

(9) 25 Exhibits

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By *lap* Date *9/30/2011*

TAPE HEARINGS BEFORE SIRICA - NOVEMBER 8, 1973

SUMMARY

Woods  
Wong: p. 6  
Haldeman: p. 9

A bench conference was held concerning order of witnesses. Rosemary Woods was to be on first, followed by Buzhardt with others to be determined later. (Order did in fact change) (797-800)

There was a rule on witnesses and Ben-Veniste stated that the prosecution would accommodate the White House by agreeing to Woods' testimony before concluding cross examination of Wong. (800)

ROSEMARY WOODS

Questions by Powers (direct)

Woods has been employed by Nixon for 23 years, principally as personal secretary and recently as executive assistant. (801)

Woods first heard that there was a White House and EOB recording capability when Butterfield testified to it at the Senate hearings. (801) She has no technical knowledge of the system at all. She first saw these tapes on September 29, 1973. (802)

Woods was asked by Nixon to go to Camp David on September 29 to try to take down (type) as much of the conversation of the subpoenaed tapes as possible. She had 8 tapes at Camp David and used a Sony recorder which had no foot peddle and oversized earphones. (802-803)

Steve Bull drove up to Camp David with Woods, taking the tapes and three recorders. She can only remember that the President and some members of his family were there that weekend. She cannot remember if Haig was there. (803)

Woods worked on the tapes until 3:00 am. Sunday morning and on Sunday from 6:00 am. to late afternoon. She and the Nixons came back to D.C. Sunday night. (803)

Woods only finished one conversation because the quality was so bad. (803) Nixon's feet on the desk, coffee cups, etc. would make noise. (804)

The Secret Service were outside the cabin that Woods was working in at all times. (805)

Woods worked in her office when possible during the next week and then took the 8 tapes to Key Biscayne on

October 4 to work on them. Bull accompanied Woods to Florida and personally carried the tapes. (805)

A Secret Service man was present in the den of the villa where Woods was staying and guarded the safe 24 hours a day. Only one<sup>at</sup> a time were ever out of the safe. (806)

Woods only made one original of her work. No copies were made. Typewriter ribbons used at Camp David and Key Biscayne were burned. (806) She gave her only copy personally to Nixon. (807)

Woods finished her work on the tapes either the 23rd or 24th of October. No one else helped her with the work. (807)

Part of the time Woods used ear phones. She did not attempt in any way to edit or change the tapes. She did not accomplish a verbatim transcript because of the quality. (808)

The 8 tapes are now in a safe in Woods' office. In addition there are 6 tapes brought in by Bennett. (808-809) Woods was working on one of the 6 tapes on Monday, November 5. At that time Woods thought that there was a gap on the tape, but since that time Buzhardt has found another tape which fills in the gap. (809)

The conversation in question was on April 16, 1973. While looking for a conversation between Dean and Nixon, she found Rodgers coming in at 4:55 but nothing between 1:00 and that time. (809-812) She now has in her possession the correct tape with the Dean conversation, but has not had time to transcribe it. [This conversation is not one that is subpoenaed]

Questions by Volner (cross)

Woods' position with Nixon has changed over the years but she has continued to be one of his closest assistants. (812-813) Her office is 3 offices down from the Presidents', with Steve Bull's office and the office of her assistants inbetween. (813) She does not have an office in the EOB, but occasionally types there outside Nixon's office if there is a speech or other necessary work to do. She has also worked in the Lincoln Sitting Room on occasion. (814) She would not accompany the President to the EOB on any regular work day. Sally Inge is the receptionist at the EOB

office. (815) She does not recall accompanying Nixon to the EOB on June 4, and does not know if any logs exist which might indicate that she was there. (816)

Woods has with her a copy of Nixon's log for April 16 so that she can determine the order of meetings and therefore locate the Dean conversation. (817)

Woods indicates the size of her office safe. The Oval Office does not have a safe. Kissinger keeps all the national security information. Woods has the combination to safes holding Nixon's personal things and the combination to her own safe. Nixon does not have the combination to her safe. She does not believe that the Secret Service has the combination. (817-818)

Woods keeps no records of Nixon's movements. She would ask one of her assistant's for such information. The assistant (Marge Aiker) would in turn contact Nell Yates or Tom Hart or perhaps Hoops or Nesbitt. (819)

Woods does not share an extension with Nixon (820)

Woods first heard of the taping system when Butterfield testified and has not personally heard of anyone listening to them before that. (820) She does not know what the President was doing on June 4. (821)

Woods' first conversation about the President listening to tapes was with Bull on September 29. Nixon had asked her personally to undertake the job of transcription, saying that Bull or Haig would take care of the mechanical things. (822)

Bull marked the beginnings of the conversations of the subpoenaed tapes and put the first tape on and showed her how to run the recorder. (823) This was Woods' first experience with reel-to-reel recorder and it was difficult to use without a foot peddle and correct earphones. (824) Bull's explanation was minimal since the machine was plainly marked. (825)

Woods put the tape on the second time without Bull's assistance. She had taken it off and put it in the safe for the night. (825) Woods was instructed to be careful not to erase anything. The stop, forward, reverse, and record buttons were clearly marked and Woods felt she was adequately cautious about pushing the wrong buttons. (826-827)

Woods worked about 16 hours, from 11:00a.m Saturday till 3:00 am. Sunday and then from 6:00 am. till 4:30 or

4:45 on Sunday. This was about 29 hours and the one conversation she was working on was not finished. (828) She is not sure which date it was but believes it was the first one on the subpoena, a meeting between Nixon, Ehrlichman and Haldeman from 10:30 to noon on June 20, 1972. (829-834)

Woods says that this conversation was finished with about 2 - 2 1/2 hours more work in her office. (832-833)

Bull worked on other tapes in the next room at Camp David, marking the subpoenaed conversations with pieces of white paper. (834-835)

Woods was in the cabin alone after Bull left, but the Secret Service remained outside. All the tapes were in the original briefcase they were brought up in and the 3 tape recorders were there. (836) There were 8 tapes. Woods counted them. (837)

Bull told Woods that he could not find one of the conversations and ~~xxx~~ Woods knew that Bull called Bennett to bring it. (838)

Nixon instructed Woods to get the gist or the highlights of the conversation. He said he realized how hard it would be. (838)

Woods and Bull did not discuss their task on the way to Camp David. They were driven up by a White House driver and Woods read news summaries on the way. (839) Woods and Bull counted the tapes before leaving. (839)

Woods assumed she was working from original tapes, but she does not have the technical knowledge to know. (839)

Nixon came over to listen a little bit at Camp David. (840)

Bull carried the tapes back to D.C. and put them in Woods' safe which is checked every night by guards. (840)

Woods first removed the tapes on Monday morning, October 1. She did not keep a record of the tapes in her safe. She assumed that was Bennett's job. The eight tapes plus 6 from Bennett this past week are all in Woods' safe at this moment. (841)

Woods was not present when Bull talked to Nixon at Camp David. (841) Bull told Woods separately about the missing tape. She doesn't remember discussing the missing tape ~~wixwxNixwxwx(842)~~ of April 15 with Nixon but does remember discussing the missing tape of the Nixon - Mitchell telephone call. (842)

Woods did not know that Bull had gotten 13 tapes from General Bennett. (842)

Woods took the same 8 tapes to Key Biscayne. (843) They were carried by Bull in the same briefcase. The 8 were kept together even though she had finished working on one. (843-844)

Nixon suggested Key Biscayne because of more pleasant surroundings. Woods' directions for transcribing were no different. She came back from Florida on October 7. (844) She worked many hours on several tapes. (845)

Woods finished these 8 tapes on October 23 or 24. (844)

Woods continued to work nights and weekends in her office to finish the tapes (845)

Bull told Woods that the tape that Bennett brought to Camp David had run out or at least the conversation could not be found. (846)

There were 8 separate conversations on the 8 different tapes. (847-848)

Woods did not herself look for any tapes. (851)

The machine Woods used at the White House was better and she knew how to use it. (852)

Bull helped only by locating conversations and cueing up tapes. (853)

On Monday November 5, Woods typed from an April 16 tape in the Oval Office. The conversation was between Dean and Nixon and lasted from 10:00 to 10:40. She finished it on Tuesday. Woods was given these instructions by Nixon through Haig. Bennett delivered the tape. (854-856)

Bennett brought six tapes to make sure that the right one was among them. It was possible that one may be mismarked. Woods discovered a gap of time, but another tape was found that fills it in. (856-857)

No one told Woods of the interest of the April 16 tape. (857)

No one has helped Woods with the typing of the tapes. (857)

QUESTIONS BY POWERS (redirect)

The conversation that Woods was typing this week was not one that was subpoenaed. (858)

QUESTIONS BY VOLNER (recross)

There was no gap, merely a missing tape with conversations that followed those typed by Woods. (859)  
The tape that she had originally started with Rodgers entering at 4:55 . (860)

Ben-Veniste points out that Woods testimony with regard to the tapes changing is inconsistent with previous testimony.

ALFRED WONG

Questions by Ben-Veniste (cross resumed)

WT-1 is a correct designation of the room where the recording equipment for all telephones in the Oval Office and the Cabinet Room were kept. (861) Wong does not know any of the symbols used by the computer for this or other rooms. (862)

Ben-Veniste points out that for 3 days the prosecution has asked for designation for these rooms. White House counsel agrees to obtain them. (863)

Wong recalls seeing the cabinets (in the photographs presented in court yesterday) a couple of years ago. (863)

The recording equipment in the Oval Office and the Cabinet Room was installed first. The telephones were equipped about the same time as the room bugs. (864-865)

Wong is surprised to hear that the notes of Zumwalt indicate that the Oval Office bugs were installed in February and Cabinet Room bugs were not installed until May. (866) Zumwalt's notes also say all telephones were equipped on April 6. (867)

When asked about inconsistencies of testimony about installations, Wong's conclusion is that he first got the requirement in February 1971 and shortly thereafter both audio and telephone recordings were installed. (870)

Wong says there was a rush to install the equipment. Butterfield did not give a reason for the rush. (870)

Wong knew of the testing of the "Bugging" equipment but did not participate in it. (870-871) Zumwalt reported the results of the test to Wong. Generally the bug could pick up sounds of low volume. (872)

Wong does not think it is correct that the capability was greater than normal surreptitious bugs because a direct wire from the bug to the tape recorder cut out transmission problems. Wong agrees that hypothetically a hard wire installation has less interference and then answers that there were no air transmissions in this system. There were only hard-wire installations, in both the White House and EOB. The same is true of the telephones. (872-873)

From time to time, technicians working for Wong would check the capability of the recorders by listening to fragments of the conversations. (873) He does not recall that a monitor was actually left on by mistake and a security guard reported that a noise was coming from the cabinet where the tape recorders were kept. (874)

Wong kept no record of the recorders used. He does not know their serial numbers (874) Perhaps Zumwalt kept track of the equipment by serial number. Normally the type of equipment and serial number would not be indicated when making a recording. (875)

The equipment is still available and perhaps it can be ascertained which recorders were used during specific periods at specific locations.. Wong thinks he can have this information within a week. (877)

There were 3 keys to the room where the recorders were located. Wong had one, Zumwalt had one and perhaps Baker had one.. Ben-Veniste points out that this is consistent with Baker's testimony and inconsistent with

Bennett's testimony. (878)

Wong never changed the tapes himself. (880)  
He recalls only on malfunction being reported to him.  
This was Butterfield's statement that there was a  
blank tape, but Wong did nothing to investigate.  
Wong speculates that the tape was twisted manually by  
mistake. (881)

A tape only records on one side, perhaps more than  
onechannel but only one side. (881-882)

Responsibility for the tapes was given to Wong  
Baker, Zumwalt, Butterfield and later two additionl  
Secret Service employees (Bretz and Schwalm) Also Nelson  
and Taylor (John) may have helped change tapes. (882-883)

The charts in the court the day before were prepared  
by Secret Service employees and Wong has looked at them  
briefly. (884)

Without knowing which telephone ~~was~~<sup>was</sup> used, Wong would  
not know if a conversation from a telephone on the  
second floor residence portion of the White H ouse was  
recorded. (885)

Wong is aware that a normal procedure for law enforcement  
people limiting the possibility of erasures etc. is to use  
a copy of the tape to work from. (885)

Wong is shown a 7 inch reel tape (blank) and asked  
about the markings on it. There is no indication that  
it is a long playing tape. (886) The tape is marked  
exhibit 44, but when Wong produces a 5 in ch tape like  
the ones used in the recording system, it is substituted  
for Exhibit 44. (887)

Wong says it is conceivable that strethhing of the  
tape could happen from playing it back and forth. He  
does not know for a fact that this distorts the words on  
the tape. He also will not say that ~~is~~<sup>is</sup> is easy for the  
tape to break. He does not know about splicing, nor does  
he know about straightening out a tangled tape and the  
quality of that tape when played. (888-889)

QUESTIONS BY POWERS (redirect)

Wong is not certain what type of microphones were  
used for audio pick-up in the system installed in the  
White House or the EOB. The total system costs between  
\$2500 and \$3000. (890)

Afternoon session of tapes hearing before Sirica

(Ben-Veniste made a statement concerning the substantial testimonial inconsistencies which remain about when the recording equipment became operational, the quality of recording ability, access to and the chain of custody of the tapes, and the deduction made from Woods' testimony that on April 16 the tape must have been switched in mid-day.) (901-903)

H. R. Haldeman

Direct examination (by Ben-Veniste)

Haldeman was Assistant to the President from January 30, 1969 through April 30, 1973. (905)

The President initially discussed with Haldeman the matter of installing recording equipment so as to have an accurate and complete record of the President's conversations. This was for historical purposes and for reference, as the President met with people without having staff members present. Haldeman does not recall whether the decision to install recorders was the result of one or several conversations with Nixon, but since the system was not all set up at once, there had to have been several conversations. (905-907)

Haldeman recalls that initially the Oval Office, Oval Office phone and Cabinet Room were set up together and the EOB office added some months later. It does not surprise him, however, that the Secret Service records indicate that no phone was bugged until 2 months after the Oval Office had been bugged and that the Cabinet Room was bugged a month after the phones. (907-909)

Haldeman does not know when the first installation was made, but generally recalls that the instructions to set it up occurred very shortly after his first conversation with the President. Haldeman is unsure whether he gave the instructions directly to Butterfield, by memo or through Higby. He generally recalls talking to Butterfield, probably prior to the installation, and describing what sort of recording capability was desired. (909-911)

Haldeman does not recall exactly how the Secret Service entered into the operation, but since he knew that the Secret Service had responsibility for detection and familiarity with such devices, the obvious first step would have been to pursue the matter with them. Haldeman was at some point told, probably by Butterfield, that the Secret Service had installed the equipment. Butterfield described in general the capability of the equipment and said that it was functional. Haldeman knew there was a recorder and small microphones but did not know the kind or models. (911-913)

There was at least an implicit understanding between Haldeman and Butterfield that Butterfield would liaison with the Secret Service and thus have responsibility for maintenance and efficiency. It was also understood that Butterfield would occasionally make a listening spot-check, but Haldeman does not think the question of the Secret Service making spot-checks came up. There was an understanding that only the President and Haldeman, possibly at the President's direction, would have access to the tapes. (913-914)

Prior to April 25 (a date Haldeman accepts although he recalls it only as late April), Haldeman had no direct or indirect knowledge of any removal of tapes, other than possibly Butterfield's spot-checks. (915-916)

Haldeman is unsure of the size of the tape reels which he saw on April 25: he indicates they were closer in size to Exhibit 44 (a 5" reel) although that seems too small, and Exhibit 45 (a 7" reel) seems considerably larger than what he recalls. Haldeman was unsure of the size during his Senate testimony and had indicated about 7 inches with his hand as an estimate, to which Montoya had said, and Haldeman had accepted, that 7 1/2 inches was the standard reel. (917-920)

At the EOB office or possibly the Oval Office, on either the same day as Haldeman received the tapes (April 25) or the day before, the President asked Haldeman to listen to the March 21 Dean meeting. Haldeman is virtually certain no one else was present when the President told him this. Haldeman only has a general recollection: that the President wanted a review of the specific points discussed in the March 21 meeting, but since Haldeman recalls that he was given more than one tape, he has the feeling that there may have been a direction by the President to listen to other March tapes. (920-925)

Other than Secret Service personnel, Haldeman thinks only Higby, Butterfield and Bull were aware (around April 25) of the tape system. He has heard Bull testify that Bull's secretary was also aware of it, but Haldeman did not know this. (923)

Haldeman probably asked Bull, but possibly asked Higby, in effect to get him the tape for the President's March 21 meeting with Dean. He generally recalls Bull bringing him tapes and a recorder in a standard government briefcase or possibly two briefcases. Haldeman recalls Bull opening the briefcase and taking out one tape to explain how the tape boxes were identified, since Bull indicated that not only the Oval Office tape for March 21 was being provided but also the EOB and phone tapes for that date. Haldeman does not recall that he specifically told Bull that he (as opposed to the President) was going to listen to the material. (926-930)

Haldeman is unsure how many reels he received other than "a number of them," since neither he nor Bull counted them and Haldeman did not go through them. Haldeman does not recall any surprise at the number of tapes he received and he knows from other testimony that there were more tapes than those which would be required for a single date: this now leads him to believe that he must have asked for more tapes than simply March 21. (930-933)

Haldeman does not know if he specified the Oval Office in his request for the March 21 Dean meeting. He knew at the time of his request that the meeting had occurred in the Oval Office and he thinks he also knew that there were different tapes. (933)

