. KB weekend

8. 10/1 - RMW tells him re gap

9. Convers. with  
Nancy  
Bug  
Woods  
Bull

check  
date of  
Marty's memo

10. Sent per info about erasure & cause

11. Ever borrow the Utes

lets to  
Pages ever in his office  
while RMW works

Rosemary Woods - DC65 - 2/1/74

7 RN, for 9/29 assignment, said her to get everything possible she could get out of the tapes

office  
locator  
8-10 Before early Dec. she did not have direct access to RN office except to go into hall and through Bull's office. After Dec. does through a little hallway - uses it only if he buzzes. If not she goes ~~through~~ around.

14-16 Has not discussed Bull's testimony with anyone

23 Dagwood Cabin in where she usually works & where she did on this CD weekend

27-5 People present during weekend were <sup>the</sup> Chief German, Dr. Tlach, military aide. None in room with tapes except RN, steward who brought lunch, Woods + Bull

33 When Hong called she took it and took message - Bull in other room (message re what subpoena covered)

33-5 Unaware of Hong - Bull earlier conversation when took message.

36-40 Call was before she started typing

43-4

35 minutes after ~~first~~ Hang call, Bill brought in fruit trays, Told her it stopped when Ethel left the room.

52-6

CD

RN accused when she typed 5 or 10 pages.  
Bill there p/0 time RN there. RN asked her what tape she was working on & when she sd he & Ethel, she listened for a few minutes. Pushed buttons a couple of times. Since he didnt go to end because she would have had to track it up a long way - while did have to track it up - not very far. RN listened, but not for more than a couple of minutes

58

Doesnt recall Bill - RN conversation

59

Sun night - dinner with N & Rans

60

On Monday morning Woods finished 67 or 68 pages

Saw RN on other times over weekend - went to RN cabin - on Sat. Not sure if on Sun. only carries re tapes - how far along & getting better

CD

\* 65-6

CD

Pres log indicates he called Bill, Baylmore & Marg while Woods met with him on Saturday, but Woods doesnt recall this

\* 66-7

Doesnt recall her coming to her cabin <sup>that evening</sup>

70 Doesn't know what happened to tapes when left to have dinner with R N on Sat. night. On Sunday night - Bull took them to helicopter

75-76 After seen dinner she + Bull went back to DC in same helicopter with R N

76-9 When back in DC to her safe

79 Seen night - asked for machine with front pedal

81-3 Shortly after 9:30 on 10/1 she resumed typing

86 Closure when Uher delivered

90-94 Finished Ehd section on Uher, but started on 10/1 with Sony

116-18 After Ely, New portion of tape, phone call. A few to five minute call, she was panicky when realized

119-20 Listened to tapes for a minute at most ~~then~~ <sup>Uher</sup> turned off machine.

121-26 | Linnard went to see Pres. - brought oval -  
10/1 | long soup EUR

-4-

126-279 Told RN it was Ely, Nevada and  
10/1 | HRH thru, 16 said don't worry and  
not subpoenaed

129, 131-2 Wanda put tape back in the bus &  
Dues As far as she knows it wasn't out  
again until the 13th.

transcript

137-38 Gave RN transcript on 10/1, shortly  
after told him about accident

138 Gave him each transcript in "eyes only"  
envelope

A 147-53 Eth RW-1, - note re 6/20/72 tapes  
CD | in Bull's handwriting - incl statement,  
"Holdeman - at RN's request"

154-9 10/1/73 report to RN - <sup>kit</sup> 2+2<sup>20</sup>

154-61 In listening to tape on 10/1 didn't  
listen to pt. lousy ended & conversation  
resumed.

168-82 RN sd she should go to ~~to~~ RB with him  
KB | to work on tapes as might be more pleasant  
gend | thro.

191-93 No explanation why took 6/20 tapes to KB



-5-

199-268 One night at 2 AM called Bull to  
come over to open safe to return  
tape. Opened + closed again because  
Bull trying to ~~find~~<sup>show</sup> her how to do it.

202-03 First or second night after 2 AM  
visit gave Bull an envelope  
from RN - FYI's from RN.

207-14 Did not put 6/20 tape on records  
in KB. Tape recorder never left my  
room that weekend.

223-27 RN news asked her to take response.  
her gap. Apart from 9/29 RN news  
present while she was listening to  
Fayser.

RN  
news  
present  
yes  
tapes  
except  
9/29

Notes re Tapes Investigation - Hearings

10/30/73 Clement advised re non-existence of  
4/15 Dean Tape and 6/20 Mitchell Tape

10/31/73 Hearings begin - Zumwalt

11/1 | Beighardt - all recordings made on WH  
system still exist in their entirety and  
under close security. Suggests use of  
technical experts.

Zumwalt

Exh 7 - Secret Service

master log -

4/11 - 4/16 FOB Tape reviewed by  
Bull on 7/11 & returned on 7/12 (copy on  
2/4)

Baker

11/2 Sims - on June 4, 1973 several  
recorders were supplied to ~~Bull~~ Bull  
urgent Bull call from San Clemente  
on 6/25 re having Beighardt listen to  
the 3/20 ~~hearing~~ tape (013/21)  
on \* Veteran day Beighardt questioned  
him re 6/20 + 4/15 problem

Bull - aware of tapes as in late Feb. or  
early March, 1973. On 4/22/73 Tapes for HRH  
On 6/4 Tapes for Nixon (Haug told him) - 20  
conversations. Arranged for Beighardt  
to listen to 3/20 (Had said to Senate select that  
it might have been 4/15) Mid-July - Tapes to HRH

9/28 - at Haug request got subpoenaed tapes. TO  
Camp David where on 9/29 RN + RMW reviewed  
them. Bull told 4/15 + 6/20 Mitchell call not  
recorded. Told this by RN (per 6/20 call). He  
wrote part one on 4/15 box since ran out +  
assumed there was a second reel. Twenty tapes  
involved in 4/22/73 HRH request

11/6 Bull - Exh 28 - logs per tapes from July 18  
to 10/31/73. All but 4 or 5 of the tapes <sup>logs</sup> taken  
by him on 10/28-29 returned Monday after  
weekend. Others returned by Woods  
Bull to Camp David with tapes at 9:30. RN + HAUG  
Haug said <sup>RN</sup> Woods wanted to review tapes.

W

RN present when he cancelled find 4/15

In 7/73 HRH listening - RN goes to help  
HRH to locate from recollection + not  
based upon listening. Healy involved in  
getting tapes to + from HRH. HRH listened  
only to tapes in which he participated.

On 10/4-5 <sup>to keep</sup> 7 or 8 tapes to Key Biscayne  
to assist RN + RMW who were reviewing them.

KB

(unclear whether there had been in RMW  
possession) Tapes to Key Biscayne on 11/3-4

Neshitt  
~~Woods~~ per why in July 24-25, changed  
4/15 daily diary; Exh 32-33 - large inventories

Bennett - appears from Exh 32(c) that <sup>a</sup> one 6/20/72  
tape (possibly telephone) set ~~on~~ after CD weekend  
Woods as of 11/5 had 8 of tapes  
taken out on 9/28

11/7 Bennett - one tape an subpoena list that Bull said didn't need as 3/27-28. On 11/6/73 R MW sd she found <sup>gap</sup> of what she expected to be recorded conversations. Told by Bull as Naig that other eight tapes would remain with Woods. ~~On~~ 4/6

Nelson - installation of system

Wang

11/8 Woods - asked by RN to go to CD on 9/29 to try to type as much as possible of subpoenaed conversations. Had 8 tapes there. Used some with no foot pedal. Only finished one convers. In next week worked in office when pass. On 10/4 took 8 tapes to Key Biscayne. SS there & guarded safe 24 hrs a day. Only one tape at time out of safe. Have only copy of transcripts to RN. Finished work on 8/23-10/24. P/O time used ear phones.

RN instructing

Transcripts to RN

Other possible gap

RN instructing

On 11/5 thought gap in 1 of other 6 that Bughardt found another tape which fills the gap. On 9/29 - RN told her Bull as Naig would take care of the mechanical things.

Bull marked the beg. of convers. of the subpoenaed tapes. Instructed to be careful not to erase anything. Over 9/29 worked believe working on 10:30 - 12 noon 6/20/72 meeting between RN - JE + HRH. At CD RN came over to listen a little bit. Over CD weekend Bull told her about the missing tape.

CD

R.N. suggested working at Key Biscayne because of more pleasant surroundings. There from 10/4-10/7. Had finished 6/20 tape before. Machine used at WH was better.

Wang

Haldeman - Around 4/25/73 R.N. asked him to listen to 3/21 meeting. Also pass. to listen to other March tapes. After listening reviewed his notes with R.N. HRH received 22 tapes from Bull but only listened to one. On 2nd date again asked for 3/21 tape. Never had any tape reels ~~in~~ in safe at home. Set 6/1 + 6/15. R.N. told him had listened to a # of tapes. On 7/10 asked Bull to listen to 9/15 tape. This checked with R.N. Big Bull (pass by HRH first) listened to this at home, received other tapes. Decided not to listen since he not participated at meetings.

check  
extly  
for tapes

Higley - recalls that it was prior to 4/25 when he requested the tapes for HRH

Janell - works for Nesbitt

Bleyhaardt - Woods described to him what she heard on two tapes (prior to her testimony). Bleyhaardt told Higley that not claiming see. panels on tape system (in connection with Higley system recent testimony) in letter to Cox declines. (6/16) declines to produce tapes of 4/15 meeting

At that time RN said to him that there was no tape of the 4/15 Dean/Neuman conversation.

11/12 Beyhardt - Neuman told him there was a dictabelt. No recall of convers. with RN about a specific tape recording of Neuman-Dean meeting. (Really appears to be hedging) Unable to locate 4/15 dictabelt. Realize this is 11/5. Neuman told him in mid-October that 6/20 <sup>Mitchell</sup> tape missing indicated call from residence - may have said West Hall.

Other "gap"

Discussion of Woods' "gap" - Woods indicated + he gave her a tape which filled the gap. As of beg. of proceedings thought all tape in vault - unaware then that some in Wood safe. Unaware of Bennett call until start of hearings. Unaware at time of any removal of tapes around 7/29. In mid Oct advised of non-existence of 4/15 tape. Notes Unaware of HRT having access in connection with 7/23 response to Erwin. Around 9/29 RN asked for all the tape recordings under subpoena

preliminary to CD

Pittsen

11/24/73 - Woods - The 6/20/72 EHL-RN-HRH tape

11/28 is one spent 30 hrs working on at CD and WH.

Used Sany 4 speed semi-central machines & sayphons at CD. UHER <sup>(exh 60)</sup> machine with sayphone set & foot pedal ~~was~~ was used at WH day after return from Camp David. When first used 6/20 tape on 10/1 used Uher. This only machine she had at KB. Also used it at WH after KB. Beyswaidt borrowed it just before Thanksgiving when & then she used a SS Uher - being used for tapes requested by LJ in letters.

CD

at CD, RN listened to draft parts of the tape, pushing the buttons back & forth.

Fess finished the EHL p/o tape on 10/1. Did not type H.RH part. Labeled has few minutes to permit knew talking about scheduling. Doesn't believe that Pres.

(p1230)

had requested her to type it as RN's counsel had told him that that parties not subpoenaed all announced subpoena only if all the other

Call from Haug on 9/29 at 10<sup>10</sup> AM

that he had by counsel that HRH-RN not not subpoenaed & not to type. RN told her

1731-

same thing. Parties RN listened to enclosed 3 voices. RN moved buttons back & forth (RN sd 3 voices) - just 5 or 10 minutes.

PO tape she listened to - 35 minutes (pov sd 2 or 3 hrs)

←

Exh 61 - HRH notes of 6/20/72 meeting. Told after her 11/8 testimony that J Epstein 35 minutes

First listened to p/o tapes with HRH on

10/1 - using Uher, <sup>+</sup> RMW saw HRH notes being brought to RN in RN's office, but <sup>she</sup> did not read them, #

She has not played the original 6/20 tape since 10/1. Only in her her pass. left to Bennett. Took it with her to KB. Bill had access to safe.

On 9/29 Hang said mistake had been made + HRH portion not subpoenaed. Ex 62-101 9/29  
On 10/1 as listening to part p/o HRH - after four corners re Ely, vet + scheduling, she answered her phone + pushed record button + held her foot on pedal - 4 or 5 minutes.

Went to RN as soon as free - RN - <sup>no problem</sup> since not a subpoenaed ~~part~~ tape she didn't listen to p/o tape she missed  
After skull nurse something to discuss conventions as seating delegates. Did not listen through to enter 18 min rec on 10/1.

10/1  
part  
of  
convention

Did not report error to anyone else  
RN - said too bad, RN asked content of record portion - but she said she had <sup>RN</sup> heard nothing. Only corners with ~~been~~ since 10/1 re it or couple X she requested part she was sorry. The record + not sure covered it. After time (~~when~~) <sup>when</sup> listened few days before - discussion about delegates + Deane's convention.

10/1

On 10/1 when reported to RN, he didn't indicate he had listened to that portion. NO discussion of Watergate before or after the bus.



Beezhardt loan tapes HRH notes out of 522  
on 11/15/73 - per SS index

-8- Hasnt talked to Berg re how it happened.  
Prior to 11/8-<sup>?</sup> didnt discuss this with W.H.  
Gunsat. Toni on 10/1 shall - not  
consistent, RN + Haug told her of discovery  
of gap when duplicates of tapes made,  
she sd didnt think her hitting of  
button caused the long gap, Woods  
in the office when Haug brought HRH'S  
A notes to RN - probably might as not  
say out after she told by RN about  
gap

11/12  
done

New machine - the other - came early  
in morning of 10/11.

11/14

after tapes duplicated on 11/14 RN told  
her <sup>an</sup> ~~and~~ 18 minute gap discovered  
On 11/14 Haug brings in <sup>HRH</sup> wife, Woods  
then left the room.

Woods told Berg + Powers she had caused  
the gap of 4 1/2 minutes <sup>(afraid she)</sup>  
No one else had come to <sup>her</sup> office where  
where she kept the tapes.

11/28 Beezhardt - On 9/28 Haug asked for list of  
subscribed materials

9/29 - Haug asked Beezhardt  
what was covered by 101 + he sd just  
Ehril - RN as HRH not there with them -  
never consulted with anyone ~~at~~ about this opinion

9/8-9  
206  
summary  
decision  
re  
subp.

Sen Capt Aug discussed subpoenaing  
with RN. See 8/13 SP memo - p 5

Began work on index + analyses  
on 11/14,

First saw HRH notes on 11/15 or 11/16

Beig /  
out  
w/

On 11/15 he & Paucier studied HRH notes  
in evening of 11/15 - at time aware of 18-min gap  
in early or mid Oct R N w/ Haig - ~~had~~  
had her re words "accident" - <sup>had</sup> 4-5 min course  
on tape subsequent to ~~the~~ the subsequent conversation  
11/14 - in reading same first realized SP wanted  
two meetings.

11/15 -  
per  
contact

On 11/15 had Haig & R N re course,  
R N couldn't recall what Paucier about &  
suggested meet to check HRH notes  
Discussed her accident with her  
briefly in late Oct or early Nov

11/29 Bushardt - Paucier with Woods in context  
of asking her if she could improve  
~~the~~ a transcript.

On 11/15 Beig, had a conversation with  
Woods ~~that~~ around time spoke to R N.  
Woods showed he & Paucier the recorder.  
Haig was <sup>also present,</sup>

Haig indicates that R N spoke to R N w/  
re problem of the course about time of 11/14  
discrepancy.