Haldeman listened to the March 21 tape in a small office next to his White House office, and had difficulty hearing it because he listened through the built-in speaker with the volume low. He made notes as he listened to the tape, and then went to the President's EOB office to review his notes. Haldeman did not take the tape with him to the President, but does not recall whether he left the tapes in his office or returned them to Bull. Haldeman does not know how long his meeting with Nixon lasted or whether matters other than the March 21 meeting were discussed, and he does not recall that Nixon requested him to listen to any other tapes although such is possible. Haldeman reviewed his summary with Nixon and further questions were raised, and at either Haldeman's or Nixon's suggestion, it was decided that Haldeman would listen to the tape again. (933-937)

Haldeman does not recall, but thinks the tapes were returned to Bull the same day. The Secret Service logs (indicating removal by Bull at 1:45 p.m. and returning at 5:28 p.m.) are not disputed by Haldeman. (936-937)

At some point subsequent to his meeting with Nixon, Haldeman requested Bull or possibly Higby to have the tape returned to him along with a recorder which had a head set attached. Haldeman had by this point isolated the March 21 tape, which was part of a single reel and identified as March 21, 00. He recalls again receiving the same group of tapes, probably from Bull, and is thus not clear whether he had asked for the one specific tape or the same group of tapes. Haldeman does not recall questioning in his mind why Bull had given him all the tapes which he did not need, or looking at the material when Bull brought it to him, or having a conversation with Bull. Haldeman recalls reviewing the March 21 tape again but is not sure what day he did so, and he also recalls reporting back to the President but again is unsure when this happened. He has a general feeling that the day he discussed the tape with Nixon was not the same day he listened to it. (937-940)

Haldeman received several (twenty-two) tapes from Bull when he requested to listen to March 21 conversation for a second time. Haldeman states that he only listened to the one conversation. However, Haldeman alternately refers to listening to it, and listening to them. (941)

Haldeman is fairly certain that on the second occasion that he asked Bull for the tape (of March 21 conversation) that Haldeman listened to it and returned them on the same day, but he does not know the exact date. He is unclear about the specifics of the return. Haldeman either returned it (them) himself to Bull, or had Higby return tape(s) to Bull, or asked Bull to pick it up in his office. (942)

Haldeman does not recall any reason that he would keep the tapes for several days, and did not do so. Haldeman did not instruct Bull to do anything to the tapes or allow anything to be done other than returned to the storage area during April 26-May 2, 1973. (943-945)

Re Exhibit 46, the log of April 26, 1973, kept by Haldeman's secretary, Haldeman was in a meeting in the President's Oval Office in the morning (947) from nine o'clock until ten-thirty. Haldeman agrees that he would not have reported to Nixon about the second hearing of the tape because it was too early. Then Haldeman met with Wilson, Strickler, and Ehrlichman from ten-thirty until twelve-forty-five, went to his private office for a few moments, and returned to meeting from one o'clock until two-twenty-five. Nothing occurred during that morning that would have spurred Haldeman to ask Bull for the tapes again, although Secret Service records indicate that the tapes were checked out at eleven o'clock. Haldeman believes he listened to the tape from 2:30 to 3:45 that day, because the log shows him in his private office. The private office was only used for listening to tapes. (945-949)

Haldeman never had at any time any tape <sup>reels</sup> reels, including Presidential tapes, in his safe at home. (950)

Between June 1-15, 1973, the President told Haldeman that Nixon had listened to a number of the tape recordings. Nixon had listened to these a while before he reported this to Haldeman, but not long prior. This was the first time after April 1973 that Haldeman had a conversation about anyone listening to Presidential tape recordings. (950-951)

Re Exhibit 7, Haldeman can think of no reason why he would not have received any of the other tapes listed as checked out on April 25 along with the one March 21, 1973 Oval Office conversation. Also, Haldeman cannot confirm that he did receive them. (963)

Re remarked Exhibit 46, Haldeman reviewed his actions on April 25, 1973. He arrived at work at 7:55 a.m., saw Higby for a few minutes, at 8:40 met with Ehrlichman in his office, and at 9:00 Strickler and Wilson joined them. (964-965)

Re Bench Conference: Wilson feels that Ben-Veniste is implying that Wilson and Strickler listened to tapes. Ben-Veniste explains that he wants to show that Ehrlichman must have been aware of the existence of presidential tapes, which has heretofore not been disclosed. Ben-Veniste bases this on Secret Service logs showing tapes being checked out near close of the meeting of Nixon, Haldeman, and Ehrlichman, and therefore wants to show Haldeman the President's logs to verify times. Sirica agrees to this, but wants him to question Haldeman directly about Ehrlichman's knowledge. (966-971)

Re Exhibit 47, Haldeman and Ehrlichman met with the President from 11:06 to 1:55 p.m. on April 25, 1973. Haldeman has no recollection of anyone in that room placing a call to Bull to request that certain tapes be removed from the storage room. (971)

At some point in this time period (late April 1973), Nixon mentioned fact of the tape recordings in Ehrlichman's presence. Haldeman believes that this was the first time Ehrlichman knew of such recordings. This could have been prior to (April 25), on this date, or subsequent to it, but Haldeman does believe Ehrlichman became aware of tapes before he left the White House staff. (972)

Haldeman does not recall any conversation to which he was a party at which Ehrlichman was present before Haldeman's resignation from the White House staff in which it was indicated that Haldeman had listened to any tape recordings made at the White House. (973)

Haldeman never played any of the reel tapes for Wilson or Strickler. He did turn over to them one cassette tape recording of a phone conversation that Haldeman had made himself and that had nothing to do with presidential tapes. (973)

After April 26 Haldeman went with the President to Mississippi on Friday, April 27, and to Camp David on Sunday, April 29. Haldeman has no recollection of carrying these tapes with him on either of those trips. (974)

Prior to June 15, 1973, during Haldeman-Nixon conversation about Nixon having listened to tapes, Haldeman does not believe Nixon indicated to him when Nixon had listened to those tapes for the first time. (975)

Haldeman has no specific recollection that during his report to the President about March 21 conversation, Haldeman reported to Nixon as to the technical quality of the tape. In the first report he explained briefly to Nixon the difficulty Haldeman had in getting accurate notes on it because of having to keep the volume low, and may have described the quality and tone, but does not specifically recall. (975)

The general quality of the tapes is fair, and is adequate for getting a report of a conversation with bangs on the desk occasionally interrupting. (976)

During Nixon-Haldeman conversation about Nixon's listening to tapes, Nixon did not at that time mention to Haldeman whether anyone else had had the opportunity or would have the opportunity of listening to tapes. (976)

After the June Nixon-Haldeman conversation, the next time Haldeman had a conversation with anyone about someone listening to the tapes was around July 10 when Haldeman told Bull that he wanted to listen to September 15 tape. Bull told Haldeman that Buzhardt had listened to one of the tapes when Haldeman said that only he and Nixon had listened to them. Haldeman knows of no one else listening to any tapes. (976-977)

Haldeman does not recall the conversation that prompted him to listen to the September 15 tape. He could have talked with Nixon, Buzhardt, or Haig, or more than one of these, and does not know if the idea was initiated by him or by another party. Haldeman believes that it was decided during a phone conversation. (977-978)

Haldeman felt that it was important for someone to listen to the September 15 tape on the basis that his and Nixon's recollection of what had been discussed at that meeting differed from what was publicly reported about this discussion. He does not recall any discussion as to other possibilities of who might listen to that tape. Haldeman does not recall weighing the factors of whether it should be one of the parties of September 15 meeting or someone who should listen to the tapes who could report to Nixon. In any event, the conclusion was that Haldeman would listen to that tape. (980-981)

Haldeman asked Bull to make the September 15 meeting tape available to him after decision to have him review it, but cannot recall if that phone conversation was in Washington or from California. Haldeman told Bull to make sure that Nixon approved of Haldeman doing this. (981-983)

Haldeman believes Bull told him that Haig also was aware of existence of tapes at some time in July, that Bull said that Buzhardt had listened to a tape. (982)

When Bull delivered the September 15 tape to Haldeman, Bull indicated that he had checked with the President. Bull delivered several tapes and equipment to Higby's residence on the evening of July 10. Haldeman received Parts I and II of September 15, 1972 Oval Office tapes, and White House telephone tapes from September 6, 1972 - October 3, 1972. Haldeman listened to the tape at his home that evening, and cannot recall if it was on Part I or II. Higby was not present when Haldeman listened to tapes, but knew that Bull delivered tapes to Haldeman. Haldeman made notes as he listened to the tape. After listening, Haldeman left material in a briefcase in his study at home that night. (984-987)

The following morning (after listening to September 15 tape), Haldeman left tapes at his home and came into town. Haldeman does not recall reporting to Nixon that day, July 11. He probably saw Bull because he received from Bull 3 or 4 other tapes for 3 or 4 other dates, but Haldeman might have told Higby to get these tapes from Bull. Haldeman is not sure why he requested additional tapes, and does not remember what tapes he requested, except that in the discussion the question of other meetings arose, and Haldeman wanted to review this on July 11. Haldeman does not recall asking Bull to recheck with Nixon. He assumed it was under same affirmation. (987-989)

Sirica told Haldeman to look over tonight Secret Service records of tapes removed by Bull on July 11, 1973, to see if this refreshes his recollection as to what tapes he received.

Bench conference - Scheduling for tomorrow (11/9/73) includes Haldeman first, to continue questioning for a short period, Buzhardt, Higby, and Petersen. (991-992)

President and John Dean. They may have had a discussion at the time because Higby got the tape and would have been curious. Higby does not recall that they discussed the security precautions for the tape or if they discussed returning the tape or machine to Bull on that day. Another batch of tapes were involved the following day and Higby doesn't recall whether Bull was asked to come over that day or the next to get the tape or tapes. (1041-1042)

The briefcase that was delivered to Higby's house on July 10 was in his office either on July 11 or 12. (1042)

On July 11 there was a second delivery. Haldeman either called Higby and Higby called Bull or Haldeman called Bull directly and Higby learned later on July 11 that there had been an additional request for tapes. Higby did not see the tapes delivered to Haldeman. He only saw the one delivery of the briefcase to his home. Higby knew that on July 11 a group of tapes were requested, and assumes they were delivered. (1042-1043)

To the best of Higby's recollection, on July 11, Bull delivered the tapes to Haldeman in Room 128 of EOB. Higby thinks he told Bull that Haldeman was there. Higby did not see the delivery, did not take Haldeman home that evening, can't recall having any discussion with Haldeman that afternoon, although he probably did. Haldeman didn't come down for lunch, but came down later and they talked for five or ten minutes. Haldeman then proceeded to take care of some other business. Higby's impression was that Haldeman did not listen to the tapes in the EOB on that date, but he doesn't know. He didn't drive him home that evening because Haldeman was scheduled for dinner that evening with the Ehrlichmans. (1044-1045)

On the morning of July 12 when Higby and Haldeman went to breakfast, Higby asked if Haldeman had been up late listening to tapes and Haldeman indicated he wasn't, that he felt he shouldn't apparently because he wasn't a party in the meetings involved. Higby doesn't recall that Haldeman had a briefcase. A briefcase could have been in Higby's office. Bull picked up a briefcase from Higby's EOB office, but Higby is not sure if it was the morning of July 11 or 12. (1046)

Other than those times in April and July, Higby has never requested tapes for himself, Haldeman or anyone else, has never listened to any White House tapes, and has never delivered any Presidential tapes in or outside the White House. He is not aware of anybody removing White House tapes from the White House except what he read in the press and the occasion of Haldeman listening at home. (1046-1047)

Direct examination of Susan Davis Yowell by Parker.

Yowell lives in Annandale, Virginia and is employed by the National Archives and Records Service. Her supervisor is John R. Nesbitt. She is a research assistant assigned with editing and maintaining control over procedures for compiling the President's daily diary. She recognizes Exhibits 48, 49, 50 and 51 as ribbon copies of the daily diary for April 17, 18, 19, and 20, 1973, which is compiled in her office. Exhibits 48-51 were offered in evidence.

Voir Dire examination by Ben-Veniste

Mrs. Yowell said that the appendices attached to some of the exhibits are not source material for those days. It is the compilation of material and includes all of the entries from the source material for that day. There is source material from which she prepared the exhibits. (1048-1050)

Direct examination of J. Fred Buzhardt by Powers

Buzhardt has been an attorney and member of the Bar of South Carolina since 1952. He has been employed at the White House as Special Counsel to the President for six months. Since August 1970 he has been and still is general counsel of the Department of Defense. Prior to that he was employed in an administrative capacity in the

in the Defense Department for 19 months. He graduated from the U.S. Military Academy and served in the Air Force. While in the Air Force he served as a communications officer and electronic and radar repair officer for four years. (1051- 1053)

This morning (November 9) Buzhardt checked a copy of the Exhibit 5 tape and the one labeled "EOB office on 4-16-73" for the sequence of conversations against the President's daily logs for April 16 and 17, 1973. The tape dated 4-16-73 had two additional dates on the label, one of which was 4-19-73. There was also one three digit number, apparently a meter reading, by the second date. There was also a third date with a four digit number in parenthesis. Then there was "removed" and a fraction which Buzhardt believes was three-fourths. (1055)

Powers gave Buzhardt a transparency of the President's daily diary for April 16, 1973, Plaintiff's Exhibit 21, and asked him to explain the sequence of the tapes. The second page shows the President's activities for the day from 11:48 a.m. through 3:25 p.m. The President entered the EOB office on April 16 for the first time at 1:38 p.m. and left at 6:01 p.m. with Secretary Rogers for West Executive Avenue. The President met with Dean from 4:07 to 4:35. At 4:42 he called Julie. (1055-1058) The Exhibit 5 tape did not commence with "Good afternoon, Mr. President" by Secretary Rogers. On Page two (of Exhibit 21) following a conversation between Nixon, Haldeman and Ehrlichman, Nixon and Petersen began a conversation at 1:39. Following that was a conversation with Ziegler. Buzhardt ran through the tape and identified those voices rapidly. There followed a sequence of conversations, paralleling those on page two of the President's diary, with William Rogers and subsequently Ziegler. (1058-1059)

There was no indication as Buzhardt checked that tape that the record (perhaps recorder) switched at 4:00 or 5:00 p.m. to another recorder. The conversation flowed through the entire sequence. The conversation with Ehrlichman participated in later by Ziegler could be heard. After Nixon's conversation with Julie, Rogers' voice and then Ziegler's were easily identifiable. (1059-1060) At 6:01 Nixon and Rogers left and went to the Navy Yard and boarded the Yacht Sequoia. (1060)

Buzhardt checked the box containing the 4-16-73 EOB office tape. At the beginning is the banging of drawers, the President's voice, and drinking of coffee. Following that there are the voices of Nixon and Bull and then Nixon and Rogers. Then Haldeman and Ehrlichman joined the conversation. (1061)

The daily diary for April 16, 1973 shows that Nixon entered the EOB office at 5:09 p.m. He met with Bull from 5:15 to 5:16 and with Rogers at 5:20 and they were joined by Haldeman and Ehrlichman at 5:15 (conflicting). Rogers left at 6:19 and Haldeman and Ehrlichman remained with Nixon until 7:14. (1061)

Exhibit 5 contains a conversation between Nixon and Dean which follows in the sequence of conversations indicated on the log for April 16 in the EOB office. There is no evidence that the recorder was switched off at 4:00 or 5:00 p.m. to another tape. The tape marked Exhibit 5 follows precisely the log of Nixon's conversations in the EOB on April 16. (1062)

The other tape, marked 4-16-73 begins with the 5:15 meeting between Nixon and Bull and follows the sequence precisely to the telephone call with Ziegler. The last telephone call is not identified clearly as to who it is.

Buzhardt is familiar with the timer used at the time the system was in operation in the EOB, but does not know when it was set to switch from one recorder to another. The tapes Buzhardt checked indicated it alternated between Monday and Tuesday. He previously examined the conversations on the Exhibit 6 tape which contained a sequence of conversations identical to those shown on the daily log for Saturday, April 14, through the first conversation in April 15 between Nixon and Kleindienst in the EOB office. (The tape runs out during the conversation.) (1063)

Around June 25, 1973 Buzhardt first learned of the existence of a tape recording system in the White House for telephone conversations. Shortly thereafter from a discussion he had with Higby he had an indication that there were other tape recordings. (1064)

Around June 25 Buzhardt listened to one other tape of a telephone conversation. He listened to it on earphones in his office in the presence of Sims and Zumwalt who had taken it there on a tape recorder with a suitcase. He then closed the box, and Sims and Zumwalt took it and left. He only listened to one conversation that took place on the evening of March 20, 1973 between Nixon and Dean. He has looked at the daily log and it is so logged. He listened to that particular conversation because Nixon requested that he do so. (1064-1066)

Besides the March 20 Nixon-Dean conversation Buzhardt checked the sequence of conversations on the tapes which are Exhibits 5 and 6, and the one marked EOB office on 4-16-73. He listened to no other tapes.