11/15

11/15 - R N - Haig - Beig - evening - Beig  
says after consulting SP memo paper to survey  
& in checking tape 18 1/2 min gap, in process  
of getting H & R H notes. Beig sd 2 diff audible  
tones, R N - sd. was troubled by it. R N didn't  
fully understand why had to turn over text  
didn't say not to -

On 11/16 had Haig re Paucier in conversation  
per recovery of material. Asked her  
hypothetically - ~~had~~ Paucier - very unlikely

(with words)

O-n 11/16 RN + Haug to Fla. around noon  
In night of 11/15 told Haug re # content  
of HRT notes & watergate discussed.

11/18 - no winners with RN, Haug as RYW  
spoke to Garment & Parker re it.

O-n 11/19 - told Haug, as phone would  
ask for assurance. Later on day said got it,  
but must disclose problem separately. Haug  
agreed & sd would report to RM.

O-n 11/20 - did experiments with machine.

O-n 11/22 Haug told him RYW concerning  
same tapes to give RN. This was 1/4/73 tape.  
Later found out <sup>RYW had record</sup> a 9% Time came when  
included no innocent explanation (was exp)

O-n 11/20 - told Haug would conduct  
experiments to see if could give a  
better explanation. Later told Haug no innocent  
explanations.

11/21 AM - disclosure to WSOF & unit.

evening of 11/21 - he & Rosenberg - same day.

R gave him advice. He did the tests.

Pam told Haug re results on 11/22.

11/21 tests - got records that appear there  
an gap - by depressing start & record buttons  
at same time. Lamps & experiments used. Not  
hand pedal.

11/28 - one test.

O-n 11/23 told Ruth re 11/21 test.

O-n 11/25 copied tape & <sup>going</sup> to words.

Tests  
to  
duplex  
cass

Bullerfield

12/4 Higley - went through HRH files on 11/15. HRH called him and gave him combination to safe so could get notes Naig wanted. ~~He~~<sup>Higley</sup> to call ARH & review note with him over telephone. - note of 6/20/72 meeting. Reviewed with HRH before going to Bay. HRH told him about gap. Had to get HRH permission before giving combination to Naig. HRH sd. gap had been covered by Woods

Bennett - All of 15 tapes returned by Woods on 11/13. On 11/19 Naig calls from KB to tell him to get tapes list from Bay, to give to Woods. Gets LS 11/18 letter from Bay. Shows tapes on list to Woods. Checked her recorder to make sure it would not erase. Believes aware of erasure problem at time. RMW returned tapes 11/26. Didn't know she going to Verliby.

Powers - On 11/14 in screening 6/20 with Bay, fruit told of erasure. On 11/8 when talked to Woods, no discussion re ~~gap~~ gap. On 6/20 tape RMW had indicated a que number for HRH as well as FBI.

Discussed whether HRH discussion included ~~gap~~<sup>gap</sup> & Bay agreed w/o questioning. RMW had not typed summary on HRH. Bay sd she tried not to be as not included. Surprised at Leggett.

Concluded this info benefit of 8/13 combination. On 11/14 convers. with Woods & the que number item.

12/5 Bennett - corrects earlier testimony where said red button - it was gray.

11/16 Powers Summary

Powers - 11/16 - met with RN alone. No discussion of gap. On 11/14 Woods sd. shocked about 15 minute gap.

Woods - no discussion on 11/14 met Powers on ~~woods~~ Ben. re gap. That night or next day learned about gap. Recalls no demand from Ben + Powers <sup>summarized</sup> on 11/14 told Ben + Powers may have caused 4 1/2 - 5 min, but not 18 min gap. No recall of canvas. with Hong no gap. Hong told her <sup>summarized</sup> wouldn't rep. her + called Phyllis first.

Hong - first learned of system in late May 7/18 - told Bennett to exit from custody under nervous control. Aware of RN June review.

9/28 - RN instructed Hong to arrange for review of subp. logs - have Woods summarize highlights + Bull <sup>see</sup> ~~see~~ them.

Hong told by Bull on 9/29 can't find a 6/20 HRH - JE - RN meeting. Ben told Hong that really wanted JE - RN review. Early apt. of 10/1 RN told him that

10/1

RN was just in + discussed about an accident in review logs of canvas. following subp. one - told RN re how happened. Ben, <sup>summarized</sup> discussed Hong at mtg a subp reviewed log

9 PM - 11/14 - Ben tells him it was 18 plus minutes - not 4 1/2 to 5 - + that was subp

Harz says - last date has this.

11/15 - Harz told RN ~~after~~ & not  
reassessment based on addl descriptions  
prepared by SP. RN - disturbed.

4 PM - 11/15 - Buy tells RN, discussed  
getting HRH notes, pass, about if could  
recover cassettes.

11/15 )

Harz arranges for search of HRH  
notes - spoke to Healy & Hald. Buy told  
him notes showed gap in Wulfsberg -  
RN - sd see if can re-constitute

per  
fax  
per  
reception

Harz gave RN Resemblance view  
that this unlikely.

Harz told by Buy - <sup>on 11/20</sup> machine  
not respond & 2 distinct tones. Harz told RN  
RN approved letting it. immediately

Learned of HRH review of tapes from  
public testimony. Taped <sup>by Fred</sup> done at RN request  
RN did not order on 6/4 to  
any tape subsequent to 3/20. No public  
per now - pending on 1/4, to extent known  
Per RN request in June had Buy  
order to a tape.

Harz upset re HRH July, identical.  
Never <sup>personally</sup> believed to attached a tape  
in evening of 9/29 told by Bull  
can't locate a tape.

Buy or RN later told him re  
two missing tapes

12/6 Hong - Woods checked RN files for 4/15 material - RN suggested checking his own diary recollections.

Linearily, N or RN told Kelly that no 4/15 dictabat - were some personal notes.

On 11/15 Hong told HPH no gap & that this remains from the search.

RN on 11/15 spoke to RMW re gap who said she carpined & upset re Edith London.

RN said he & council should find a technical explanation for the problem.

In Fla. on 11/16 RN was dinner with Pat, Revere & Woods.

RN has not conveyed any info. explanation re gap. Told him Woods's explanation was confused.

Only Woods & Bill had access to same.

Hong-  
RN  
conveys

1/15 Experts

1/16 Sims - purchased UHER 5000, Exh # 60  
SN 33929 on 10/1 - arrived at office  
after buying it at 12:45. To Bull  
at 1:15

check  
RN  
during  
+  
appears

Bull - On 10/4 packed tapes + Uher to go to  
KB. The Uher only recorder taken to KB.  
asked for Uher on 10/1 - they went out + brought it  
Received it around noon or 1 PM on 10/1. In  
KB. a safe + a guard. Woods at KB until in  
villa with tapes. A log for safe where  
tapes were. He only saw into ~~took~~ tapes out.  
Log can't show what taken out.  
Cued up tapes over weekend - doesn't remember  
what. No convers. with RN during the  
weekend re-tapes. No recall. of RN visiting  
Woods that weekend.

\* Signature on receipt for machine - Exh 154 -  
not his. Woods may have withdrawn a tape  
in his absence.

CD

AX CD - RN came to cabin around June  
checking re-subpoena issue per 6/26  
To his knowledge only he, Bennett + Woods had  
pass. of the 6/20 tape Benjamin + too (he delivered  
it to court). Woods had KB safe comb.



1/17 Zumwalt - Uher delivered an 10/1 after 12 noon. En fait had a Uher in supply but did not realize it. Prior to 11/20/73 none of Uher 5000's ~~supplied~~ supplied to any WIT personnel.

Sims - on 11/21/73 Bushardt told him that thought 18 min gap was a power loss. No other Uher in KB during 10/4-10/7

1/18 Bushardt - in KB - 10/4 - 10/7 - didn't know where tapes stored there or whether and didn't remember them.

Not aware that portion of cassette of Pres recall. of 3/21 Dean meeting ends in mid-sentence - 57 second blank tape, 38 second blank in 6:20 RN ditto belt of 6:20 camera with John Mitchell, following pause picks up in mid sentence

Bull - <sup>in KB</sup> on one of 2 X W uds had difficulty opening safe + he called him to come down + open it - 1X lat. at night.

X Check KB safe access log

KB delivery

Delivered one night a sealed envelope from ~~RMW to RN~~ RMW to RN - left it as RN clerk CIPM on 11/27 RMW asked him about time of delivery of Uher

Log - Bull with RN + Hanson on 10/6 from 11:30 to 11:35. On 10/4 on phone RN with

RMW for 10 minutes; on 10/7 RMW & RN as  
plans for 5 minutes.

No recall of early AM on 10/5/73 safe  
openings and closings.

Envelope for RN - 10 as spare pages  
and no tape.

No recall of RN - ~~the~~ Hong meeting.

3.  $\leftarrow$  x Merryman - name <sup>on safe</sup> log - doesn't tell ~~how~~  
who it is.

Steven Bull - DCAT - 1/28/74

45-7 Weekend in KB (10/14?) Henkel & Bull remained together at the KB Hotel.

47-50 in 7/73 HRH called Bull to know him. Told RN he ready to receive tapes and did RN want him to. RN sd go ahead.

51 At one point RN sd HRH ~~said~~ should ~~listen to~~ ~~some~~ ~~featuring~~ ~~from~~ ~~memories~~ & not from tapes.

79-85 When Bull came into room at CP saw RN talking to Woods & told RN JM conversation not there. Doesn't recall names re Ehl. conversation. Also told RN re 4/15 problem. RN sd. names. From West Wing would not be recorded.

90-93 same names. with RN re pass of his  
listening to tapes - 9/29 weekend

Notes re 18 1/2 minute gap

6/20/72 daily diary shows 3-minute call  
to Ed ~~Winger~~ ~~per~~ between Ehrlichman  
and Haldeman meetings

On Tab 9 - what is note next to 6/20/72  
day

A 6/20/72 dittoed

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*Rick Davis*

J. FRED BUZHARDT TESTIMONY, GRAND JURY #3--TAPES

April 29, April 30, May 6 and May 10, 1974

*See p 18  
re Buzhardt  
Atty-client  
claim*

Background information on Buzhardt

Buzhardt is appearing voluntarily, without subpoena before the Grand Jury. Since 1/4/74, Buzhardt has been Counsel to the President. From 5/9/73 until 1/4/74, Buzhardt was on detail as Special Counsel for the President. Stennis recommended Buzhardt to the President. (4/29/74, 3-8)

June 25, 1973--Buzhardt listened to a March 20, 1973 telephone conversation between Nixon and Dean

Buzhardt had positive knowledge of the White House taping system around June 25, 1973. Haig asked Buzhardt to listen to a telephone conversation between Nixon and Dean on Mar. 20, 1973. Buzhardt claimed attorney-client privilege as to his conversation with the President about the Mar. 20 telephone conversation.

Sims and Zumwalt brought the tape to Buzhardt with a tape recorder and a roll of tape. Buzhardt located the conversation with the aid of information previously prepared for the WSPF & SSC-- a list of contacts with Nixon by various people, one of them being Dean.

The telephone conversation was about 10 minutes. Buzhardt called Haig and told Haig the answer to the question Buzhardt had raised with Nixon (Nixon had told Haig to tell Buzhardt to get the answer to the question Buzhardt had raised about Dean from the tape.) Buzhardt does not recall discussing the March 20, 1973 conversation with anyone. (4/29/74, 8-16)

Conversation with Higby about a White House taping system

Buzhardt and Garment talked with Higby about the existence of a White House taping system and whether Nixon would claim executive privilege. Buzhardt said he didn't know and would try to find out.

It was decided executive privilege would not be called and Higby was not to volunteer anything but was to answer if a specific question was asked. Buzhardt may have talked to Nixon and Haig about this but does not recall. (4/29/74, 16-18)

July 18, 1973--Transfer of custody of White House tapes

After Buzhardt learned of Butterfield's disclosure to the SSC, there were discussions of whether taping should be continued and the transfer of custody of the tapes. Buzhardt wanted custody

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for official purposes to be the President's personal custody.  
(4/29/74, 22-24)

Decision to withhold material

Buzhardt would not discuss conversations with Nixon about resistance of requests for material, claiming attorney-client privilege. Buzhardt does not recall whether anyone took a different position about disclosing material. (4/29/74, 26-28)

Discussions of Dean's accuracy

Buzhardt is sure there were discussions of the accuracy of Dean's testimony, whether in the context of the tapes, Buzhardt does not know. Based on information Buzhardt had at the time, Buzhardt believed Dean's testimony was inaccurate and Buzhardt had not listened to a tape. Buzhardt does not recall what others said about Dean's testimony.

Buzhardt does not recall discussing with anyone the possibility of verifying Dean's version of events. (4/29/74, 19-22, 28-30)

Information about Dean's conversations with Nixon

Buzhardt was provided information by the President, logs of staff members and Richard Moore (when he was present at a conversation between Nixon and Dean.)

Buzhardt also talked to Ziegler about Dean's testimony and people on the White House staff. (4/29/74, 31-32)

Dean meeting chronology prepared by Thompson at the SSC

Buzhardt furnished information to Thompson over the telephone about Nixon-Dean meetings. This information was derived from discussions with Nixon, WH staff members and documents. Nixon discussed meetings with Buzhardt from Nixon's notes. Buzhardt took notes. Buzhardt is not sure if he referred to his notes when talking to Thompson.

Buzhardt then went to review the document Thompson prepared of their discussion. Buzhardt found a number of errors and corrected some of them. This information was to assist Thompson in questioning Dean. Buzhardt states Dean may already have been questioned by the time he made the corrections. (4/29/74, 32-43)

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In response to a Grand Jury request, Buzhardt said he could not locate any notes used in his telephone conversation with Thompson. (5/6/74, 45-46)

Buzhardt did not listen to tapes--aside from the tape he listened to on June 25, 1973--prior to the time he provided Thompson with the information on Dean's meetings with Nixon. (5/10/74, 15-17)

July 23, 1973 Subpoena

Buzhardt met with Nixon (after it had been determined there would be no reply to the subpoena) on which tapes were actually covered. Buzhardt does not recall who was at the meeting and believes there was a discussion about what was covered by the subpoena but not a discussion about the substance of the subpoenaed tapes. Buzhardt qualifies this by saying there was a discussion of what conversations were subpoenaed and why they were subpoenaed. No conclusions were reached. Buzhardt does not recall if there was a discussion about firing Cox.

The first item on the subpoena was a June 20, 1972 conversation. There was discussion of why that conversation was subpoenaed but not the substance of the conversation. Wright may have been there. (4/29/74, 43-49)

Buzhardt has no recollection of reading the subpoena in July 1973. Buzhardt "probably" understood the contemporaneous notes were called for. Buzhardt became aware that Haldeman took notes of one of the tapes when Haldeman testified and possibly prior to that. Buzhardt did not know at that time that the subpoena covered these notes as well. Buzhardt does not recall considering this question of notes taken after the conversation.

Buzhardt began to gather the papers and notes related to subpoenaed conversations sometime between the President's announcement of his decision to comply with the subpoena and the date Buzhardt started preparing the Index and Analysis. (4/30/74, 73-78)

Wright's meetings with the President

Wright met with the President from time to time. Wright probably met with the President when Buzhardt was not present. (4/29/74, 49-50)

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Discussions of first item on the subpoena--June 20, 1972 conversation

Buzhardt's impression was that the subpoena was confused-- it called for a meeting between Nixon, Haldeman and Ehrlichman. According to the log, there was no meeting between the three. Buzhardt does not recall when he first discussed with anyone what was called for in the first item of the subpoena.