Cross examination by Ben-Veniste

In addition to Exhibits 5 and 6, the tape marked EOB office on 4-16-73, and the March 20 Nixon-Dean conversation on October 31, the day the evidentiary hearing began Buzhardt listened to a brief sequence of phone calls and checked it with the telephone log. He discussed it with Ben-Veniste afterwards. Buzhardt received that tape from John Bennett. Buzhardt told Haig he needed to check the sequence on three reels of tape and subsequently either Bennett told him he would secure them, had secured them or Buzhardt went with Bennett to secure them from a locked room. Bennett took them back to his own office with a recorder. Bull was present to help with the recorder and located the point on the tapes where the conversation began. Buzhardt then listened to the sequence. (1067-1070)

(Recess)

Questions by Ben-Veniste (cross - resumed)

Buzhardt did not listen to entire reel of phone conversations which covered period of June 20th while looking for the June 20th Nixon/Mitchell conversation. Buzhardt did not listen to June 20th tape all the way through. In General Bennett's office, Bull located a point on the tape which Bull thought was one of the voices of people on the telephone log. Buzhardt moved tape backwards and forwards so that Buzhardt heard a sequence of conversations and a series of voices. The log showed a series of calls and other durations and showed the call to Mitchell. Buzhardt started listening to a series of calls which matched the sequence and approximate times of durations of calls noted in the telephone log. Buzhardt believes the call in that sequence which preceded the call on the log to Mitchell was a call to Buchanan. On the tape, the call that followed the Buchanan call was a call placed by Nixon to Haldeman which is the next call (after the Mitchell call) in the log. Buzhardt listened to just the beginning of the Nixon/Haldeman conversation. (1071-1075)

Buzhardt did not use the telephone log which is Exhibit 13 but was using the original telephone log written by hand by the operator. (1075) Buzhardt believes he talked to Woods twice before she came to court. Woods described to Buzhardt what she heard on the two tapes. (1075)

Buzhardt did not hear Woods' testimony and has not read the transcript. (1075-1076)

Buzhardt would not characterize Woods as correct or incorrect when she said she listened to a tape of a conversation of April 16th on which the first thing she heard was a conversation between Nixon and Rogers. On the very beginning of the tape that came from a box that says EOB office 4/16/73, there is a brief conversation between Bull and Nixon which proceeds the conversations between Nixon and Rogers. But, Rogers and Nixon talk very near the beginning of the tape and you would almost have to lead the tape through by hand to hear the first part. (1075-1077)

Buzhardt does not know that the conversation with Rogers that Woods said occurred on the 16th of April occurred on the 17th. Buzhardt would conclude that the tape that came from the box marked 4/16/73 certainly was the tape of conversations in EOB on April 17. Buzhardt knows the Rogers call begins and follows on a sequence of voices Buzhardt heard and recognized, which precisely parallels the sequence of conversations shown in Nixon's telephone log as having occurred on April 17th while Nixon was in EOB. (1077)

With respect to Exhibit 5, Buzhardt did not listen to the very first of the tape. Buzhardt did not mean to suggest the conversation which he believes to be between Nixon, Haldeman, and Ehrlichman was the first on this tape. Buzhardt meant this conversation was the one on the tape immediately preceding the point where Nixon's and Petersen's voices are heard. (1077-1078)

On approximately June 25, 1973, Buzhardt deduced the White House had some telephone taping capacity and at least some calls at the White House were recorded when Buzhardt was asked by General Haig to listen to a taped telephone conversation. (1078-1079)

Before Higby went before the Senate Select Committee, Higby was in Buzhardt's office to ask Buzhardt what areas if any were not covered by Nixon's release from executive privilege. Higby indicated Higby had a knowledge of the recording system in the White House which was very closely held. Higby asked whether Nixon would claim executive privilege on disclosing knowledge of the tape system or not. Buzhardt said Higby would have to come back and Buzhardt would find out. Higby came back before Buzhardt instructed Higby that that would not be covered by executive privilege and that if Higby were asked the specific question, to answer it. (1079-1080)

Buzhardt never consulted anyone on the issue of executive privilege with respect to the tape system. (1080) Buzhardt thought Higby assumed Buzhardt knew about the tape system. (1079)

Buzhardt does not have a very specific recollection of his conversation with Haig of June 25, 1973. Buzhardt had previously had a conversation with Nixon to which the conversation with Haig was in reference. Haig told Buzhardt that Nixon wanted Buzhardt to listen to a tape recording which would answer a specific question which Buzhardt had asked Nixon and then Buzhardt was to report the answer to Buzhardt's question. Haig said somebody from the Secret Service would bring Buzhardt the tape. Buzhardt does not recall whether Haig was aware of the precise phone conversation on the tape or not. (1080-1081)

Buzhardt's question to Nixon which was to be answered by Buzhardt's listening to the tape was about the conversation between Nixon and Dean of March 20th. Buzhardt knew Nixon had that conversation from Nixon's logs which Buzhardt viewed in the process of preparing information on Nixon's meeting and calls with Dean and others for the office of Special Prosecutor and Senate Select Committee. (1081-1082) After hearing the tape, Buzhardt called Haig back, called Nixon, and reported to Haig again. (1081)

Buzhardt probably had several conversations about supplying a tape recording of the Nixon/Dean conversation of April 15th. Buzhardt may have talked to Cox about it, may have talked to Petersen, and surely talked to Nixon. (1083)

Exhibit 52 is marked for identification and received in evidence. (1083-1084)

Buzhardt identifies Exhibit 52 as being a copy of a letter Cox sent to Buzhardt on or about June 11, 1973 requesting access to the tape of the Nixon/Dean conversation of April 15th. Subsequent to receiving that letter, Buzhardt believes that he consulted with Nixon on this letter and consulted Cox and Petersen. (1084-1085)

Exhibit 53 is marked for identification and received in evidence. (1085-1086)

Buzhardt identifies Exhibit 53 as being a copy of a letter from Buzhardt to Cox dated June 16th written in response to Cox' letter of June 11th. In this letter, Buzhardt said conversations Nixon may have had with Kleindienst or Petersen fell both within executive and attorney-client privilege. However, Nixon waived privilege with respect to conversations about Watergate with Petersen, permits Cox to have copy of April 15th memo from Petersen to Nixon, and does not object to Kleindienst giving his account of April 15th meeting or other Watergate-related matters. Buzhardt said it would not be appropriate to produce the tape of Nixon/Dean conversation of April 15th. (1086-1087)

Buzhardt is asked whether when Buzhardt spoke to Nixon about Cox' request, Nixon indicated to Buzhardt in words or substance that there was no tape of the April 15th Dean/Nixon conversation. At this point, Powers asked to approach the bench. Subsequent bench proceedings are ordered sealed by the court. The court's ruling is deferred on the question to Buzhardt. (1088-1089)

Buzhardt's letter to Cox of June 16th indicates the state of Buzhardt's knowledge of that time, so Buzhardt does not know how to answer the question as to whether he had personal knowledge, as of June 16th, of the recording made by Nixon of the Nixon/Dean conversation of April 15th. Buzhardt has never seen such a recording. (1089-1090)

Buzhardt is asked if Buzhardt ever asked to see such a recording. Powers interrupts with unclear allusion as to something which must have transpired at sealed bench conference. Judge says this will have to be decided Monday. Court is adjourned. (1090)

TAPES HEARINGS BEFORE SIRICA  
NOVEMBER 9, 1973

SUMMARY

Haldeman  
Higby : p. 4  
Yowell : p. 10  
Buzhardt : p. 10

Morning Session

Haldeman Questioned by Ben-Veniste

TAPES REMOVED ON JULY 11

Re Exhibit 7, the exhibit does not refresh Haldeman's memory as to the specific tapes Haldeman requested and were received from Bull. Haldeman cannot say if any of the tapes on this list were or were not requested. (996-997)

MOVE FROM R STREET

Haldeman family moved from R. Street on June 15. Furniture was moved at end of September. The house was rented during period from June 15 to September, but the renters were in Europe on the evening of the 10th. Haldeman had access to house on 10th. (997-998)

EVENING OF 10TH OF JULY

On evening of 10th after Haldeman finished reviewing the three tapes or one of the three tapes, which included the September 15 meeting, Haldeman put the tapes in a closet in Haldeman's study. (997)

HALDEMAN MEETS WITH BULL ON JULY 11

On 11th Haldeman saw Bull at the EOB after finishing the evening before reviewing the tape of September 15 to Haldeman's satisfaction. Haldeman did not bring the three tapes to Bull on the 11th because the tapes were in the same case as the machine and Haldeman left the machine home in anticipation of taking other tapes to listen to the following evening. Haldeman's intention was to return all the tapes at the same time to Bull. Haldeman is not able to remember if he had a conversation with Bull on the 11th. Haldeman assumes he did have a conversation in that he got additional tapes. Haldeman is unsure whether

the additional tapes were requested that day or if they had been requested earlier. It is conceivable that Haldeman requested the additional tapes during the first request of tapes Haldeman made of Bull. If that is conceivable Haldeman is unable to explain why the second batch would not have been delivered along with the first three tapes.

Re Exhibit 7 (indicating at 2:45 p.m. on July 11, Bull received six tapes), Haldeman has no recollection if this was when Haldeman received the tapes. Haldeman has no reason to dispute this time. Haldeman received the tapes in EOB in guest office and took tapes home that evening. (998-999)

HALDEMAN TAKES TAPES HOME ON JULY 11

Haldeman did not listen to tapes at home on evening of July 11. No one else was in home that evening, but it was possible that Higby was there. Higby may have dropped Haldeman off and may have come in. Haldeman cannot confirm whether Higby gave Haldeman a ride home. Higby had given Haldeman a ride home other evenings. Haldeman does not recall a conversation with anyone else on evening of 11th except possibly a call to Haldeman's wife. Haldeman carried the tapes home in a large envelope. Haldeman did not put any of the tapes which Bull gave Haldeman that morning on the machine.

NOT LISTENING TO TAPES ON 11TH

The reason Haldeman did not listen to the tapes on the 11th is that they covered meetings that Haldeman had not attended. No one gave Haldeman instructions not to listen to such tapes. The decision not to listen was made by Haldeman in the evening when Haldeman returned home. The White House log shows Haldeman's presence at March 13 meeting. Haldeman doesn't know that Haldeman knew on the 11th that Haldeman had been at the March 13 meeting. The meeting with Dean was a several hour meeting which Haldeman was present for only 10 minutes. Re White House logs, Haldeman was present during the March 21 and March 22 meetings. Haldeman did not have any recollection of the dates or the meetings that he had. Haldeman's recollection was that they (March 21 and 22) were meetings that Haldeman had not attended. Haldeman does not remember which dates of tapes Haldeman selected or why. (1001-1005)

On the evening of the 11th, Haldeman does not know if Haldeman did anything with the tapes. Either that evening or next morning, Haldeman removed the tapes which were in the envelope to the briefcase in which the other original tapes were and in which the machine was and put them all into one container and brought it back to EOB on the following morning. (1005)

HALDEMAN RETURNS TAPES AFTER 11th

Haldeman has no specific recollection of the delivery of the tapes. Haldeman brought tapes to White House and either delivered them to Bull or may have left them with Higby to deliver to Bull. Haldeman is uncertain if they were returned on July 12. Haldeman does not know if Bull returned the tapes to Secret Service on July 12. (1005-1006)

HALDEMAN REPORT ON TAPES

Haldeman made notes on September 15 tape. Haldeman later, probably by telephone, gave a general characterization without going into detail of the contents of that meeting to either Nixon, a staff member, or both. If it was a staff member, it would have been Haig or Buzhardt. The reason Haldeman listened to the tape was to get a general summary of the meeting. Haldeman later turned his notes over to Nixon. (1006)

HALDEMAN LISTENING TO OTHER TAPES

After July, Haldeman did not listen to any other tapes. (1006-1007)

POSSIBLE DISCUSSION WITH NIXON

Haldeman believes that Haldeman probably did have a discussion with Nixon about the notes on the September 15 meeting. Haldeman cannot give a specific time or place but Haldeman thinks Haldeman confirmed his notes to Nixon in a telephone conversation. Haldeman had kept the notes until the latter part of July. Haldeman had not had an opportunity to turn the notes over to Nixon and Nixon had not asked for the notes when Haldeman was in D. C. during mid-July, so Haldeman turned the notes over to Nixon when Haldeman returned in latter part of July. (1007-1008)

CONVERSATION WITH BULL

Haldeman does not remember having any conversation with Bull about substance of the tapes which Haldeman had listened to. As of July 12 Haldeman knew that Haldeman would be testifying before the Senate Select. Haldeman recalls no conversation with Bull in which Bull said that Nixon wishes Haldeman to rely solely on Haldeman's notes and not to rely on anything Haldeman might hear in any conversation on tape in Haldeman's Senate Select testimony. These instructions were given to Haldeman pursuant to a request Haldeman made through counsel for guidance as how to deal with this question in connection with Haldeman's Senate Select appearance. Haldeman cannot affirmatively say that there was no such conversation with Bull. (1008-1009)

OTHERS LISTENING TO TAPES

Haldeman has no direct knowledge of anyone listening to tapes other than Nixon, Woods, Buzhardt, Bull and Haldeman. Haldeman has no knowledge of anyone working technically on the tapes.

Haldeman was not advised, except possibly by newspaper, prior to hearing, that anyone was attempting to transcribe the tapes. (1009-1011)

Higby Questioned by Volner

HIGBY BACKGROUND

Higby presently employed at White House as assistant to Malek at OMB. Had worked in White House since 1969 as aide, administrative assistant, and deputy for Haldeman and a short time for Haig. (1012-1013)

HIGBY AWARENESS OF TAPE RECORDINGS

Higby is unsure of ever being aware of tape recording in EOB, but was aware of recording in Oval Office and Cabinet Room. Higby unsure of being aware of recording capability of Oval Office phone. Higby was never aware

or recording in Lincoln sitting room and the residence portions until it was announced in the press. Higby was aware at least that the parties speaking in the Oval Office on the phone would be recorded but Higby is not sure if he was aware of the two-way capability. (1013-1015)

In summer 1970, Haldeman instructed Higby to set up the recording capacity and Higby in turn relayed that instruction to Butterfield. A few weeks or a month later, Butterfield indicated to Higby that the capacity in fact existed.

Higby may have a document in Higby's files that might give a better date than summer of 1970, but Higby hasn't searched his files. (1015)

#### REQUEST TO LISTEN TO TAPES

Higby has never made a request for any tapes for Higby to listen to. Around the first part of April, 1973, Higby made a request to Bull that Haldeman wanted to listen to a tape or tapes of conversations. Higby does not recall what tape or tapes that was. This was at Haldeman's request to Higby. Bull, not Higby, obtained the tapes. Higby cannot remember if Bull delivered the tapes to Higby or to Haldeman directly. Higby cannot actually recall if Bull actually delivered tapes. Higby recalls a recording mechanism with the tape already on it, but doesn't recall actually seeing the tapes. Higby is unsure if it was one or more than one tape. (1015-1017)

Higby recalls the request being made orally to Bull after Higby received a list from Haldeman. But Higby is unsure if Haldeman wrote out a list or not. Higby is unsure if it involved a list since Higby cannot remember if it was more than one tape. On the April occasion, Higby recalls it being one tape, not a series. Haldeman either verbally or in writing, gave Higby a list and then Higby wrote it down and either verbally or in writing conveyed it to Bull. (1017)

#### RECEIVING TAPES

Higby cannot recall actually seeing a tape. The events that took place on that day, whichever day it was,

lead Higby to believe that Haldeman did receive the tapes. Haldeman went into a room where the tape recorder was set up in Haldeman's office, for the purpose of listening to the tapes and Haldeman spent considerable time in there, at least a couple of hours. The room was in Haldeman's office complex in west wing of White House. The office Higby occupied up until March or April was right between Haldeman's office and the small office in which the tapes were listened to. (1017-1018)

#### CONTENTS OF TAPES

Higby did not hear any of the tapes. Higby asked Haldeman about the contents and Haldeman replied that there was no problem for Nixon. Haldeman may have commented that the tapes were hard to hear since after Haldeman started listening, Haldeman requested earphones so he could adjust the volume. (1019)

Higby believes Haldeman only listened to the tapes one day.

Higby gave Haldeman the earphones on the same day Haldeman started listening to the tapes. (1019)

#### NUMBER OF TAPES

Re Exhibit 7, April 25 at 1:45 p.m. is not the time Higby requested the tapes for Haldeman. Higby recalls, and it is only a recollection that it was earlier in April.

#### Afternoon Session

##### Continued examination of Higby by Volner

Higby does not recall from whom he got the earphones for Haldeman when Haldeman played the April tapes but believes he obtained them from Bull. There may have been difficulty in obtaining the earphones, but Higby doesn't recall any. Nor does he recall if he went to see Bull or called him to obtain the earphones. Haldeman requested the earphones because it was difficult to hear the tapes. (1031) So Higby tried to get the earphones, but he's not sure if he got them immediately or whether he or Bull got them. He doesn't recall if he personally delivered them to Haldeman.