Buzhardt recalls he had a conversation with Nixon. He does not recall when or the content of the conversation.

Buzhardt recalls he had a telephone conversation with Haig about which conversation was subpoenaed. He may have had more than one. Buzhardt has checked Haig's notes and believes it was in the last week of September, 1973. Haig inquired of Buzhardt what conversation was subpoenaed on the first item. Buzhardt told Haig it was the Ehrlichman conversation with Nixon. Buzhardt does not recall telling Haig, nor anyone else, that the Haldeman conversation was not called for. Buzhardt felt this was all academic since Nixon was adamant about not turning over the tapes. Buzhardt states it was in his mind that the Haldeman conversation was not called for. Buzhardt does not recall discussing the ambiguity of the first item of the subpoena with Wright. (4/29/74, 50-60)

Buzhardt did not attempt to clarify with Cox, Garment or Wright what was called for by the subpoena. The position was that the White House was not going to give up the tapes and in Buzhardt's mind it was not an important issue. (4/29/74, 72-76)

Knowledge that Woods was typing transcripts

Buzhardt believes he learned Woods was typing transcripts in the first week of October, not September 29, 1973. Buzhardt thinks he had a conversation with Haig on September 29 about the first item on the subpoena. Buzhardt conveyed to Haig the Ehrlichman conversation was subpoenaed. Buzhardt does not know if he also conveyed to Haig that the Haldeman conversation was not called for. Buzhardt does not think he knew at the time Woods was making transcripts. Buzhardt must have assumed Nixon was working on tapes. Buzhardt or someone in his office had given Bull a copy of the subpoena. Buzhardt assumed from the general discussions that Nixon was going to make some effort to go into what was on the tapes. (4/29/74, 60-66)

To the best of Buzhardt's recollection, he learned Woods was typing transcripts in the last part of the first week in October (1973) or sometime thereafter. This may have been at Key Biscayne. Buzhardt definitely remembers reading through one of the transcripts probably sometime between the end of the first week



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in October and the middle of October. Buzhardt does not recall what transcript this was. (4/30/74, 17-18)

Buzhardt saw a June 20, 1972 transcript around the end of the first week of October and mid-October, 1973. This conversation was completely between Nixon and Ehrlichman. Buzhardt may have made notes on the transcript. Buzhardt does not recall if he saw anyone else's handwriting on the transcript. Buzhardt identifies handwritten notations of meter readings on the June 20 transcript as his made probably around Nov. 11, 1973 when Buzhardt and Powers were preparing the Index and Analysis. Buzhardt can not identify other handwriting on the transcript. (4/30/74, 18-25)

6/20  
handwritten

Woods erasure

Buzhardt can not recall how long after his conversation with Haig that he was told Woods made an erasure. Buzhardt recalls a weekend in Key Biscayne at which point he knew Woods was working with the tapes. It is possible Buzhardt saw a transcript that week-end.

Buzhardt recalls he was told by Haig and Nixon about the erasure. Woods had accidentally erased a 4-5 minute portion of a part of the Haldeman conversation that followed the Ehrlichman conversation of June 20, 1972. Buzhardt was under the impression Woods erased something in the first part of the conversation.

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Buzhardt has no recollection of saying to anyone the Haldeman conversation was not subpoenaed prior to finding out about the erasure. When he found out about Woods making the erasure, Buzhardt spoke to both Nixon and Haig about the Haldeman conversation not being subpoenaed. Buzhardt does not recall having any discussion about what may have been on the portion of the tape Woods erased. (4/29/74, 66-72)

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June 11, 1973  
WSPF request/for April 15, 1973 conversation between Nixon and Dean

Buzhardt had a conversation with Nixon about the request. Buzhardt came away with the impression it was a dictabelt that Nixon had been referring to in a conversation with Petersen. Cox or Petersen told Buzhardt that Nixon had told Petersen in a conversation shortly after the 15th that Nixon had offered to let Petersen listen to a tape concerning the question of whether Dean had told Nixon that he had been offered immunity. Buzhardt does not recall Nixon telling Buzhardt that he didn't have the tape recording of the meeting with Dean on April 15, 1973. Buzhardt thinks Wright drafted the response to Cox's letter of June 11, 1973--the letter did not say that there was no tape of the meeting but that the tape referred to by the President in his discussion with Petersen was a tape of the President's recollections of the conversation.

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Buzhardt states if he knew of the tape recording system at that time, he would have had a different approach to this request.  
(4/29/74, 76-86)

Buzhardt does not recall his conversation with the President concerning responding to Cox's letter of 6/11/73 in which the tape recording of the President's conversation with Dean was requested. Buzhardt does not recall if Nixon told Buzhardt that there was no tape recording of Nixon's conversation with Dean on April 15, 1973.  
(5/6/74, 25-28)

Buzhardt was denied permission by Nixon to listen to the tape of his (Buzhardt's) conversation with Nixon concerning the response Buzhardt would make to Cox's letter of June 11, 1973.  
(5/10/74, 12-13)

Search for April 15, 1973 Dictabelt recollections

Around November 14, 1973, Buzhardt requested a search be made for the April 15, 1973 dictabelt, in conjunction with preparing the Index and Analysis. This was the instigation of Buzhardt's request to find all materials and documents covered by the subpoena.

Buzhardt probably asked Haig to search for notes, memoranda, etc. not in the files. Buzhardt does not recall asking Woods or Acker to make a search. Buzhardt does not recall specifically asking Haig to search for the April 15 dictabelt.

Buzhardt does not recall when he first learned there was no dictabelt of the April 15 conversation. Buzhardt reviews his November 12, 1973 testimony in the Tapes Hearings re learning on November 5, 1973 that there was no dictabelt of the April 15 conversation. At this point, Buzhardt has no independent recollection of the date. Buzhardt believes Haig told him the dictabelt did not exist. Buzhardt does not recall if he received information from Haig as to what had been done to locate the dictabelt. (Volner presses Buzhardt--Even though Buzhardt had represented to Cox that there was a dictabelt, and then told the Court it would be turned over, Buzhardt subsequently told the Court the April 15 dictabelt did not exist.) (4/29/74, 86-97)

Discussion with the President of inability to locate Dictabelt of April 15, 1973 conversation

Buzhardt does not recall what he said to Nixon about his inability to locate the dictabelt recollections of the April 15 conversation. Buzhardt was satisfied that there was no dictabelt--that one could not be found. The notes of the meeting were located.

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Buzhardt does not recall anyone telling him that no dictabelt was made. It is Buzhardt's belief that the dictabelt never existed but he can not reconstruct how he arrived at that belief. The source of the information was either Nixon or Haig. Buzhardt represented to the court that the dictabelt was never made. (4/29/74, 97-103)

President's personal files

Buzhardt has only a general knowledge of the President's personal files. (4/29/74, 104-105)

Buzhardt's knowledge of any missing tapes or gaps in tapes other than those called for in the original Grand Jury subpoena

Buzhardt originally claims attorney-client privilege and executive privilege and declines to answer. (4/29/74, 108-111; 4/30/74, 160-163, 165-168)

Pursuant to an agreement worked out between St. Clair and Ben-Veniste, Buzhardt agreed to answer this question. There are no missing tapes other than those about which Buzhardt has made a public statement. Buzhardt states that the White House has attempted to find where a substantive conversation took place that has not been located. The conversations were on the tape but the substantive conversation was not. There was no tape that appeared to be missing in its entirety. (5/6/74, 21-22)

Buzhardt has found no gaps on the tapes. There are periods of silence on the tapes where there are lapses in conversation--where there just isn't a conversation going on. (5/10/74, 13-15)

FBI investigation into possible destruction or alteration of documents and tapes

Buzhardt became aware of the FBI investigation shortly after Sirica referred the tapes matter to the Grand Jury. (4/29/74, 112)

Buzhardt's supervision over access to files in Rooms 84 & 522 of the EOB

Buzhardt was told by Nixon to exercise supervision over documents. People entering the file room had to be logged in and out, what they looked at was specifically recorded, individuals

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could look at the files on which they had worked and no copies could be made. Files stored there include: All Presidential files, Ehrlichman, Young, Colson, Krogh, and Dean. (4/29/74, 112-117; Remainder of the 4/29/74 Grand Jury testimony relates to Buzhardt's search for documents in the Plumbers' White House files, 117-153.)