During the time of the April listening period Higby doesn't recall any other discussions with Haldeman about the tapes other than comment that the President wouldn't have any problem with what Haldeman had heard and that there was some problem with the quality of the tape in terms of being able to hear. That the President wouldn't have any problem with the tape meant that there was nothing on the tapes that would cause him any problems, that would be in any way incriminating to the President in connection with the Watergate affair, although Haldeman didn't specifically say that. (1032-1033)

At this time period Higby saw Haldeman almost on an hourly basis, but cannot recall any other conversations with Haldeman. Higby is not sure how many tapes Haldeman listened to or how many tapes were delivered to him. At that point in time they did not discuss the fact that he would only listen to one tape of a meeting that he attended but at another time they did. (1033)

Higby recalls that there was only one listening period in April, and that it occurred during the first or middle part of April, perhaps the second week. Looking at Exhibit 7, which indicated it was April 25 did not refresh his recollection. Higby got the tapes for Haldeman before Haldeman resigned. Higby knows Haldeman discussed resignation not only with the President and there was discussion of resignation in the press during the March-April period, but these facts and Exhibit 7 don't refresh his recollection about whether he got the tapes before or after the resignation discussions. Higby (looking at Exhibit 7) asks if it is a listing of tapes with dates they were checked out and returned and Volner says it is. Higby thinks that, since Haldeman resigned on April 30, he listened to the tapes earlier in the month than April 25, as Exhibit 7 indicates. (1034-1036)

Higby does not recall returning the tapes to Bull after Haldeman finished or Haldeman returning them. He has a very vague recollection that on the same day Haldeman took the tapes to his office, called Bull and Bull picked them up. (1036)

Higby does not recall which tapes he got for Haldeman the first time or if he got them again. He doesn't recall after the one-day listening period going through a similar process again before Haldeman resigned. He does not remember two times. (1036)

Higby remembers that after Haldeman resigned, between July 10 and 12, Haldeman listened to tapes. Haldeman asked him to obtain one tape, the September 15 tapes, and said he wanted to listen to it. Higby called Bull and gave him the request and Bull brought a medium gray plastic or fiberglass 6 or 7 inch thick briefcase to Higby's house that night. Higby assumed it contained a play-back machine and the tape. When Haldeman asked for the tape Higby had written on a phone sheet "September 15th tape" and some other instructions about shipping Haldeman's personal items to his house in California. Higby still has a copy of that document. (1037-1039)

That evening Higby picked up Haldeman at the Statler Hilton where he was staying. Haldeman decided to stay in his Georgetown house that evening so Higby took his luggage there. Haldeman changed his clothes there and they then drove to Higby's house. On the way Higby said Bull would be delivering the tapes to Higby's house and Haldeman said good. Around 7:30 or 7:45 Bull arrived. Higby went to the kitchen for 4 or 5 minutes to give them an opportunity to talk and doesn't remember discussing the tapes when he returned. The briefcase was in the corner of the living room. Later that evening Haldeman said he had to get home since he wanted to listen to the tapes. There was a hailstorm that evening. Higby drove Haldeman back to the Georgetown house and believes Haldeman had the briefcase. (1039-1041)

The next morning Higby picked up Haldeman and they had breakfast. Haldeman may have had the briefcase, but Higby is not sure. Haldeman commented that he had been up very late and had listened to the tape. (1043-1044) He may have commented again that the President wouldn't have any problems with the contents of the tape he listened to, but Higby does not recall that he said which tape he listened to. Higby's only basis for knowing which tape it was was the note "September 15th tape." It was Higby's impression that it was a tape of a meeting between the

Buzhardt  
Peterson - P. 14  
NOVEMBER 12, 1973

Fred Buzhardt  
Henry Peterson (cross continued by Ben-Veniste)

Nixon-Buzhardt Discussion of Cox Request

Buzhardt definitely recalls asking Nixon, among a number of other matters, about the inquiry from Cox (for a tape recording of conversation between the President and Dean on April 15th.) (1094) Buzhardt did not know at that time there was a recording system and can't believe he would have asked about a specific recording. (1095) Buzhardt did not show Nixon Cox's letter. (1095) After receiving the letter, Buzhardt inquired of Cox, possibly inquired of Peterson, about precisely what was being asked for, and Buzhardt was definitely aware at the time he talked to Nixon that they were referring to something that <sup>Nixon</sup> he had mentioned to Peterson. (1095) Buzhardt does not recall, in words or substance, specifically or generally, asking Nixon in connection with Cox's request, whether there existed a tape recording between him and Dean, nor does he recall Nixon's informing him there was such a recording. (1096) Two things stand out in Buzhardt's memory regarding his conversation with Nixon: Buzhardt was aware the question was in reference to something discussed with Peterson; and he is sure Nixon told him there was a dictabelt of the conversation. (1097) Buzhardt recalls no conversation with Nixon about a specific tape recording (per Cox's request) as contrasted to a dictabelt. (1098)

Conversation with Peterson or Cox about Cox Request

In trying to respond to Cox's request, Buzhardt talked about it to Peterson or perhaps Cox, but he doesn't recall Cox or Peterson's telling him it was believed there was a taped conversation between Nixon and Dean. Buzhardt remembers Cox or Peterson, probably Cox, informing him of a conversation he had with Peterson. (1098)

Nixon-Buzhardt Discussion of Cox Request

Buzhardt doesn't recall on what day he discussed the Cox request with Nixon. (1099) Buzhardt has a log showing dates of conversations with Nixon, but doesn't recall the specific date of the tape discussion. Buzhardt is less than certain he only discussed the request once with Nixon between the time Buzhardt received it and the time he responded to it, but he doesn't recall discussing it (more than once) and doesn't think he would have discussed it twice. (1099) Buzhardt didn't go over with, or show, Nixon the draft response to Cox. (1099-1100) Buzhardt believes no one else was present at his meeting with Nixon. (1100) During his discussion with Nixon, Buzhardt probably had in mind what Cox indicated Peterson had told Cox, but he doesn't recall asking Nixon why Nixon offered to play a dictabelt for Peterson instead of merely

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showing him a memo of the conversation rather than mentioning a tape recording. (1100) Buzhardt isn't sure whether Nixon ever advised him when he had made the April 15th dictabelt, but sometime prior to Buzhardt's responding to Cox, Nixon had informed Buzhardt that he frequently dictated his recollections. (1101-1102)

#### The Dictabelt

The White House has not been able to locate the dictabelt, but Nixon on that day found contemporaneous notes he made from the meetings. Buzhardt first learned there was no dictabelt on November 5th. Buzhardt does not recall saying, prior to that, that the dictabelt would be produced to the Court, nor does he remember the White House Press Corps recently stating the same thing nor does he know the basis for it. (1103) The weekend preceeding November 5, or possibly a little earlier, Buzhardt asked various people on the staff to search the files for all memos, notes, dictabelts, or other evidence relating to conversations covered by the Court order. (1104) Buzhardt asked Haig to request such materials from Nixon, but doesn't know who would be searching Nixon's files. (1104-1105) Haig told Buzhardt on November 5 the dictabelt was missing, and assumed, without asking Haig, the President had caused his own files to be searched, by himself or someone else. (1105) (Ben-Veniste reads, from p.219 of the November 1 Court proceedings, Buzhardt's statement about furnishing the April 15 dictabelt. (1105-1106))

#### June 20 Nixon-Mitchell Conversation

Buzhardt first learned in October, probably toward mid-month, that the June 20 tape was missing. (1106-1107) At some point in October, Nixon so informed Buzhardt, but Buzhardt doesn't remember who told him first, although it could have been Nixon, nor who else told him this in October, although Buzhardt discussed it with a number of people thereafter. (1107) The context was not of Buzhardt's being informed, but was as to two tape recordings not being recorded. (1107) Buzhardt does not recall Bull's informing him of the missing tapes. He discussed them with Haig at some point, but doesn't recall whether it was in October nor when in relation to discussing it with Nixon. (1108) Whether Nixon told him anything more than that the two tapes were missing he isn't sure. (1108) Buzhardt was told at some point - perhaps when he first learned the tapes couldn't be found, perhaps after so learning - that the President recalled making the June 20th phone call from his residence, Buzhardt recalls the West Hall of the residence being mentioned. Buzhardt doesn't think he learned at that time that that was a phone call not on this system, but later determined it would have been a call not recorded (sic) to the recording system. Buzhardt doesn't recall whether the President or someone else told him (about the call being made from the residence). (1108-1112) Buzhardt doesn't specifically recall writing anything down about the information he was receiving during this period but it is possible. He hasn't used any notes

in testifying. He probably threw any such notes away, this information not having enough detail that he would need notes to remind him. After receiving this information, which was too fragmentary for him to have made representations to the Court, he made additional inquiries including asking the Secret Service for written explanations, which he has provided the Court, but doesn't recall making notes himself on the inquiries. (1112-1113)

Buzhardt did have a conversation with Nixon regarding the June 20 Mitchell call but doesn't remember the specific conversation. The conversation was prior to the inception of the present hearing but he may have discussed it with Nixon again since then. In October, prior to the hearing, Nixon told Buzhardt he recalled making the call from his residence, and may have said in the West Hall, and he definitely directed Buzhardt to find out what had happened with respect to these calls and the recording system. Buzhardt doesn't recall Nixon's saying he remembered making the call and where he made it from. His impression is Nixon had checked his logs to see where the call was made from. Buzhardt doesn't recall whether Nixon had any question in his mind as to where he was when he had this conversation, nor whether he said I was in the West Hall, or I think I was in the West Hall. (1113-1115)

#### Searching for the Tapes

(JUNE 20)

Nixon didn't indicate what search for the <sup>A</sup>tape had been made up to that point. After Buzhardt's conversation with Nixon but prior to these hearings, Buzhardt spoke to several people about what kind of search had been made, including Bull the morning of the hearings, and probably once prior to that, and perhaps to Nixon. (1116) Buzhardt isn't sure he was told until recently about a September, 1973, attempt to find this conversation, which wasn't found. It could have been Nixon, Woods, or Bull who told him recently, but he doesn't recall who told him. (1116-1117) Between the attempt in September and October 31, Buzhardt made an attempt to find the tapes, but hadn't made one in the interim nor, as far as he knows, had anyone else, which the records he has assembled indicate. Buzhardt doesn't recall <sup>that</sup> Nixon told him <sup>Nixon had made a late</sup> September search, <sup>nor does he know</sup> whether <sup>A</sup> Nixon had any basis for telling Buzhardt the tapes were missing except the late September search. (1117-1118)

#### Buzhardt's Review of the Tapes

The last conversation Buzhardt heard on Exhibit 6 was between Nixon and Kleindienst, which he assumes correlates to a conversation described in Exhibit 20 as occurring between Nixon and Kleindienst between 1:12 and 2:22, based on the sequence of preceding conversations. He guesses the tape of the meeting is between 30 minutes and an hour long. The

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immediately prior conversation, which Buzhardt listened to, was between Nixon and Sanchez (who isn't in the logs). He doesn't remember the one before that (a Nixon call to Julie, according to the logs), but checked the sequences against logs for the preceding day, the 14th, and they corresponded. (1118-1122) Buzhardt recalls conversation between Nixon, Haldeman, and Ehrlichman on the tape for the 14th. (1122) Buzhardt believes he checked the logs and the sequence for the conversation preceding the first conversation on the 14th, a conversation at the EOB on the 12th. He is not sure though that he represented to the Court that the timer had, prior to recording conversations on the 14th, been activating the tape in question on the 12th. (1122-1123) Exhibit 6 correctly indicates, in Baker's handwriting, that the Secret Service did a meter reading on the 12th, but Buzhardt says this doesn't indicate necessarily the tape was running and recording on that day. If the tape was placed on the machine on the 11th, it would have recorded for the first time on the 12th, and the tapes logged for the 12th should be on the tape, which Buzhardt believes they are. (1123-1124)

#### Haldeman Listening to Tapes

Between Haldeman's listening to some tapes and Haldeman's Senate Committee testimony, Buzhardt learned he had listened to them. (1124) He doesn't remember specifically discussing with Haldeman in July the propriety of this, but prior to Haldeman's Senate testimony did talk at some point to Haldeman's counsel, and to Haldeman about whether what Haldeman learned on the tapes was covered by executive privilege. He didn't know that Haldeman had access to the tapes during the time Haldeman did have access. He didn't know it until well after the fact and doesn't know who told him, perhaps Higby or Bull. (1124-1126) Buzhardt recalls more than one conversation with Higby and thinks Haldeman's hearing the tapes wasn't mentioned in the first one. He may have learned about it right after Butterfield's testimony. (1126-1127) Buzhardt was not advised prior to the time Haldeman had the tapes, nor did he have a discussion prospectively with Nixon about Haldeman's being given access to them. He may have discussed it with Nixon just prior to Haldeman's testimony, but doesn't remember if Nixon told him the purpose of Haldeman's listening to the tapes. (1128)

#### Nixon Listening to the Tapes

Buzhardt doesn't remember when he first learned Nixon had listened to the tapes, although it was well after Nixon's listening to them. So far as Buzhardt knows Nixon listened to them on June 4th and some time since September 29th. Buzhardt doesn't recall that Nixon told him June 4th was the first time Nixon heard any tapes. (1128-1129)

#### Other People Listening to Tapes

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Probably in early October Buzhardt first learned Woods had listened to the tapes, and may have learned it from her or from the President. (1129) Other people who, to Buzhardt's knowledge, listened to the tapes at any time are: Haldeman in late April and in July, according to Haldeman's testimony; Nixon on June 4, and probably Bull listened to one on that date; Nixon with Woods' and Bull's assistance beginning about September 29th; and Buzhardt, as he has testified, has listened to one phone call and some tapes. (1129-1130) Buzhardt knew in early October that Woods was trying to extract material from some of the tapes, but doesn't think he knew then that she had done anything at Camp David. Buzhardt thinks Nixon told him Woods was trying to extract material from the tapes, but it may have been Woods. (1130-1131)

Buzhardt did not see any distinction between that statement that Woods was trying to extract material from the tapes and Woods' description that she was trying to get every word as best she could. Buzhardt knew at that time precisely what she was doing. (1131)

Buzhardt made no memo of what transpired of Buzhardt's listening to a tape recording on June 25th. Buzhardt reported it strictly on the basis of his own recollection. (1131) Buzhardt knew at the time ~~what~~ conversations he was to listen to because he had prepared for Senate Select Committee and the Special Prosecutor's Office a log of (Nixon's) meeting with Dean so Buzhardt knew when they had taken place. (1131-1132)

Buzhardt says it is essentially correct as Woods testified that there was some gap in taped conversations and Woods was confused as to what she was listening to. (Rogers was the first on the tape, etc.) So, Buzhardt provided Woods with a tape last Thursday, which covered the conversation in question, a conversation on the 16th between Nixon and Dean. (1132) To Buzhardt's recollection, the tape Buzhardt gave her (to fill the gap) came from the box marked Exhibit 5. (1133)

Buzhardt got this tape to give to Woods from Bennett who brought it to Woods' office and handed it to Buzhardt. Buzhardt had previously requested the tape from Haig. Buzhardt does not specifically remember where Bennett got it. Buzhardt assumed Bennett got it from the locked vault but Buzhardt does not know. (1133)

Buzhardt has reason to believe as of Friday, that the tapes of the seven subpoenaed conversations plus the reel of the tape containing the recording of one additional conversation, subpoenaed by the Senate Select Committee, were in Woods' safe. (1133-1134)

Buzhardt believes there are other tapes outstanding but does not know which ones. The basis of Buzhardt's belief is a conversation Buzhardt had with Woods on Friday in which she said she had other tapes, plus the subpoenaed tapes, in her safe. She and Buzhardt did not discuss what other tapes. (1134)

(On being questioned by the Court) Buzhardt says he learned from Woods last Friday that she has seven tapes under subpoena of the Grand Jury, plus one other tape which was subpoenaed by the Senate Committee (but not the Court). Buzhardt does not know where the tapes that came out of the boxes, Exhibits 5 and 6, are now. Buzhardt did not talk to Woods about the tapes that came out of the boxes, but is sure she had access to them last week. (1134-1135)

Buzhardt does not know whether the tapes are still in Wood's safe or back in the vault. (1136)

Buzhardt does not know why Woods has the other tapes. (1136)

In addition to the tapes Woods had, to Buzhardt's knowledge there were no other tapes outside the vault Friday. (1136)

Buzhardt is not sure he knows the specific reason Woods is keeping the tapes in her office even though she is through transcribing them. Buzhardt says they were probably not delivered (back to the vault). Buzhardt is sure Nixon is aware (his lawyers) have to have access to those tapes for Court procedures and the tapes are perfectly safe in Woods' office. (1137)

Buzhardt does not know when he first learned that Woods had recordings in her safe but thinks he learned very lately. If Buzhardt stipulated at the inception of these proceedings that all the tapes were being kept in the EOB vault, he did not know they were anywhere else. (1137) (Buzhardt is shown page 65 of record where he so stipulated.) (1137-1138) So far as Buzhardt knew at the inception, they were in the EOB vault and still might have been there at that time. (1138)

Buzhardt did not know that Woods kept the tapes continuously in her safe starting September 28<sup>th</sup> when she got them at Camp David. (1139)

(Prior to these proceedings), Buzhardt does not know that he made any specific representation to Nixon to the effect that Buzhardt would have to be in possession of all relevant information as to the custody and whereabouts of the tapes. Buzhardt assumed such relevant information (i.e. tapes in Woods' office) would be communicated to him. Although Buzhardt knew Nixon had access and control over the tapes, Buzhardt was aware Nixon could remove the tapes. (1140-A)

Buzhardt does not recall if he ever inquired as to the conditions under which the White House tapes were being secured. Prior to July 18, Buzhardt believes he was informed there was a room the tapes were stored in but Buzhardt was not sure he was told the room number until last week. It was Buzhardt's understanding that the tapes were kept in that room. It was Buzhardt's understanding that control passed from the Secret Service on July 18 directly to Nixon. It was Buzhardt's understanding that no tape would be removed except by Nixon's personal direction. (1140-B)

Buzhardt did not know (on July 18) that Bennett would be responsible for keeping control over these tapes. Buzhardt is not sure when he learned of Bennett's role but believes it was after these hearings started. Prior to this, Buzhardt assumed Nixon would personally exercise control over access. Buzhardt did not know who Nixon would use when he wanted to take a tape out or whether Nixon would go personally to take it out. (1140-B - 1140-C)

Buzhardt believes Secret Service delivered their inventory key to the room and combination to the safes, perhaps after having them changed, to Nixon personally. From that time forward, Buzhardt did not think there was any occasion for removing the tapes and Buzhardt knew of no removal until early October. (1140-C - 1140-D)

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Afternoon Session (following off-the-record conference at Bench)

Fred Buzhardt (cross continued by Ben-Veniste)

Buzhardt remembers seeing a press release by either Ziegler or Warren about the dictabelt of April 15<sup>th</sup>. Buzhardt does not recall the exact date of that press release being early November, 1973 nor does he recall that the release said specifically the dictabelt did exist and was under Nixon's control or authority. (1141) Buzhardt does not know the source of Warren's information. Buzhardt does not recall answering questions for Warren specifically about the tapes or the dictabelt of April 15<sup>th</sup> but from time to time, Buzhardt has answered questions for Warren on other subjects. Buzhardt does not know what other sources Warren consults prior to making an official statement for the White House. Buzhardt presumes Warren consults Nixon and Ziegler and does not know that Warren would consult Haig. Buzhardt has never asked Warren if he consulted Nixon. (1142)

After July 18<sup>th</sup>, 1973, it is Buzhardt's understanding that the combination and keys to the place the tapes were kept were delivered personally to Nixon. Buzhardt does not know by whom they were delivered. Buzhardt relayed certain instructions to the Secret Service about the turning over of keys from Secret Service to White House personnel. (1143) Buzhardt does not recall whether he was advised on July 19<sup>th</sup> or not that the keys had been turned over to Haig. Buzhardt may have been, but does not recall, if he was advised by Bennett that the keys were turned over to Haig and Nixon was the only one to be on the access list to the tapes. (On being shown Exhibit 32, Bennett's note of July 19<sup>th</sup>), Buzhardt still does not recall if he was advised by Bennett. (1143-1144)

Buzhardt does not have any specific recollection of being advised around July 29<sup>th</sup> whether there was going to be a request that the tapes be removed on July 29<sup>th</sup>. (1144) Buzhardt does not recall being advised, contemporaneously with request for tapes, that Haig or Ziegler instructed Bennett that certain tapes would be required and that Bull was to set up the equipment. (On being shown Exhibit 32, Bennett's memo about request), Buzhardt still does not recall being advised about a removal or anticipated removal of tapes around July 29<sup>th</sup>. (1145) Buzhardt recalls nothing that happened to him in July with respect to the tapes. (1146)

Buzhardt does not know if he had any specific understanding that he was to be consulted with respect to the removal of any of those tapes. Buzhardt knew the tapes were under Nixon's control. (1146)

Exhibits 54 and 55 are marked for identification and received in evidence. (1146-1147)

Buzhardt recognized Exhibit 54 as a letter which Buzhardt received from Cox on July 20, 1973 and Exhibit 55 as a copy of Buzhardt's response to Cox on July 25, 1973. (1146-1147)

Ben-Veniste reads Exhibits 54 and 55 for the Court. The letter from Cox (54) asks Buzhardt to be careful to ensure<sup>a</sup> tapes are preserved intact. (1147-1148) The letter from Buzhardt in response assures Cox the tapes are intact, secure, under sole personal control of Nixon, and all access to the tapes is carefully documented. (1148)

Buzhardt says his letter does not imply that Buzhardt had any agreement that Buzhardt was to be advised as to what Nixon was going to do with the tapes. His letter just means the tapes were stored under secure conditions under Nixon's personal control. (1149)

In spite of and in light of Exhibit 54 and Exhibit 55, Buzhardt reiterates he had no implicit understanding with Nixon that Buzhardt should be consulted as to what was going to happen to the tapes. (1150) Buzhardt is sure Nixon was aware, as was Buzhardt, of the change in custody of the tapes - they were to be under Nixon's personal control. (1151)

Sometime in mid-October, Buzhardt was advised for the first time by Nixon or someone else that the Nixon/Dean tape of April 15<sup>th</sup> was either missing, had not been recorded, or could not be found. Buzhardt does not recall if he received an explanation as to why the tape could not be found, but subsequently did receive an explanation. Buzhardt did not immediately receive an explanation of mechanical difficulty. (1151)

Buzhardt recalls talking to Rayhill on a number of occasions, but does not recall the specific dates. Buzhardt does not recall that he talked to Rayhill on October 19<sup>th</sup>. Buzhardt recalls having a conversation with Rayhill about the April 15<sup>th</sup> tape more than once (in connection with having to produce April 15<sup>th</sup> tape in Vesco case). In conversation with Rayhill, Buzhardt might have said something about mechanical difficulties with the April 15<sup>th</sup> tape. (1152-1153) But Buzhardt was referring to mechanical problem in that the same tape was under subpoena in Watergate case as well as Vesco case. Before Buzhardt knew the conversation was not recorded, at some point in his conversations with Rayhill, there was the (mechanical) problem of court procedure in how to deal with two courts that sought the tapes. (1154) Buzhardt does not recall telling Rayhill that the April 15<sup>th</sup> tape would not be turned over for in-camera inspection. At some later date, when Buzhardt found that the tape could not be found, Buzhardt told Rayhill that they had not been able to find the tape and that the tape may not exist.

(1154)

(After a five-minute suspension at Courts request)

If Buzhardt did say in the same conversation with Rayhill that there was mechanical difficulty in providing the tape and the tape would not be provided for in-camera inspection, Buzhardt could hypothetically see these two statements as inconsistent. (1156-1157)

Buzhardt may possibly have participated in the preparation of a letter by Nixon to Ervin dated July 23, 1973 in which Nixon declined to furnish tapes to Senate Select, but cannot recall specifically if he did. (1157)

Exhibit 56 is marked for identification and received in evidence. (1157-1158)

Buzhardt acknowledges Exhibit 56 appears to be a letter from Wright to Cox of July 23, 1973 in which Wright makes reference to the letter from Nixon to Ervin. Buzhardt acknowledges he has seen the letter before. (1157-1158)

Ben-Veniste reads a portion of Exhibit 56 in which Wright says that Wright is writing to Cox on Buzhardt's request (1158) and makes reference to Nixon's letter to Ervin of the same day. Wright attached a copy of the Ervin letter. Buzhardt had no knowledge Wright enclosed the copy of the Ervin letter. (1159)

After the reading of Exhibit 56, Buzhardt still does not recall having helped Nixon prepare the letter to Ervin. (1159)

Buzhardt believes Nixon's letter to Ervin and Wright's letter to Cox indicate the tapes would not be produced. (1159)

(The letter to Ervin stated the tapes were under Nixon's sole control and would remain so.) Buzhardt does not know whether Nixon's sole personal control refers to Haldeman as well. Buzhardt does not know whether the matter of Haldeman (having access to tapes) was discussed between Nixon and Buzhardt prior (or after) Nixon wrote this letter, and has no reason to think it was discussed. (1160)

(The letter from Nixon to Ervin goes on to state that none of the tapes had been transcribed or made public, and none would be.) Buzhardt does not know what the term made public meant in that connection. (1161)

Buzhardt believes Wright prepared Nixon's letter to Ervin. Buzhardt may have helped with the drafting but he does not recall. (1164-1165)

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Buzhardt does not think he had any discussion with Nixon about the point in Nixon's letter to Ervin (which says none of the tapes had or would be transcribed) in connection with Woods testimony that she transcribed the tapes. (1165)

Shortly after Butterfield testified before the Senate Select, in response to an inquiry Buzhardt had from either the Senate or Special Prosecutor's Office, Buzhardt ascertained the date of installation of the White House recording system. (1165-1166) Buzhardt believes he received the date from Sims. It is Buzhardt's recollection that Butterfield testified installation was in June, 1970. Buzhardt recalls there was an inconsistency between the dates of installation testified to by Butterfield and dates given to Buzhardt by the Secret Service. Buzhardt does not know the source of the dates the Secret Service gave to Buzhardt. (1166) Buzhardt believes Sims gave Buzhardt a series of installation dates beginning in 1971 - perhaps February 1971 - and the rest installed over the next several months. Buzhardt does not recall the exact dates of the subsequent installations. (1167)

Buzhardt thinks he sent a letter to Ervin indicating the taping system had been installed in the Spring of 1971. Buzhardt does not recall the exact date of this letter. (1167)

Buzhardt does not recall discussing the installation date with Nixon. (1167)

Buzhardt says he does not recall Nixon saying in his press conference of August 22, 1973 that the tape system had been installed in June 1970. Then Buzhardt says perhaps he does recall Nixon saying that at the press conference, but does not recall that June 1970 was the exact date Nixon gave at the press conference. Exhibit 57 is marked for identification. (1168) (Buzhardt is shown Exhibit 57, a marked-off partial transcript from Congressional Quarterly of Nixon's August 22, 1973 press conference.) Buzhardt was not aware before seeing Exhibit 57 that Nixon had used the June 1970 date in his press conference. (1168) Buzhardt does recall a call to his office from the White House Press Office asking Buzhardt to verify the installation dates or find out what the dates were. (1168-1169)

Exhibit 57 is offered in evidence (1169) and the objection to offering Exhibit 57 is sustained by the Court after discussion (1169-1171) for not being of probative value. (1171)

Buzhardt was not aware Warren stated on October 31, 1973 that Nixon had never requested the two conversation at issue at this hearing. (1172)

Exhibit 58 is marked for identification. (1172)

(Buzhardt is shown Exhibit 58 which is an article from the Washington Post of October 31st by William Chapman. (1172) This article says Warren told the Post that while Nixon had listened to tapes, Nixon had never listened to all the tapes and Nixon had never requested to listen to the two tapes at issue.) Buzhardt does not know whether Warren made such a statement or not. (1173) According to Buzhardt's understanding around September 29th, Nixon did request all of the tape recordings under subpoena. Buzhardt does not know whether Nixon requested the April 15th tape on June 4th. As according to the documents in evidence, Buzhardt believes that the tapes were removed from the storage room and delivered to Bull, but Bull's testimony does not suggest Nixon requested it. (1174)

Buzhardt was not aware Warren indicated on October 31st that the tapes were kept in the residential part of the White House. (Buzhardt is again shown Exhibit 58.) Buzhardt does not remember reading the newspaper article (Exhibit 58) and does not know if Warren said it. (1175)

Buzhardt does not have any knowledge that the tapes were ever kept in the residential part of the White House. (1176)

To the best of Buzhardt's knowledge, the persons of whom Buzhardt has heard as having had access to the tapes are Nixon, Bull, Woods, Buzhardt, Haldeman, and Bennett. Buzhardt does not recall hearing of others handling the tapes. (1176-1177) Buzhardt says the Secret Service people handled the tapes but believes the testimony is that no Secret Service men ever listened to them.

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Monday, November 12, 1973 - Afternoon

Henry Petersen

Direct Examination (by Volner):

Petersen is Assistant Attorney General of the Criminal Division, a position he has held for about two years. He has been with Justice for about 26 years. (1192)

On April 15, 1973, as a result of the consensus that the President should be advised of certain developments in the investigation which reflected on his immediate White House associates, Petersen and Kleindienst met with Nixon at the BOB at 3:30 p.m.. (1192) Since the information stemmed partially from what Dean was telling Silbert and Glanzer, Petersen suggested to Nixon that Nixon should talk to Dean and thus learn Dean's information directly so as to be better able to decide what action to take regarding Nixon's White House associates. (1193) The question was raised as to whether Dean was giving the information about others at the White House in order to relieve himself of liability, and Nixon was informed that Dean's information was being given on the basis of enabling the prosecution to determine whether Dean should be accorded immunity. (1193) Petersen also told Nixon that Dean's information was being received by the prosecution on the basis that such would not be used directly or indirectly in the investigation, and would only be used in deciding the question of Dean's immunity. (1194)

At approximately midnight of the preceding day (April 14), Dean's counsel, Shaffer, had been advised that the President was going to be told of Dean's information. Shaffer had agreed that such was perfectly acceptable and would not be a breach of the agreement. (1194)

After his April 15 meeting with Nixon, Petersen went to his home and met with Silbert and Glanzer. During this meeting, Shaffer called, said that Ehrlichman had been trying to get in touch with Dean, and asked whether Dean should meet with Ehrlichman. Petersen said no, but that Petersen thought Dean should meet with Nixon and advise Nixon of Dean's information. That was agreeable with Shaffer, and Petersen was subsequently informed that it was also agreeable with Dean. (1194-1195)

On the night of April 15, Nixon called Petersen and said that Dean had said he was agreeable to meeting with Nixon. Nixon asked if Petersen thought that would be appropriate, and Petersen said he did. Thereafter Nixon called Petersen again and said the meeting had been set up. (1195)

On April 16, Petersen met with Nixon at the EOB and again summarized the material information. There was some allusion to Nixon's conversation with Dean on the previous night. (1195-1196)

Petersen does not recall any conversation with Nixon on April 17. (1196)

On April 18 at about 3:00 p.m., Nixon called Petersen and alluded to their earlier conversation about Dean's immunity, and Nixon suggested that he had been informed that Dean had already been immunized. Petersen was upset, and assured Nixon that he was certain that Dean had not at that time been immunized. Petersen undertook to make further checks so as to be able to reassure Nixon. (1196-1197)

Petersen then called Silbert to discuss the matter, and although Silbert's recollection was precisely as Petersen had related the situation to Nixon, Petersen asked him to check with Shaffer to make certain that neither he nor Dean had misunderstood. (1198)

Sometime around 3:30 p.m., Silbert called Petersen back and said that he had been in touch with Shaffer and Shaffer's understanding of the negotiating posture was the same as (Petersen's and Silbert's). (1198)

Petersen called Nixon sometime around 6:00 or 6:30 p.m., and related these facts. In the course of that conversation, almost by way of pinpointing that he was not mistaken, Nixon said "Well, I have got it on tape if you want to hear it." Petersen said that he did not want to hear it, and he did not want anything coming to him that was not gotten directly from Dean. (1198)

Although Petersen did not think about Nixon's statement in analytical terms, he inferred that what was meant was Dean's voice on tape. When Petersen related this conversation to Cox, Petersen had inferred such and Cox had drawn such an inference. (1199)

In substance, Petersen had stated that he did not want to hear anything except from Dean directly because of the arrangement with Dean and the possible jeopardy to developing the case. (1199)

Petersen does not recall discussing with Buzhardt the tape recording of the April 15 conversation until "a week ago,

Friday." At that time, Buzhardt called Petersen, said he heard Petersen was going to be called as a witness, and they then discussed the April 15 tape. (1199)

Petersen recalls receiving a carbon copy of a Buzhardt letter to Cox which had been directed to Petersen. Petersen identifies Exhibit 55 as being that letter. (1199-2000)

Statement by the Court (agreed to by both counsels):

Petersen concludes the testimony relating to custody of and access to the tapes, with the exception of Butterfield's testimony to be given after November 16. WSPF may call additional witnesses at any time. (1201)

The subpoenaed tapes and other materials, plus the analysis and index of the subpoenaed tapes, will be presented to the Court no later than November 20. Date extended only upon application to the Court. (1202) Both sides have agreed to make duplicates of the subpoenaed tapes and other voluntarily given tapes, to be done by November 14 using mutually agreeable procedures and facilities. Originals will be sealed and stored in a White House vault until delivered to Court. (1202) In-camera conference to be held on November 30, to discuss the tape analysis and indexes, and the particularized claims of privilege asserted on behalf of the President in accordance with the Court of Appeals decision. (1202)

Both sides have agreed to submit for approval of the Court both jointly formulated procedures and a jointly designated panel of experts to examine the tapes for evidence of tampering or altering. (1203)

TAPE HEARINGS BEFORE SIRICA

November 26, 1973

Morning Session

Woods Questioned by Volner: Direct

Woods Advised of Rights: Volner advises Woods of 5th Amendment rights, and that her responses may be used as evidence against her. Woods is represented in court by counsel, Charles Rhyne. (1206-1207)

Woods' Custody of Tapes: Woods had custody of subpoenaed tapes until November 14 when she gave them all back to General Bennett to be duplicated. (Woods refreshed her memory as to date by consulting a file she brought to court). Woods has not had custody of the tapes since November 14. (1207-1208)

Woods Has Listened to Copy of June 20, 1972 Tape: Woods has' listened to the tape of the end of the meeting between the President and Mr. Ehrlichman and the beginning of the meeting between Mr. Haldeman and the President on June 20, 1973 since November 14. This is the tape (copy of tape) Woods spent over 30 hours transcribing at Camp David and at the White House. (1208-09)

Tape Machine Used at Camp David Introduced as Exhibit 59:

Sony four-speed servo control machine and set of earphones are identified by Woods as one of three machines at Camp David. Woods cannot identify machine as being the one she used at Camp David. Woods does not know serial number of machine she used at Camp David. Woods identifies machine as exactly the same type machine she sued and that its buttons are the same type. Woods testified that she could not use the earphones as they were too big. Woods had to go back and forth often with the on/off button to hear and repeat because the earphones kept sliding off her head. (1209-1211)

Machines Requested of White House: Volner objects that Prosecutor's Office had requested exact machine used by Woods and that Exhibit 59 was brought to Court purporting to be that machine. Rhyne, Woods' counsel, objects that he did not know of request for machine. Volner states request was made of Buzhardt. Buzhardt is not in court. Sirica suggests that Buzhardt be called and asked if machine is the one Woods used. Volner requests that the other two machines from Camp David be brought to Court and Garment agrees, if they are available. (1211-12)

Identification of Uher Machine as Exhibit 60: The Uher tape machine connected with an earphone set and foot pedal (subsequently introduced as Exhibits 60A and 60B) (1243) is identified by Woods as the machine she used in her office at the White House the day after she returned from Camp David. Bull brought Woods the Uher machine, which was obtained because the others had no foot pedal nor any earplugs that Woods could use. Bull also supplied the (Exhibit 59) machine. Woods is sure Exhibit 60 is the exact machine she used. It is the only machine we (?) have. It does not have Secret Service mark in a place which she indicates. (On page 1216 she mentions a machine with Secret Service markings). (1213-14)

Use of Uher Machine: Woods played the June 20th tape when she first used the Uher machine on October 1st. Woods took the machine to Key Biscayne when she worked on the tapes there. This was the only tape machine she had at Key Biscayne. Woods does not believe Bull had a machine. Woods had possession of the machine the whole time it was at Key Biscayne. Bull carried the machine back from Key Biscayne. Woods used machine in White House after return from Key Biscayne off and on to finish the first subpoenaed tapes until October 23 or 24. Woods last saw the machine this morning. (1215-1216)

Buzhardt Use of Uher Machine: Buzhardt borrowed the Uher before Thanksgiving, keeping it two or three days. Woods called two or three times to get it and finally sent someone to get it. (1216-1217)

Woods Use of Exhibit 60 Uher and Secret Service Uher Machine:

Except for the time Buzhardt had it (since October 23rd or 24th until today), the Exhibit 60 Uher machine has been inside Woods' desk. While Buzhardt had the Exhibit 60 machine, Woods used the machine with Secret Service markings. Woods, Charles and William Rhyne used the Exhibit 60 machine to play a tape yesterday (November 25).