Typing of transcripts

Buzhardt does not recall asking anyone, including Acker, to either type or re-type or correct a transcript before 11/14/73. Buzhardt recalls at some point going to Woods and asking her, after Buzhardt had possession of the transcript, to try to do a little better in getting information from the tape. This was at the time that Woods had the tapes in her possession. Buzhardt does not remember which tape it was. (4/30/74, 25-26)

Haldeman listening to tapes

Buzhardt became aware Haldeman was listening to White House tapes sometime after Haldeman had listened to them in the summer of 1973 and before Haldeman testified (before the SSC). Buzhardt did not, to his recollection, release a tape recording to Haldeman. Buzhardt has no recollection of having a contact, either in person or over the telephone with Haldeman on or about June 4, 1973. Buzhardt reviews a copy of the access log to Room 522 re notation "Tape recorder released to Haldeman (no tapes/at request of Buzhardt)". Buzhardt has no recollection that a tape recorder was furnished to Haldeman on June 4, 1973 at Buzhardt's request. (4/30/74, 46-51)

Buzhardt does not know if anyone told him which tapes Haldeman had listened to during the time he had tapes in his possession. Buzhardt believes he learned from Bull that Haldeman had listened to WH tapes. Buzhardt was surprised when he learned Haldeman had listened to tapes. Buzhardt does not recall discussing with Haldeman the circumstances under which Haldeman listened to tapes. Buzhardt was concerned about Haldeman's access to the tapes but after the custody of the tapes changed, Buzhardt did not believe there was any reason to think Haldeman would have further access. (4/30/74, 62, 64-66)

President listening to tapes

As soon as Buzhardt learned about the taping system, Buzhardt assumed Nixon had listened to the tapes at some point about

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that time (June 25, 1973). Buzhardt assumes that he specifically learned that Nixon listened to tapes on June 4, 1973 sometime after June 25, 1973. (4/30/74, 46-47)

#### Conversations with Haldeman after 4/30/73 and before 7/30/73

Buzhardt spoke with Haldeman after Haldeman left the WH. Buzhardt asked Haldeman's counsel to have Haldeman communicate through his attorneys. Buzhardt recalls one conversation about Haldeman's anticipated SSC testimony in which Buzhardt requested Haldeman to exert executive privilege as to material he had heard on the tapes. Buzhardt does not recall whether he discussed with anyone Haldeman's testimony about the substance of the tapes prior to the time Buzhardt talked to Haldeman. Buzhardt does not recall when his conversation with Haldeman was except that it was before Haldeman's SSC testimony. Buzhardt only recalls the discussion of executive privilege; he recalls nothing else about the conversation. Buzhardt recalls no discussion with either Haldeman or his attorneys of the substance of what Haldeman would testify about concerning what Haldeman had heard on the tapes.

Buzhardt recalls he and Haldeman were discussing two tapes--the March 21 tape and another that Buzhardt can't recall--in regard to the issue of executive privilege. The question was on executive privilege as to the content of the tapes which Haldeman had heard. (4/30/74, 51-59)

#### Discussions of March 21, 1973 meeting

Buzhardt was "probably" concerned about Dean's account of various meetings. Buzhardt is "generally aware" that Haldeman testified in regard to the March 21 meeting that Nixon said that it would be wrong to raise money for the Watergate defendants. Buzhardt believes he received some indication in advance of Haldeman's testimony as to his (Haldeman's) account of the March 21 meeting. Buzhardt does not recall who gave him this information. (4/30/74, 59-62)

#### Bull listening to tapes

Buzhardt thinks he learned Bull listened to tapes when Bull was preparing to testify before the SSC. Buzhardt does not recall if Bull told Buzhardt what tapes he had reviewed. (4/30/74, 62-64)

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Access to files

Buzhardt does not recall requesting on June 4, 1973 a lock change on a safe in Room 522. Buzhardt thinks this safe contained Political Matters Memoranda. (4/30/74, 66-73) In subsequent testimony, it is determined that this was Safe 23 which actually contained Haldeman's notes of the June 20, 1972 meeting. (4/30/74, 97)

The President and Buzhardt were responsible for access to files stored in Room 522. Authorization for access to the files for people other than former WH staff members, came from the President. (4/30/74, 66-73)

Search for Haldeman's notes of the June 20, 1972 meeting

The notes were secured on the evening of November 15, 1973. The circumstances that led to a search for these notes was the discovery of the gap on the June 20 tape and it was thought that the notes might shed light on the content of the meeting. Buzhardt does not recall whose idea it was to locate the notes. Higby helped locate the notes.

Buzhardt recalls meeting with Haig and Nixon on the afternoon or early evening of Nov. 15, 1973. Buzhardt does not recall stating in the meeting that he did not have the combination to Haldeman's safe that would contain the June 20, 1972 notes. Buzhardt does recall that he did not have the combinations to all of Haldeman's safes at that time. (Buzhardt believes there was only one safe he didn't have the combination to. Buzhardt has secured the other combinations from Kehrli, Buzhardt thinks, in August 1973 when a search was made for Political Matters Memos.)

Buzhardt discovered that Haldeman kept the combination to one of his safes. Haldeman had turned over the others to Kehrli. Haldeman had told Haig that this one safe he had not turned over but that he would turn it over to the President.

The whereabouts of the combination was discussed at this time (either at the meeting between Buzhardt, Haig and Nixon or just before or just after the meeting) and Buzhardt believes someone got Haldeman on the phone and got the combination. Higby opened the safe and knew where to look and Buzhardt and Higby found the document. It was Buzhardt's impression that Higby spoke earlier to Haldeman before they located the notes. Buzhardt does not recall what discussion he had with Higby while searching for the notes. Buzhardt seems to recall that Higby made a telephone call from

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Room 522 and it could have been to Haldeman. Buzhardt recalls Higby at some point telling Buzhardt that Haldeman had requested Higby to tell him something about the materials they were looking for, but Buzhardt does not recall whether it was on this occasion (Nov. 15, 1973) or another occasion.

Buzhardt does not recall receiving any instructions from Higby about the envelope of material in which the June 20, 1972 notes were located. Buzhardt does not recall Higby saying his instructions from Haldeman were not to let Buzhardt have the document (June 20 notes) until Higby had a chance to read the document to Haldeman. (4/30/74, 79-105)

[On June 4, 1973, Haldeman had access to Room 522 where his files were stored. Also on this day, there was a written notation to change the combination of Safe 23 in that room ("Requested by Buzhardt"). Buzhardt does not recall requesting a lock change on a safe in Room 522. This safe contained Haldeman's notes of the June 20, 1972 meeting. The combination for this safe had to be gotten from Haldeman through Higby on November 15, 1973 when Buzhardt was attempting to locate Haldeman's June 20 notes after realizing there was an 18 1/2 minute gap on the tape.]

#### Subsequent searches for documents

Buzhardt does not specifically recall when he made a request for other documents after Haldeman's notes of the June 20 meeting. Buzhardt states that he made requests of the President for either himself or someone else to be permitted to search for documents.

Buzhardt reviews the entry on the log for Room 522 on November 16, 1973. Buzhardt recalls receiving from Higby and copying Haldeman's notes of meetings on March 22, 1973, June 30, 1972 and September 15, 1972 to hand over to the Court. Buzhardt did not retain any of Haldeman's notes; whatever Buzhardt got, he produced.