Woods' Request of Second Uher Machine and Locking of Record and Dictation Button: Woods requested the other (Secret Service) machine because she asked them to clean (the first) up and try to make it clear and see (if) maybe we used it so much it was harder to hear; and she also asked them to lock the record and dictation button. But those were unlocked over there (? in Buzhardt's office). (1218)

Transcription of Tapes Requested by Jaworski: Woods used the Secret Service machine to play tapes the President requested her to transcribe for him, the tapes requested in the letter signed by Jaworski. These tapes were original tapes from the White House vault. These tapes were in Woods' possession from the 19th (sic) until she returned them to General Bennett this morning. Woods cannot identify these tapes by date. She cannot tell if they were the tapes of April 16 and 18 and June 4, 1973. She did nothing about the April 16 conversation between Dean and the President.

That was typed before. She worked on two tapes last week. (1217-1220)

June 20th Tape: Woods listened to a copy of the June 20th tape twice last week, with Mr. Rhyne always present. Buzhardt was not present. Woods guesses it is an excerpt from a copy. She cannot recall whether the whole conversation was on the excerpt or copy she got from Buzhardt. Woods thought the tape was short. She listened to part of the tape. We (sic) listened to the ending of Mr. Ehrlichman talking with the President to try to find out for sure when Haldeman entered the room and when Ehrlichman left. She listened to 10 or 15 minutes of conversation last week, a couple of minutes between the President and Ehrlichman, three or four between the President and Haldeman. Contents of the tape were the same as she heard September 29 although she heard more on September 29. (1220-1222)

Conversation between Haldeman, Ehrlichman and the President on June 20th Tape: Woods does not recall testifying that tape/meeting? began with Haldeman, Ehrlichman and the President speaking all at once. Woods has no present recollection whether she heard all three at the beginning. Referring to Woods prior testimony (p. 840) of three talking at once, Woods states that she didn't identify the three voices as Ehrlichman, Haldeman and the President. The first part of the June 20 tape that was marked for Woods to start typing on; not the first part of the tape, was Ehrlichman talking to the President. A phone call was made at that time. The President (in September at Camp David) listened to different parts of the tape, pushing the button back and forth. Which three voices (he heard) Woods cannot tell. (1222-1226)

Transcribing June 20 Tape: Woods didn't play the entire conversation through from beginning to end without stopping. She stopped every few words to type. She doesn't know how much of the tape she listened to the first time she had the tape on the machine on September 29th. If the tape quality was good and she could hear a full sentence, she listened to a full sentence. If it was bad, she went back and forth three or four times to get a word. She listened to half a minute or a minute at a time. The first voice was either the President's or Ehrlichman's. (1226) (Page 1228 missing)

The first part of the conversation was between Ehrlichman and the President. It lasted about 55 minutes, the transcript or gist took about 67 pages. It involved only the President and Mr. Ehrlichman and a telephone call.

Woods finished typing the (Ehrlichman-Nixon) portion of the tape October 1 when she returned from Camp David. She did not type the Haldeman-Nixon conversation. She listened to two or three minutes of the Haldeman-Nixon conversation to a point where she knew it was Haldeman because they were talking about scheduling. (1226-1230)

Woods Did Not Type Haldeman-Nixon Conversation: Woods did not believe the President had requested that she type the Haldeman-Nixon conversation as the President's counsel had told him that that portion was not subpoenaed. All of us (sic) were convinced that the wording of the subpoena did not call for the conversation of each individual, but only if they were all three there or some such technical thing. (1230)

Call from Haig at Camp David: Woods knows she got a call at Camp David on September 29 at 10:10 a.m. from Haig telling her that he had been told by counsel that (the Haldeman-Nixon) part was not subpoenaed. Haig called her so that she wouldn't bother typing up something she didn't have to. The call was almost immediately after Woods arrived at Camp David. Haig checked the time of the call for Woods yesterday. (1230-1231)

Exclusion of Haldeman-Nixon Conversation from Subpoena: The President told Woods that the Counsel had told him the Haldeman-Nixon conversation was not subpoenaed. Woods assumes Nixon referred to Buzhardt. Woods did not talk to Buzhardt herself. Woods does not remember who offered her the explanation that only portions involving Haldeman, Ehrlichman and the President were included within the subpoena. She doesn't recall if the explanation was given before or after she typed the conversation. When Woods testified she was under the impression that the Haldeman part of the tape was not subpoenaed. She had the explanation prior to her testimony. (1231-1234)

Persons Woods Talked to About What She Was to Type: Bull marked where Woods was to start typing. The President asked her to type them. Haig told her the second part was not subpoenaed. Woods was just told to type what was marked. (1232-1233)

Nixon Listened to Portions of Tape: Woods affirms that the portion of the tape the President listened to involved three voices. Nixon moved the buttons back and forth to hear parts of the tape. The day (June 20) did not start with John Ehrlichman. Nixon held one earphone up to his ear. Woods could not hear what Nixon was listening to. Nixon mentioned hearing three voices and that he didn't see how Woods was getting any of it. Nixon did not identify who the speakers were. He listened to the tape for just a few minutes. He remained at her cabin for about 5 or 10 minutes. It could not have been as much as an hour or several hours. The President did not work with Woods in listening to these tapes. (1234-1236)

Length of Meeting on Tape: Woods remembers that the part of the tape she listened to lasted 55 minutes. She does not recall previously testifying that the meeting lasted two or three hours. (Testimony on p. 830 of earlier hearing quoted.) (1236-1237)

Haig Call: The Haig call to Woods was not a response to Woods to a call originally (?made by Woods). The President came (to her cabin) after the Haig call. (1238)

Haldeman - Nixon Portion of Tape: First Woods answers she did not listen to the Haldeman-Nixon portion of the tape while she was playing it at Camp David. She then states she listened to the first part of it so that she could be sure that Ehrlichman was gone from the room because there was no slamming of the door or anything. Woods listened only until they were talking about Ely, Nevada where Mrs. Nixon was born. (1238-1239)

Exhibit 61: Haldeman's Notes of June 20, 1972 Meeting: Haldeman's notes of the meeting, two pages on yellow sheets are marked as Exhibit 61. (1239)

Exhibits 59 and 60 are offered into evidence: (1239)

Bench Conference: Conference at the bench was held concerning a problem raised by Garment of utilizing material subpoenaed by the Grand Jury in a public hearing.

Afternoon Session

The Court stated that 10 full reels of tape had been turned over voluntarily by the President. In addition to those with 7 subpoenaed conversation, 3 others were turned over in order to determine the absence of 2 subpoenaed conversations. (1241)

Feldbaum arrived after the proceedings were ready to start, so a recess was taken to unseal the tapes. (1241)

Questions of Rosemary Woods by Volner (direct continued)

The foot pedal and the earphones of the Uher recorder are marked exhibits 60A and 60B and received into evidence. (1242)

Woods has been told that the conversation she took down between Nixon and Ehrlichman from the June 20 tape lasted 55 minutes. She has no recollection of the time, but says it seemed like 2 or 3 days or months. She first states she can not remember when or who told her it was 55 minutes. Later she states she was told after her testimony on November 8. (1243-1244)

The conversation Woods listened to included Ehrlichman and Nixon. A phone call was placed to Ed Martin at some point. Later Haldeman came in and it was not clear that Ehrlichman left. She never heard Ehrlichman, Nixon and Haldeman speaking at the same time. (1245)

Woods first listened to the part of the conversation with Haldeman on October 1 at the White House. She no longer was using the machine that was at Camp David, but was using Exhibit 60, the Uher machine. (1246)

Steve Bull had a list of the tapes and which portions to mark. General Haig talked to Woods directly (10:10 a.m.) about which portion of the June 20 tape was to be marked. Woods is not sure how that message was relayed to Bull. (1247)

Bull marked the beginnings of conversations with white tape, but the endings were not always marked. Often Woods would listen for a goodbye, a door slam, etc. (1248)

Woods saw a copy of the subpoena at Camp David but is not sure if she read it. She did not have a copy of the President's daily diary or Haldeman's notes, or anyone's notes at all while she was working on the tapes. (1248-1249)

Woods saw Haldeman's notes being brought to Nixon in Nixon's office, but did not read them. [Rhyne interjects

that he read them.] (1249-1250)

Woods remembers the tape boxes at Camp David being similar in shape and size to a box she had in court with her. The box in court contained a portion of a copy of the June 20 tape. (1250-1251) [Volner reads the exact contents on the back of the box.]

Woods listened to the copy of the portion of the June 20 tape with Rhyne and his son the previous weekend. The tape contained Haldeman's and Nixon's voices and the blank portion. (1242) It begins with the last portion of Ehrlichman and Nixon's conversation. (1252-1253)

Woods thinks the tapes boxes she had at Camp David were the same type but cannot swear that they were identical. She does not know if all the boxes had printed lines and a written portion with a Time Chart. (1254-1255) She does not remember any blank boxes. (1255)

Woods has not played the original June 20 tape since October 1. (1255-1256) The original was in Woods' possession until she turned it over to Bennett. She took it with the others to Key Biscayne. All the tapes were in a safe with Secret Service men guarding it 24 hours a day. (1256)

Woods and Bull had access to the safe. Woods assumes that a technician would have set up the safe but does not know who the technician was. (1256)

Woods remembers Haig's call on September 29. After showing Haig her note on the call, Haig's office pinpointed the time at 10:10 a.m. The note is marked exhibit 62. (1257)

The note (exhibit 62) was typed immediately after the Haig-Woods conversation. It does not refresh Woods' recollection about who placed the call. She assumes Haig called because she had no reason to ask the question. The handwritten portion was added November 23 or 24 when Haig told Woods the time of the call. (1258)

The note was kept in a folder in Woods' safe along with the tapes. After removing notes that were not kept in this folder, originally, the folder and the contents were marked as exhibits 64-68. (1259-1261)

Offer of exhibits 64-68 was withdrawn and 62 and 63 are received without objection. (1261)

Haig told Woods that a mistake had been made and the Haldeman portion of the tape had not been subpoenaed. She received no other instructions about the tape. (1262)

Woods says she never said that only 3-way conversations were to be taken down. Her reference to 3 people was when Nixon came into the room and pushed the buttons back and forth listening to various parts. She did not hear 3 people talking on the June 20 tape. (1262-1263) Woods is not sure when Ehrlichman left. (1264)

Prior to Haig's instructions that there had been a mistake about the Haldeman portion, Woods had not idea which tapes were subpoenaed. She was waiting for Bull to mark the tapes for her to type. At some point she passed along Haig's message to Bull, by showing him her note. (1265)

Woods didn't look at the subpoena before going to Camp David. (1266)

Volner reads Exhibit 62, Woods' note. It says Cox was confused in his request and that all that is wanted is the Ehrlichman/Nixon portion from 10:25 to 11:20. (1266-1267)

On October 1, Woods was just finishing the Ehrlichman portion and listened to a few minutes of the Haldeman portion. After a conversation about Ely, Nevada and scheduling, Woods answered her phone. At that time she pushed the record button and held her foot on the foot pedal. She thought it was 4 or 5 minutes. (1267-1268)

Woods went to see Nixon about her mistake as soon as he was free. Nixon told her there was no problem since it was not a subpoenaed tape. Woods doesn't know if she talked again with Nixon that day. (1268)

Woods did not listen to any portion of the tape that she erased. A shrill noise followed the Ely, Nevada conversation. After the noise, there was something about the Democratic convention or seating delegates. (1268)

Woods explains that she was tired from the weekend and the White House was very busy that day. She was trying to determine if Ehrlichman had left the room during the Ely conversation when the phone rang. (1269)

Woods doesn't know who she talked to and thinks it was only 4-5 minutes, not 18½ minutes. She admits, however, that her judgment of time is bad. She does not keep a phone log. Woods has 9 phone lines, some private, some intercoms. (1269-1970)

Woods had no other equipment besides the Uher machine, 2 earphones, and foot pedal. (1271)

Woods pushed the record button which is beside the stop button. She did not hold the record button down, but must have kept her foot on the foot pedal. (1271-1272)

Woods can't remember if she had only listened to the Ely conversation or if she had also typed it. She has not seen her transcript since she gave it to Nixon on October 1. (1272)

After seeing the record button pushed down, Woods pushed the return button back to the Ely conversation again. She then heard the noise. (1272)

The court inquires about Woods' testimony of November 8. Volner acknowledges that the focus of that testimony was what Woods did at Camp David, but the testimony will reflect that Woods said she never touched the side of the machine where the record button was located. (1273)

Woods says her previous testimony was such because she did not think the portion she erased was subpoenaed. (1273)

Woods never heard this shrill noise on any other tape. She only heard it after turning the machine back and playing the part again. She did not listen through the entire 18 minute noise on October 1. (1274-1275)

When Woods told Nixon about her mistake no one else was present. She did not report it to any one else. (1276)

Woods doesn't recall being asked whether she changed or altered any of the tapes during her November 8 testimony. Woods replies to the Court's question about the importance of this issue by saying she was petrified before and she only thought they were talking about subpoenaed tapes. (1276)

Volner reads Woods testimony about not editing or changing the substance of the transcript. At the Court's suggestion Volner reads the transcript which says Woods was very careful and didn't touch the record button. Asked what precautions she used, Woods says she used her head.

After recess - 4 p.m. Mrs. Volner continues direct examination of Miss Woods.

Rhyne said that just before the break he objected that the transcript was read and it is only fair that Woods be allowed to comment. Sirica said he would hear Woods' explanation if she had one. Woods said that she worked very hard over the long weekend. The black machine she used at Camp David had a red reverse-dictate or whatever it's called, and the other machine is all on one line. She sounded cockey when she said she used her head because she was nervous. She thinks she does try to use her head mostly, but, like other people, sometimes doesn't do everything perfectly. (1292)

On the other machine the stop and record are together. She probably gets 50 to 60 calls a day in the middle of doing this work and she worked all weekend and was exhausted. She can offer no excuse for this. She never heard any words on that tape so she called it a gap. She heard or read in the paper the word erase. She never heard any words on that part of the tape that is missing. She is sorry. She knows that everybody told her, but it was on the black machine that she worked for 27 or 29 hours at Camp David and then went to work on the different one. She just wanted to make that explanation.

After she discovered her error, just as soon as she saw Nixon's office was empty, she reported the error to him. There is a light on her desk that shows <sup>if Nixon</sup> Nixon is alone or not. She went in and told Nixon that as he knew she worked very hard. (1293) She said she was terribly embarrassed and didn't know what had happened, but after she finished talking on the phone she went back to Ely and tried to listen (to the tape) a little further and there was nothing. She never heard anything on that part (of the tape). She told Nixon her recollection was that the phone call, she gets 50 or 60 a day, was five and a half minutes at the most. That is the best she can say. She didn't tell Nixon anything else. She told him while she was explaining that she either (sic) kept her foot on the pedal because she reached around and grabbed her phone, which has one of those long things on it, and talked and opened letters and things while listening to people. She could easily have kept her foot on the pedal. The lid on the grey machine had to stay down because the desk holding her typewriter and the machine was not wide. The lid had to stay down and you could not watch the tape run. Whether there was ever anything on it, she does not know. (1294)

When she hung up the phone she does not know if she took her foot off the foot pedal. She doesn't remember whether the start button was down. Part of the time she used the start button and foot pedal to see if she could bring in (the sound) clearly. It was difficult to hear. She kept changing the tone, using the foot pedal, earplugs, sometimes both, sometimes

one. You can do both, press the listen button (and the foot pedal) and get better quality. She is not sure if she did both. She knows the record button was down. Whether she had the record button, she doesn't know. She knows many times while typing the other tapes she had both down. She would be sure she would immediately take her foot off the pedal when she hung up the phone and noticed the record button down. (1295) She was startled. Within five to fifteen minutes after she hung up the telephone, as soon as the light went out and she saw whoever was visiting Nixon was gone, she related all this to him. She hasn't any idea if she sat with her foot on the pedal for that fifteen minutes. If she knew she would say. Your foot could be on that pedal and you could have it on both the forward and back and get clearer off the tape actually (sic).

The first thing Nixon said to Woods was don't worry about it; it's not one of the subpoenaed tapes. It's too bad, but don't worry about it.

In response to Volner's question whether Woods had told Nixon it was the Haldeman portion of the tape. Woods said she didn't know what it was; it was the start of the Haldeman tape, yes. (1296)

Nixon knew it was not one of the subpoenaed tapes because his counsel had told him. Woods doesn't know when. Nixon asked what the content of the erased portion was and Woods said she heard nothing. He asked what the content was prior to the erasure and she told him it was on scheduling, whether they would go to North or South Dakota or Ely. He didn't ask what the content was following the erasure (because) she had been on the phone only a few minutes and never heard the whole thing until she listened to it with the Rhynes the other day. (1297)

Nixon has not talked with Woods about the erasure since October 1, except that she told him a couple of times that she is terribly sorry, particularly when she read in the papers that it was a Haldeman part and that there was such an upset about it. Woods will call it a gap and Volner can call it an erasure. Woods doesn't like to admit being wrong and doesn't think she can admit to being wrong (because) she can't swear there ever was anything on that tape. That is why she is referring to it as a gap. She says she did push down the record button, but doesn't remember if she had her foot on the pedal and if she didn't, it wouldn't move. The machine would have to move to erase.

No one, including Nixon, advised Woods not to mention this when she testified on November 8. She didn't ask Nixon if she should mention it. She thought they were talking about tapes which were not subpoenaed. (1298) She didn't realize when she was questioned about any accidental mishaps to tapes she

listened to because it was her first experience in Court and she thought the people doing the questioning would bring it up.

In response to Volner's question whether Powers didn't go over this with Woods before she testified on November 8, Woods says Volner is talking about a completely different tape which Buzhardt talked about. They brought in the wrong one on Dean. Powers didn't go over the June 20 tape with Woods. Nobody went over it with her. Woods doesn't recall that Powers asked in her direct testimony whether she had ever altered any tape. She didn't alter it if he did ask. (She doesn't consider erasing a portion of the tape altering because) she hasn't heard anything on it to know that she erased it. She told Nixon she had made a mistake in having the record button down. (1299) There would be no effect in having the record button down if she didn't have her foot on the pedal and she went in to tell Nixon and she could go back and check. She didn't edit or change what was on the tape. She doesn't remember Powers asking if she had edited or changed what was on the tape. Even though she didn't edit or change she reported to Nixon because she always reported anything that might have problems to him. She realized there was a gap in the tape and she might have caused it. She wasn't and isn't sure she caused it.

Volner offers Exhibit 61. (1300)

Saturday or Sunday of this week Woods didn't listen to the full tape, but did listen to the full tone, 18 minutes or whatever it is. After the tone, conversation began with something about delegates or Democratic Convention. To her recollection it didn't pick up with discussion about SALT talks. Volner says Woods said the last thing she heard was the Ely conversation. Woods doesn't recall hearing anything about Haldeman going to California with Pat Nixon or Nixon. Woods wasn't paying attention to the first thing she heard when the buzz ended on Saturday. She recalls that it was (1301) something about delegates, convention, or Democratic convention. That is as far as she listened. She didn't listen to the end of the Haldeman tape. It had already been copied to be turned in and she didn't need to hear it.

Volner introduces Exhibit 61 and it was received in evidence. (1302) Volner described Exhibit 61 and began to draw conclusions that according to Haldeman's notes the portion of the tape obliterated is the portion related to Watergate. Nothing prior or subsequent to that was erased from the tape. After objections were made (1303-1306) Sirica said the exhibit would speak for itself and Volner read the relevant portion into the record. (1307-1308)

Volner gave Woods Exhibit 60, 60A, and 60B (tape recorder, foot pedal and earphones) and asked if that was how the machine was on October 1, 1973. Woods said the record button was down when she discovered something was wrong. Prior to that the foot pedal was attached to "micro remote control". (1308) The earphones may have been attached to "earphones". Sometime during that day she used the earphones. The typewriter sat on the left. If the top of the machine was up, the typewriter carriage hit it every time it came across so you had to work with it down. (1309) Normally Woods typed and listened to the tapes at the same time. If you want to listen (without the earphones) you unplug them and when the machine is on start you can hear it through the microphones. The quality was so poor she tried it with the plugs in and out and sometimes with the foot pedal and start button down at the same time. You push the same button whether the earphones are in or out. If you put the earphones in you cannot hear out of the machine. The other three outlets on the machine were not used. (1310) Woods only got (the earphones and foot pedal) and only used two outlets (on the machine.) The other side (of the machine) has no outlets, just the (speaker).

On October 1 she used the tone and volume dials. The only button you need depressed to listen is the one marked start and it would play forward. You stop it by hitting the button marked stop, (1311) which is right beside the record button. It is a little darker gray. On the black machine the record button was red. Here it is dark gray and all the other button are light gray.

The foot pedal would also control start and stop and Woods used it for that purpose part of the time. The foot pedal would make the tape go forward and reverse so you could listen to the portion you already heard, but it doesn't go back as fast as if you use the keys. On October 1 Woods used the foot pedal and buttons for forward, backward, and stop, but when she got off the phone the record button was down. She worked several hours that day on it. (1312)

To make it go forward and reverse slow enough to type it you use the foot pedal. Sometimes the start button with the foot pedal makes it sound louder.

Woods hasn't the slightest idea how the machine was when the telephone rang. She was listening to it when the telephone rang. To listen she would not necessarily have had the start button pushed down. She could have started it with her foot. If no buttons were pushed down, pushing on the foot pedal would give you sound. Woods recalls she could start the machine simply by using the foot pedal. (1313) She thinks she may have put her foot on the pedal because she did that a few times when she was on the phone. You get back maybe a page in your typing because there is a backward button on the foot pedal and it's easy to have your foot on both forward and reverse

at the same time. This messes it up by going forward or backward depending on where your foot is heavier. It messes up your place on the tape, not the tape itself. It doesn't take anything off. (1314) After the telephone call the record button which is the same color as all the others except the dark gray start button, was down. She doesn't know if any other buttons were down. She assumes her foot was on the pedal because she backed up. It isn't possible that she put her foot on the pedal when she realized what she had done. She did not do anything deliberately. Her foot could have been on the pedal, but she did not put it there deliberately and try to go forward and erase. If she took (her foot) off, it had to be there through the phone conversation, but she doesn't know. She reached back and leaned off her chair to pick up the phone. She could have kept her foot on the pedal and picked up the phone.

After she hung up she doesn't know how soon she realized the record button was on. She supposes it was the minutes she looked at the machine. At that moment she shut off the machine then moved the tape back so she could hear where she was when she went on the phone. (1316) She back-tracked about five and a half or six minutes, probably further than the point where she had been when the phone rang. Then with earphones on she pushed a button so she could hear it play forward. Then she put her foot on the pedal. She doesn't know if she pushed the start button. She might have. She would have to hear the click to say how good or bad. (1317) She listened to what she heard before the phone rang and continued and heard the buzz. She listened to the buzz for a few minutes, maybe three or four minutes, not the full length of the time she believed she had the record button down. All she had to hear was the first buzz and it scared her. Then she shut it off, waited until Nixon was free and went in and talked to him.

Woods never heard anything from the portion of the tape she erased. She doesn't know she erased it. She hasn't heard any portion that isn't there. (1318)

This telephone call was maybe the 45th, 50th, or 60th Woods received. She hopes this was the first time she pushed the record button. She never pushed the record button at any other time. She had the machine cleaned and, when they were trying to bring up the quality of the machine, had the record and dictate locked. She will have to ask the date. It was after her testimony in Court. She will have to ask the people who did it to find out the date. (1319)

Woods pushed the button when she picked up the telephone because normally if she had start on she would push stop so the machine wouldn't run on. It does not help the tapes to have them get overheated. If she had taken her foot off the foot pedal the machine probably would have stopped. She

doesn't know why she pushed the button. She's done it both ways. She pushed buttons forward and backward. This isn't just one tape she worked on.

Woods didn't make a transcript of this. She hasn't seen the typed notes since she gave them to Nixon. She doesn't know (what) they typed. (1320)

Garment said Buzhardt would be delivering a copy of the transcript tomorrow (November 27).

Nixon didn't ask to listen to what Woods had done. He didn't listen to the June 20 tape in front of Woods at any time other than on September 29 at Camp David. At Camp David he listened to very small parts of it and maybe not even the Ehrlichman-Haldeman testimony. (1321) He listened to two or three parts and skipped around. On October 1 when Woods reported what was missing he did not indicate that he had already heard that portion. Woods doesn't know how many portions of the tape Nixon listened to on September 29 and would have to look on logs to see how long he was over there. He talked to Bull a few minutes and talked to Woods. He listened and sympathized with their having to do this job on a beautiful day but he didn't listen to any long full tape.

There was no discussion of Watergate during the portion of the Nixon-Haldeman conversation Woods listened to. There was no discussion of Watergate with Ehrlichman. (1322) Woods heard no discussion of Watergate on the June 20 tape before or after the buzz.

Woods has never discussed the contents of the June 20 tape or any other tape with Nixon. When she finished what she calls the gist of the tapes she turned the only copy she made over to Nixon or with anyone else. (1323)

Woods has asked lots of people what might have caused the gap in the June 20 tape, whether it could have been a malfunction or whether the tape could have been wrong in the first place. She discussed it with friends, people who use tape machines a lot and who many times think they have a whole tape and have nothing. She refused to give the names of people she had discussed it with and at the bench Sirica asked Volner to narrow the question down. (1324-1326)

Woods has spoken with no one at the White House concerning how the gap may have developed except to tell Nixon something had happened. She talked with secretaries who are not in this area and who know these machines and with her attorney. She doesn't believe she talked to Buzhardt about how it happened. She doesn't know whether Nixon did. She has talked with Buzhardt many times since October 1, but not about this accident. (1327) Woods doesn't believe that she reported to

Buzhardt that she pushed the record button and heard an audible tone following that, but if Buzhardt says she did maybe she did. She doesn't know. She just knows she told Nixon. She doesn't recall that she talked about the gap with anyone at the White House or counsel's office. She thinks Nixon talked with everybody there.

She talked briefly with Buzhardt, Powers and Garment about her testimony preceding November 8. (1328) She didn't speak with them all at the same time following her testimony. Powers has been ill. She hasn't talked to anyone in the counsel's office since her November 8 testimony except to return some tapes. She calls them on various things but has not discussed her November 8 testimony. She didn't think it was necessary. (1329) Besides her attorney and Nixon she has not talked to anyone connected with the White House or White House counsel's office about this accident. In preparation for her November 8 testimony she talked with Garment, Powers and Buzhardt. She has no need to talk with them about her testimony on that date. She has not talked to them prior to today about the gap in the tape. She talked to Rhyne and his son. She has not talked with any of the White House counsel in preparation for her testimony today.

Court was adjourned until 10:00 November 27.

Re Exhibits 64, 65, 66, 67, 68

Woods did not type this document. Woods believes Bull typed it. Exhibits 64, 65, 66, 67, and 68 are all Bull's notes. Woods assumes Bull gave Woods Exhibit 64 when Woods returned from Camp David. Woods has no definite date as to when Woods received Exhibit 64. These documents were put in the safe after returning from Camp David and have not been removed from the safe except to bring to court. (1334-1335)

Re Exhibit 64

Exhibit 64 concerns Bull's explanation of the unavailability of the April 15 tape of the conversation between Nixon and Dean. (Volner reads Exhibit 64). (1336-1338)

Re Exhibits 65, 66, 67, and 68

Exhibit 65 is notes which Bull kept for himself. Woods did not discuss the notes with Bull. Woods knew the documents were in Woods' safe but did not look at them. Woods had no reason to look at them because on each tape box Bull had (placed) the same instructions which were on a white piece of paper and on those which Bull knew, contained the opening statement of a conversation. Exhibits 65 through 68 indicate the meter reading on some machines. All the machines do not read the same when the tape is turned back. Bull confirmed this to Woods. (Volner reads Exhibits 65, 66, and 67)

Woods never showed these documents to Nixon nor to anyone in the White House counsels staff. Woods does not know the latest date that these documents were put in Woods' safe but thinks it was shortly after Camp David. (1338-1342)

Woods' Telephone

The calls that come to Woods through the switchboard are screened but there are quite a few private lines that come in which are not screened. Woods does not know whether White House operators keep logs of Woods' calls. Woods' secretaries do not know of some of the calls Woods has because of Woods' three or four private lines which Woods answers herself. Woods' secretaries do not keep a log of calls that Woods personally picks up. The secretaries do not keep a log, but may make a note if Woods is not there to ask Woods to return a call. Otherwise Woods' secretaries merely buzz and say who is on the line. (1342-1343)

Re Exhibits 65-68

Each note of Bull's that is marked good quality is of a tape from the Oval Office. (1343)

October 1: Woods' Office

Woods used the Uher machine in Woods' office in the White House. Normally there is room on the table for the typewriter and paper. Woods' desk is perpendicular to the typing desk. Woods' typewriter is an IBM electric. On Woods' desk were kept a stapler, quite a few pens, two in-boxes and two out-boxes. The telephone is in the left corner of the desk which would be the furthest corner from the typing table. Woods has one telephone with nine or ten lines on it. The phone is a call director. There is one lamp on the desk, a small tensil lamp which is a high intensity lamp. The typewriter was to the left of the recording machine. Woods was working on it for several hours intermittently throughout October 1. The foot pedal was over on the left out from under the stand, toward Woods' left side. Woods was using her left foot which Woods normally uses for foot pedals even though she is not a lefty. (1343-1346)

On October 1, the tape was playing and the telephone rang between 1:00 or 1:30 and 2:00. Woods thinks she still has the same typewriter. (1346)

Bench Discussion on WSPF's Technical Expert and on Question of Bringing Woods' Desk, etc. to Court (1346-1353)

Exhibit 63

(Volner and Rhyne agree both the box and the reel are in evidence.) (1355-1356)

October 1: Woods' Office

Woods was wearing an earphone prior to the telephone call. Woods did not leave the ear phones on during the call. Prior to phone call, Woods had left foot on forward and start button depressed and the machine going forward. The top of machine was down because the carriage on the typewriter would hit it otherwise. Woods doesn't believe she had occasion where the typewriter carriage hit the top of the machine. Woods had occasion to open the machine to take it (a reel) off but usually did not open it to look at a tape. Prior to the phone call, Woods probably rewound the machine many times. To rewind, Woods pushed first a backward button and then a stop button. Then Woods would put the start button on again and put her foot down. Woods normally kept her foot on the pedal and kept the start button on because the sound was better. (1356-1359)

Woods kept the lid down so that she wouldn't hit it with her typewriter and not so that she wouldn't be able to see the tape.

Woods did not remove the lid because there was enough junk without the lid sitting around. (1359-1360)

When the phone rang, (Woods demonstrating), Woods pushed the record button and took off the earphones. (During demonstration, Woods lifts foot off pedal.) (1360A-1360B)

Woods believes she pressed the record button and kept her foot on forward for four and a half to five minutes. This is what Woods told Nixon and this is still her belief. (1360-B)

Woods did not push the record button before Woods took off the earphones but probably took the earphones off first if the bell was ringing. Woods assumes that she kept her foot on the forward position because if there was anything on the tape that is how it might have happened.

After hanging up the phone, Woods saw the record button down. Woods does not remember if the start button was still down. Woods then rewound the tape using the button for rewind rather than the foot pedal. The foot pedal is not as fast for rewinding and Woods only very rarely used the foot pedal to rewind. Woods cannot remember if she used the foot pedal for rewinding on October 1. (1360B-1360D)

The Tone: October 1

Woods then heard part of the conversation concerning Ely, Nevada, and then heard the tone. This was the first time Woods heard the tone. The tone sounded shrill. Woods doesn't think the tone was consistent. (1360D-1360E)

Tuesday, November 27 (After Recess):

(Woods placed Exhibit 63, the tape, on Exhibit 60, the machine.)

Woods had had the typewriter which she used on October 1 for a long time prior to October 1, but she has no idea how long. She had the tensil lamp on her desk for 2 or 3 years prior to October 1. (1361-1362)

When Woods first replayed the tape (the first portion of the Nixon-Haldeman conversation) and first heard the buzz, she listened for approximately 4 or 4 1/2 minutes. She does not recall hearing anything except the buzz, and did not hear snatches of conversation intermittent with the buzz. (1362-1363)

Woods assumes the machine would stop if her foot was not on the pedal, and she does not know if there is an alternate record (without the pedal) since she has never recorded. (1363)

(Rhyne comments that the microphone should be turned off so conditions will be exactly as they were in Woods' office, but Volner indicates that the tape will not be heard without the microphones. The Court allows the microphones to be kept on.) (1364-1365)

(The tape is played.)