Buzhardt does not recall seeing on Nov. 16, 1973, Haldeman's notes while listening to the March 21, 1973 conversation (although this was listed on the access log as being delivered to Buzhardt's office). These notes were not produced in response to the subpoena. Buzhardt states they were primarily looking for contemporaneous documents. (4/30/74, 105-117)

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Haldeman's notes of listening to the March 21, 1973 and September 15, 1972 conversations

In January 1974, requests were made for Haldeman's notes of listening to the Mar. 21, 1973 and Sept. 15, 1972 conversations. They were produced at the end of January, 1974. Buzhardt does not know why these notes weren't produced in response to the subpoena. (4/30/74, 117-124)

Haldeman's contemporaneous notes of the March 21, 1973 meeting

Buzhardt does not recall whether Haldeman made notes contemporaneously during the March 21 meeting. Buzhardt does not recall Haldeman's testimony that he (Haldeman) did take some notes contemporaneously. Buzhardt does not recall who searched for the notes (could have been Higby) or if the November 16, 1973 search was the only one made. Buzhardt states if they didn't get the notes, they didn't produce them. Buzhardt recalls that there was at least one meeting for which no notes were found. Buzhardt does not recall WSPF requests of February 14 and 22, 1974 for Haldeman's contemporaneous notes of the March 21 meeting nor does he recall making a search for these notes. Buzhardt does not recall ever seeing March 21, 1973 contemporaneous notes. (4/30/74, 124-135)

Buzhardt does not recall the first time he discussed the notes with anyone but feels that he included the notes in a request for a search in November (1973). Buzhardt states he did not discuss the notes with Nixon.

Buzhardt does not recall discussing the significance of the March 21, 1973 notes with Parker. Buzhardt does not recall suggesting to Parker that those notes coincided with what Buzhardt's understanding of the events of March 21, 1973 were. (5/6/74, 38-42)

St. Clair will continue to search for Haldeman's contemporaneous notes of the March 21, 1973 meeting. (5/10/74, 9)

Investigation of the 18 1/2 minute gap

Buzhardt attempted to find out some facts about the 18 1/2 minute gap. Buzhardt does not recall preparing any memos on the 18 1/2 minute gap but did include a paragraph about it in the Index and Analysis. Buzhardt does not recall preparing any factual memoranda.



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Buzhardt does recall seeing a report from an expert (Hecker) analyzing a portion of the tape. Buzhardt claims attorney-client privilege as to the nature of the report. (4/30/74, 143-146)

Buzhardt has no information which would go beyond the explanation presented in Court as to how the 18 1/2 minute gap occurred. (4/30/74, 188-189)

[Discussion of the Stennis Proposal; Stennis' ability to hear parts of the tapes in light of the difficulty in transcribing them; the fact that Stennis would be provided with a summary or a transcript with relevant and irrelevant portions indicated. Buzhardt states he has no recollection of discussing with Stennis that Buzhardt would help Stennis listen to the tapes. (4/30/74, 146-155) ]

#### Summary of transcripts

Buzhardt states that at some point a summary was prepared of conversations on tape by people assisting Buzhardt in the Counsel's office. A summary was not prepared in connection with the Stennis Proposal and Buzhardt does not know what was shown to Senator Scott. Buzhardt claims executive privilege as to the contents of the summary prepared under his (Buzhardt's) supervision. (4/30/74, 155-159)

#### Copying of the White House tapes

The first time copies were made of WH tapes was a few days before Nov. 14, 1973, when copies were made of a number of tapes at NSA. This was done in the presence of a representative of the Special Prosecutor's Office. Buzhardt recalls a tape was copied on Thanksgiving. There is no question in Buzhardt's mind that the tapes furnished to the Court were the original tape recordings. (4/30/74, 165)

Pursuant to an agreement on attorney-client privilege worked out between St. Clair and Ben-Veniste, Buzhardt said that copies of the tapes were made at the WH prior to January 1974, aside from the tapes turned over to the Special Prosecutor's Office. A copy was made on Thanksgiving Day and copies were made at the WH for the Mitchell, Stans trial. Copies were also made in the milk case for Judge Jones. (5/6/74, 22-23)

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As far as Buzhardt knows, no one from the Army was in the White House working on or being consulted about the tapes. Buzhardt does not recall whether anyone from any military branch was ever consulted or performed any service, technical or otherwise with respect to the WH tapes.

Buzhardt recalls consulting a technician from the White House Communications Agency about a cassette recorder but this is the only time Buzhardt knows of anyone from the WHCA being consulted about WH tapes.

The role of the Secret Service since the WH taping system was taken out, has been to copy tapes. A detailed record of what tapes the Secret Service has copied and who worked on the copying has been kept.

Buzhardt claims attorney-client privilege in answer to a question of whether people who have listened to the tapes called for under the WSPF's subpoena in U.S. v. Mitchell have listened to originals.

To Buzhardt's knowledge, no work was done at NSA other than copying prior to January 1, 1974. Subsequent to January 1, 1974, it is possible NSA copied a tape in connection with the suit in N.Y. (U.S. v. Mitchell, Stans).

To Buzhardt's knowledge, no other government agency has been used in any connection with respect to the WH tapes.

Buzhardt claims attorney-client privilege in answer to a question of whether the WH has relied on anyone to attempt to enhance the audibility of WH tapes (except for one tape involved in U.S. v. Mitchell, Stans and work performed in Sirica's chambers).  
(4/30/74, 168-178)

#### Assistance provided to the House Judiciary Committee

The WH provided assistance to the HJC to enhance the quality of the tapes they received. The HJC did their own technical work but Buzhardt gave them advice and assigned one of his assistants to help the HJC in setting up to do the copying. Buzhardt does not think the HJC received tapes prior to January 1, 1974.  
(4/30/74, 178-180)

#### Conversations with Mitchell or his attorneys

Buzhardt has not had any conversations with Mitchell since

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May 1973. Buzhardt has had conversations with Hundley re tapes and documents in connection with the Vesco case. (4/30/74, 180-81)

Conversations with Ehrlichman or his attorneys

Buzhardt has had a few conversations with Ehrlichman since May 1973 but does not recall discussing the WH taping system with Ehrlichman. (4/30/74, 181-83)

Conversations with Rhyne

Buzhardt has not had a conversation with Rhyne concerning the dissemination of any technical report other than the report prepared by the expert tape panel. Buzhardt is not aware of any conversation by anyone in the White House or any action by any person in the WH to disseminate a report by the Dektor Company. (4/30/74, 183-84)

Conversations with Colson

Buzhardt has had conversations with Colson and his attorneys about requested White House tapes. (4/30/74, 184-86)

President's Submission to the House Judiciary Committee

[Pursuant to an agreement worked out between St. Clair and Ben-Veniste, Buzhardt agreed to answer questions for which he had claimed attorney-client privilege and executive privilege.]

Buzhardt states that he has not heard any gap on conversations provided the HJC. Buzhardt has not examined the WSPF subpoena carefully but he heard no gap on the twenty conversations which overlapped between the Submission to the HJC and the WSPF subpoena.

Buzhardt thinks he reviewed all tapes, a transcript of which was made public by Nixon. St. Clair, Hauser and Shepard assisted Buzhardt and a number of secretaries did the transcribing. The President listened to some tapes but Buzhardt does not believe Haig did.

Secretaries who worked on the tapes were Nancy Smilko, Jane Thomas, Linda Zier, Sidley, Acker, Nobilio, Pat McGee.

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Buzhardt states that the process of preparing transcripts was started sometime after the HJC request was made but before the subpoena. Buzhardt does not know if Woods worked on any of these tapes. No portion of the tapes which Buzhardt listened to had been accidentally or deliberately rendered inaudible. That includes the portions included in the transcripts and the portions which are not included in the transcripts provided by the President to the public.

Buzhardt is not sure if he has listened to tapes other than those the transcripts of which have been made public and which are called for in the WSPF subpoena.

Buzhardt states that Nixon listened to conversations that Buzhardt had not located or heard. Buzhardt assumes there is a record of which ones Nixon listened to. Jerry Jones, General Bennett's replacement, would have the records and either Jones or Bennett would have located the conversations for the President.

Buzhardt does not recall the specific occasions on which the President listened to tapes. It may have been in connection with the House subpoena. (5/6/74, 3-19)

#### Damaged Tapes

Two tapes broke in the process of search and/or transcription. These were original tapes. Buzhardt states his overriding concern was to get the job done as quickly as possible. In some cases, copies were used. Buzhardt states no conversations from the broken tapes was lost. Acker and Yates were working on the tapes that broke. A copy existed for one of the tapes but not for the other. (5/6/74, 19-21)

#### Transcripts of tapes not subpoenaed

There have been transcripts of tapes furnished other than those given to the HJC. Pursuant to a request of the Special Prosecutor, a series of telephone conversations were transcribed. Buzhardt is directed by the Grand Jury to produce a list of all tapes which have been transcribed in whole or in part which have not been turned over to the HJC. (5/6/74, 23-25)

Nixon declined to give Buzhardt any information on transcripts, other than those supplied to the HJC, that were prepared without Buzhardt's knowledge. (5/10/74, 3-5)

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Enhancing the audibility of the tapes prior to preparing transcripts to be given to the HJC

There was no attempt to enhance the audibility of the tapes in order to assist in the preparation of transcripts delivered to the HJC. In one or two cases, copies were made at a higher copying speed because this minimized the machine noises on the copies. (5/6/74, 28-29)

Preparation of the transcripts submitted to the HJC

Buzhardt states the best effort was made to obtain the material from the tapes. The tapes were gone over by more than one person, including Hauser, Shepard, St. Clair and Buzhardt. If a secretary couldn't make everything out, she would get the most she could off the tape, leaving blanks and someone else--Buzhardt, Hauser, St. Clair or Shepard--would go back over the tape in its entirety.

In each case where there is an inaudibility reflected on the transcript, a WH lawyer reviewed that portion to determine that it was inaudible. Buzhardt does not recall instances where the person making a transcription would include words in the transcript which were subsequently omitted from the transcript given to the HJC because it was felt those words could not properly be heard on the tape. Buzhardt does recall there were words where other words were substituted, but it was in the judgment of the person listening in the final analysis.

There was no discussion about the policy of indicating how long an inaudible portion was. The length of inaudibility is not reflected in the transcript. To the best of Buzhardt's recollection, all the inaudibles were shorter than a minute.

Buzhardt states after reviewing tapes he concluded that the lower the voice--in terms of frequency range--the more distortion on the tape. Nixon hesitates in conversations and frequently when the machines start back up, there is a noise at the beginning, after stopping and starting again, that makes it impossible to hear the first two syllables spoken after the gap. (5/6/74, 29-32, 53-56)

Review of the transcripts submitted to the HJC

One of the secretaries would prepare a transcript and then one of the White House attorneys would review her work by listening to the tape and comparing the tape against the transcript. There

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were several reviews after that stage. There was one review to mark all of the expletives. There was a review for matters of taste, characterizations, etc. Buzhardt suspects there were some transcripts reviewed by more than one attorney--this varied as it was largely a function of time.

There was no standard practice of re-reviewing but Buzhardt is sure he did listen to some himself where the tape was very difficult and where there were a large number of unintelligibles. This satisfied Buzhardt that the White House was getting as much as could be gotten off the tapes.

Buzhardt did not review all the transcripts to determine that each of the transcripts represented the maximum amount of substance that could be gleaned from the tapes. A group of people--Hauser, Shepard, Buzhardt and in some cases St. Clair--performed the second review. Buzhardt determined which attorney would conduct the second review, depending on the workload. (5/6/74, 32-36)

It is Buzhardt's understanding that Nixon reviewed the transcripts. Nixon made the decisions, based on recommendation of counsel, as to what went in and what went out. The President did not make any changes in the text that Buzhardt knows of. (5/6/74, 66)

#### Haldeman's March 21, 1973 telephone logs

Buzhardt recalls he first focused on Haldeman's logs for March 21, 1973 in early 1974 in connection with a request from the WSPF or the FBI. (5/6/74, 36-38)

Pursuant to an agreement on attorney-client privilege worked out between St. Clair and Ben-Veniste, Buzhardt states that he did not have a conversation with Nixon concerning Haldeman's telephone logs for March 21, 1973. (5/10/74, 8)

#### Deletions from transcripts provided to the HJC--"Material unrelated to Presidential Actions"

This phrase was used to designate those materials that were decided or it was decided should not be included. Buzhardt thinks that if there was an admission in any way by a defendant or potential defendant, that that would not be deleted. Buzhardt thinks at one time he saw all of or had an awareness of what each deleted portion was. To the best of Buzhardt's recollection, the

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material that is deleted does not contain any statement which may be an admission by any person discussing the Watergate matter with the President. Buzhardt does not think that any material which might be exculpatory was deleted. (5/6/74, 42-45)

Reviewing tapes on November 14, 1973

Sometime during the evening of November 14, 1973, Buzhardt had a conversation with Powers at which Buzhardt first mentioned to Powers there might be a gap on the June 20 tape. Buzhardt did not, to his recollection, tell Powers that the gap was in either the Ehrlichman or Haldeman portion of the June 20 tape. Buzhardt was aware that the gap was in the Haldeman conversation and he had concluded that portion was not subject to the subpoena. In light of this, Buzhardt does not believe he could have told Powers the gap was in either the Ehrlichman or Haldeman conversation.

Buzhardt believes his conversation with Powers about what was included in the subpoena preceded their listening to the gap. Buzhardt does not recall the discussion with Powers. Buzhardt recalls he and Powers discussed the subpoena and one of the WSPF memos filed in support of the subpoena. When Buzhardt looked at the subsequent WSPF memorandum, it raised a question in Buzhardt's mind as to whether the Haldeman conversation was subpoenaed. (He had previously concluded the Haldeman conversation was not subpoenaed.) (5/6/74, 46-52)

Reviewing March 21, 1973 tape

Buzhardt thinks he worked on the March 21 tape. Powers and Buzhardt reviewed transcripts of the tapes supplied to the WSPF and the Grand Jury. Buzhardt states that it is probable that he reviewed the March 21 transcript from start to finish. Buzhardt thinks Powers may have also reviewed the March 21 transcript. Buzhardt states they started with the notes Woods typed earlier and went from there. Buzhardt does not recall who typed the final version. Buzhardt states they marked up Woods' version. The WSPF has not received Woods' transcript of the March 21 meeting. (5/6/74, 56-59)

Buzhardt was denied permission to turn over to the Grand Jury Woods' original transcripts of the first subpoenaed conversations, including the notes later put on the transcripts. The grounds were that the transcripts contained working notes of the Counsel's office and others. (5/10/74, 6-8)

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March 21, 1973 transcript supplied to the HJC

To the best of Buzhardt's knowledge, the only revisions made to the transcript of the March 21, 1973 meeting in connection with the Submission to the HJC were "expletives deleted."  
(5/6/74, 59-69)

February 28, 1973 meeting between Nixon and Dean

Buzhardt listened to this tape. This is one of the items for which there is a partial transcript submitted to the HJC. Buzhardt does not recall hearing a high pitched noise for 4-5 seconds on this tape. (5/6/74, 61-62)

Decision to furnish transcripts rather than tapes to the HJC

Buzhardt does not know when the decision was made to furnish transcripts instead of trying to work something out with the tapes. Buzhardt has worked on this since March 1974. (5/6/74, 65-66)

[Buzhardt has no notes that would indicate to him what tapes he listened to beyond those requested by the HJC. Buzhardt is not aware of any search being made to determine whether the tapes covered by the WSPF subpoena are in existence. (5/10/74, 9-11)]