The sound (on the Court-played taped) is a lot longer than that which Woods heard on October 1. She had listened to the sound for 4 or 4 1/2, at the most 5 minutes, and figured there was either a malfunction in the tape or she had had the button down and taken off that portion of the tape. Woods had stopped listening to the sound at the point she thought she had (gotten off) the phone, and when she stopped listening there was still a continuing hum and she had no idea what this hum was followed by. When Woods went in to see Nixon she had no idea how much she had erased, and after Nixon told her not to worry about it she was not curious to find out how much had been erased since, if the tape was not needed, she did not need to type it. (1365-1366)

Nixon did not ask Woods whether there was any additional erasure which followed the 4 or 5 minutes Woods told him about. (1366-1367)

Woods first listened to all 18 1/4 minutes of erasure on Sunday (November 25), and it was on the (Court-played) tape which had been given to Rhyne by the White House. (1368)

Sunday was not the first time Woods had talked to Rhyne: she had called and asked him to represent her late Thursday, and met with him around 11:00 Friday. On Thursday afternoon, Woods had been told by Haig that none of the White House lawyers would come down to court with her, and Woods believes Haig had called

Rhyme to say that Woods might be calling Rhyme. Woods has known Rhyme a long time. Haig is the only person Woods talked to (about hiring a lawyer.) (1367-1368)

Garment had called Woods, probably on Wednesday, to tell her that he had accepted a subpoena for her, which he was sending over. Woods did not talk to Garment about her testimony, about Woods getting a lawyer, or about the gap in the tape. (1369-1370)

Haig was probably the next person Woods spoke to (after Garment) concerning the subpoena, and it was Haig who suggested that she get an attorney of her own. Haig did not indicate that he had talked to Nixon. (1370-1371)

Nixon and Haig, probably at the same time, but possibly separately, told Woods about the discovery of the gap, which had been discovered by Haig or Buzhardt when the duplicates of the tapes were made. This conversation occurred around 6:10, 6:15 or 6:30 p.m. in the Oval Office, on either the day when the tapes were copied or the next day. (Woods then says it was the evening of the day following the copying.) When Nixon told Woods about the discovery of the gap, Woods could not believe there was something like that unless there was a tape malfunction. She told Nixon that she did not think her hitting of the record button caused the long gap, because she thinks she would have remembered that long a phone conversation. Since Woods had (on October 1) told Nixon about her hitting the record button, she did not in this conversation "go back over that again." Woods does not know whether Haig was present through her entire conversation with Nixon or if Haig came in during it. The conversation was only a couple of minutes. (1372-1375)

Woods has not talked alone with Haig about the tape, except on the phone when he told her about getting a lawyer. She did not discuss the substance of the gap (with Haig.) (1375)

(In response to the question of whether Woods has talked with anyone else concerning the gap), Woods thinks after the gap occurred quite a few people around the White House knew it, and she knows that Parker and Buzhardt were listening to tapes. (1375-1376)

Woods was in the office when Haig brought Haldeman's notes to Nixon, and although Woods does not recall precisely when this occurred, it was probably that night (when Nixon told Woods about the discovery of the gap) or the next day. Haig had apparently gone to wherever all papers were stored, and as Woods was leaving the office Haig said something to the effect of here were the Haldeman notes. (1375, 1376-1377)

in Court

(Woods/removed the tape from the machine, placed the machine in the record position, and the machine did not move at all without the foot pedal.)

(The following was demonstrated during the testimony):

As far as Woods knows, the machine moves forward on only one speed. With the record button remaining pushed, when Woods takes her foot off the pedal the machine stops. The machine will also record if the record and start buttons are pressed simultaneously, and stopping it also takes two fingers at once. Only one function will not make the machine go forward. Woods many times does more than two things at once. (1378-1379)

(Volner notes that while the machine is recording, the counter is moving; and Woods indicates that one would not be looking at the machine if one were talking on the phone and making notes. (1379))

(On October 1): Woods held the phone on one ear. She got the pad of paper from right beside the phone where she always keeps it, and the pencil was right beside the pad. She picked up both the pad and pencil with one hand very easily, and with her other hand she held the phone. (1379-1380) She wrote on her lap, and says she takes dictation from Nixon with the pad on her lap. (1380) The desk is at a 90° angle from the typing desk and a couple of inches higher than the typing desk. (1381) (Volner notices that, in addition to the counter moving on the machine, there is a meter which moves when the record button is on. Woods says she can do two things at once but cannot take shorthand, talk on the phone, and watch that meter. (1381-1382)

Woods cannot show in Court exactly the position in which (on October 1) she was taking notes while on the phone. (1382) Woods' desk has a pull-out drawer with a writing board, and she recalls that (on October 1) she was taking notes either on the drawer or on her lap, since that is interchangeable. She never uses her hand to hold the phone because she usually takes down every phone call on paper. (1382-1383)

(The Court suggests having a picture taken of Woods' desk and her room layout.)(1384)

Woods would not have been facing the phone or the typewriter but instead would have been looking at the pad. She can demonstrate this from a photograph. (1384)

TAPE HEARINGS BEFORE SIRICA  
NOVEMBER 28, 1973

Woods  
Buzhardt; p. 8

ROSEMARY WOODS

Questions by Rhyne (cross)

Bench Conference:

Rhyne asked Sirica if Rhyne may publicly object to the nature of the proceedings with Woods. Sirica denied Rhyne's request, saying that he now had the opportunity for questioning. (1388)

Volner then asked that the circumstances of the photographs of Woods' office be made clear.

Sirica decided that, in answer to the request by the press for a copy of the tape, that he would tell them that the lawyers of the three parties oppose this because the experts still have to examine these tapes. (1389)

Exhibit #92

Rhyne read the subpoena that Woods had received from Garment. Woods was never told at any time and did not understand from the words of the subpoena that she was to produce any documents, machines, or anything else to the Court. (1392) At no time has White House counsel offered Woods advice concerning her present testimony, or request that she produce any materials in Court. (1393)

Exhibit # 59 and Exhibit #60

It was Woods' own idea to produce in court the black tape recorder that she used at Camp David and the machine she first used on October 1. (1393-1394)

Bench Conference:

Ben-Veniste wanted it clarified that the Special Prosecutor's office had requested that the tape recorder be made available in Court, and that Buzhardt had told him that it would be brought. Garment knew nothing about this. Rhyne's intent is to show that Woods independently brought machines to show the truth. Sirica decided that Ben-Veniste could bring this out through Buzhardt later. (1395-1397)

Exhibit 59-60

Bull delivered machine (Ex. 60) to Woods on the morning of October 1. It came from the Technical Services Department. Woods set it up herself with no explanations from any technician. (1397) Bull helped her bring this and Ex. 59 to Court. Woods never heard that Special Prosecutor or anyone else requested her to produce those machines. (1398)

Exhibit #62, 64,<sup>65</sup> 66, 67, 68

Woods brought these documents to Court on her own initiative because these were all of the documents in her safe that related to the Current incident under question. Woods purpose in producing materials was to demonstrate to the Court how difficult and time-consuming it was to transcribe the tapes. (1398-1401)

Camp David

Woods worked from about 10:30 a.m. on the 29th to 3 a.m., then resumed work at 6 a.m. on the 30th, working until about 4:30 p.m. After dinner with Nixons, Woods returned to D. C. (1401-02)

October 1

When Woods arrived at her office at 8:05, the new machine (Ex. 60) was not there yet. It came early that morning. She used that machine for Ehrlichman segment and all the rest of the tapes that she transcribed. (1402) When Woods said that it took 2 1/2 hours to conclude Ehrlichman segment of June tape, this is time away from phone calls, correspondence and callers, and that there were numerous phone calls that day. Woods was also physically exhausted. (1403-4)

Woods never intended to use word "erase" in connection with any of the gap on this June 20 tape, because she does not know if there was anything there to erase. (1404-5)

Exhibits #70-92

The record shows those present when the photographs of Woods' office were taken by a White House photographer. (1405-6)

Questions by Volner (redirect)

Rhyme stipulates (1) as to the size of Woods' desk: 6'1" length, approx. 3' in width, drawer on which Woods may have written during phone conversation extends 1'8"; (2) other relevant measurements: Distance from edge of Woods' typing table to edge of her desk= 2' and they are at right angles. Her telephone is in left-hand corner of the desk at the corner opposite the typing table. Typing table is 3' long and 1'8" wide. (1407-1409)

Bench Conference:

Garment wanted Sirica to clarify from the bench the fact that all three parties objected to giving a copy of the tape to the press. Sirica also decided upon the procedure of making the photographs of Woods' office available to the press. (1410-12)

At end of bench conference, Sirica announced his reason for not giving out a copy of the tape, and where the photographers could take their pictures of the photographs. (1413)

Exhibits #70 and 71

Woods described the difference in the conditions of her office when the photographs were taken and on October 1. The lid was not there on October 1, because the typewriter carriage hits it as well as moving the lamp. The regular lamp is not the tensor in the photo. (1414-5)

Exhibit #92

This photograph illustrates how Woods' desk looked on October 1, except for vase. Woods assumes the phone was in this position give or take one-half inch, because she pulls the phone to the edge of a gold-rimmed object on the desk every morning when she comes in. Because they dust her office, she cannot be positive about the position. (1416-1417)

Chair: (Exhibits #92 and 87)

Woods needs to roll her chair from the position in which she was typing in order to reach the telephone, and her foot remained on the pedal. (1417-18)

Pedal: (Exhibits #72 and 72)

The foot pedal shown in these photographs is not the one Woods used on October 1. (1418-9)

Lamps

Woods has had two lamps in her office for two or three years, a tensor on her desk and a lamp on her typing table. (1419)

Answering Phone

Woods answered the phone keeping foot on pedal, rolling back in chair, reaching for phone and pushing down the button because it is the quickest way to take the notes. Out of all the tapes she typed, it is the only time she left her foot on the pedal. (1419)

Woods is unwilling to swear that she left her foot on the foot pedal although it is "what everybody thinks happened..." (1420)

Woods is positive that she was not on the phone for eighteen and one-half minutes. She did tell the President that she had found the record button down and that she couldn't hear anything after the point she had transcribed to. (1420)

Woods estimates that the phone call was between 4 1/2 to 5 minutes. Within seconds after the call, Woods realized that the record button was down and she immediately turned it off. (1421)

Woods does not know if anything was on the tape before she pushed the record button. (1421)

After the tapes were duplicated (November 14) Nixon told Woods that an 18 minute gap was discovered, but she cannot swear to any exact conversation. (1422)

[Objection by Rhyne as to what time period is specified. After Rhyne sufficiently confuses the witness, Volner gets her back to November 14]

Woods told Nixon that the gap was "terrible" and she had "no explanation for it." She did not listen past the 4 1/2 minutes because she was not asked to type it. (1423)

On October 1, Nixon told Woods not to worry about the gap. On November 14, Woods said she was sorry and that possibly there was a malfunctioned tape. (1424)

When Woods was talking to Nixon (November 14), Haig came in with Haldeman's notes. Woods left the room then. (1425)

In answer to objection by Rhyne, Woods' testimony is read where she said she was afraid she caused the gap. (1426)

Woods first says she doesn't know if Nixon mentioned the two distinct tones but possibly Buzhardt or Powers did. She then changes to not believing he did to finally saying he did inform her of the fact after the duplication. She doesn't know if Haig informed her of the fact. (1426)

In response to the Court's question, Woods says she was using earphones at the time of the phone call. She could hear a loud buzz even with the earphones on. (1427-1428)

Responding to further questions by the Court, Woods said she had worked 29 hours at Camp David and was very tired. She realized the importance of the work and the necessity of concentration. She asked that only essential calls come to her office. (1428-1429)

Woods says she doesn't know if Nixon talked to her about two tones. (Third change in testimony since 1426) (1430)

[Rhyne is worried that the questions are going too fast and can't be understood. It is obvious that the problem is his, however, rather than Woods'.] (1430)

Woods thinks that either Buzhardt or Powers mentioned the two tones while working in Bull's old office, probably a day or two after the duplication. She did not later discuss it with Nixon. (1431)

Woods told Buzhardt and Powers that she had told Nixon that she was afraid she had caused the gap of 4 1/2 minutes. She didn't discuss the possibility of someone else causing the gap. They did tell her that listening to the tapes was difficult and that they didn't understand how she did the job as well as she did. (1431-1432)

Woods had custody of the tapes from September 29 to November 14, but they were in and out during that time. No one else had the combination to her safe. No one else listened to any tapes in her office and no one took them out. (1432-1433)

At Camp David Steve Bull listened to enough of the tapes to mark the conversations. When the conversation of June 20 was on the machine, Nixon played parts of it, seeing what a difficult job it was. Woods doesn't know how long he listened or what parts he listened to. (1433-1434)

When Nixon left Woods unplugged the earphone and went back to work. She went back to the number on the machine where she had left off. She can't remember whether she had to rewind or go forward to get there. (1435-1436)

Woods has not discussed with Nixon or the White House counsel who may have caused the 13 extra minutes or gap or whether she may have caused the entire 18 minutes. She saw Buzhardt the day before, but did not talk with him. (1436)

Woods has been told that the White House counsel cannot represent her so she has not talked with them. She may have spoken with Buzhardt about the 4 1/2 minute gap. (1436-1437)

In examining Photograph #78, Woods confirms that her hand is on the chair with a pencil in it. She claims she is not holding on (and wouldn't be able to with the pencil), but does admit to at least balancing with the hand. (1427-1438)

Woods says she would have shifted away from the typing desk in reaching for her phone. She had a notebook by the phone that she used in her lap or on the pull out desk extension. (1438)

Woods normally leaves her intercom button down so that she can pick up the receiver without pushing a button. She does have private lines and the direct line to Nixon, however, that would require the pushing of a button. (1439-1440)

Woods has no recollection of whether on October 1, she received a call directly or through the intercom. (1440)

Woods picks up the phone with her left hand, she pushes the button with whichever hand is free. She cannot remember how she did it on October 1. (1441)

Exhibits 78 and 92 both show Woods reaching for the phone. (1442)

[Woods states that Volner asked her to pose for #92 and Volner attempts to correct this misstatement. Sirica makes his famous inappropriate remark about "two ladies getting into an argument."] (1442)

Woods says Exhibits 92, 85, 73, and (78) reflect her stretching. She is reluctant to say her hand is balancing on her chair in each case. (1443-1444)

Woods says she was not asked to prove that she could reach for the phone without balancing while the photographers were in her office. (1445)

Woods is sure she used her left foot on the pedal she used on October 1. It was a different pedal for the photographs (and used on NBC the night before.) (1445-1446)

[Ben-Veniste objects to Rhyne talking to the witness. Rhyne objects to the broad questions of the location of Woods' feet when she was not asked specifically to pose.] (1446)

Discussion between Rhyne, Court, and Volner was about who directed the photographing. Conclusion by the Court was to let the photographs speak for themselves. (1446-1447)

Woods again says Volner did make some statement about one of the pictures. Volner says her statement was that she did not care one way or the other if Woods was in the picture. (1448)

Woods acknowledges that she practically panicked and was scared when she heard the buzz. She realized that some mistake had been made. (1449-1450)

Woods typed the subpoenaed tapes and one other in response to Jaworski's letter. She knows of no other gaps although there were funny noises at times. She has no knowledge, direct or indirect, of gaps from other sources. (1450-1452)

Woods' typewriter and tensor lamp are marked Exhibits 94 and 95 and received. (1462)

BUZHARDTRedirect by Ben-VenisteSeptember 28 Conversation with Haig

Haig, by phone, requested Buzhardt to provide list of subpoenaed materials. Buzhardt sent a copy of the subpoena to Haig for the President. Buzhardt does not recall sending subpoena to Haig previously, but might have. Buzhardt was probably aware that President intended to review tapes. Buzhardt has pinpointed this date because from previous testimony he learned that this was the date Bull had gotten subpoenaed tapes, so Buzhardt checked with Haig's telephone logs for Sept. 28 and 29. (1463-1467)

Prior to September 28

This September 28 conversation with Haig was not the first time Buzhardt had discussed item 1a. of the subpoena. (1463) On one earlier occasion, Buzhardt had prepared a list of tapes subpoenaed, both by grand jury and by Senate Select Committee. (1466)

September 29 Conversation with Haig

Probably the day after September 28 Haig, by phone, asked Buzhardt what specifically was covered by 1a. of the subpoena and Buzhardt said it covered the conversation between the President and Ehrlichman and that there was an error in assuming in the subpoena that Haldeman attended the meeting. Buzhardt does not recall if Haig prefaced his question with comment that people were listening to the tape or that there was some question of ambiguity of if Haig said there was some question or confusion or uncertainty. Buzhardt does not recall asking Haig why he was making this inquiry. (1467-1470)

Prior Discussions with Wright re Item 1a.

Buzhardt consulted with no one prior to giving opinion to Haig about item 1a. Buzhardt worked with Wright on litigation over the tapes but does not recall ever discussing item 1a. with Wright. (1471)

Discussion with Nixon about Subpoena

Some time after Ehrlichman testified in the Senate, maybe before or maybe after August 13, but probably not later than end of August, Buzhardt met with the President. The President inquired why certain items on the subpoena were subpoenaed. The June 20 conversation was one of the ones Nixon asked about and Buzhardt said he assumed they wanted it because Ehrlichman had testified that Watergate

matter had been discussed. Buzhardt does not think that another of his reasons as to why that conversation was subpoenaed was the fact of the meetings of Nixon's advisors that morning. Buzhardt does not recall Nixon voicing an opinion as to the accuracy of the subpoena. At this time Buzhardt consulted the subpoena but no other sources and did not discuss the matter with Wright. Buzhardt has made no attempt to determine the date of this meeting from Nixon's log. (1471-1474)

Buzhardt vis-a-vis Wright

Buzhardt and Wright worked together in preparing arguments on the tapes, but Buzhardt did not have greater access to the documentation. Buzhardt did not know the basis for Wright's statement in argument that one of the tapes contained national security information too sensitive to be revealed to Wright. Nixon had told Wright this but no one has told Buzhardt what this was about. Buzhardt is quite sure some very serious national security matters are on the tapes in the Court's custody. (1475-1476)

Buzhardt's Opinion re Subpoena

In advising Halg what was subpoenaed and what was not, Buzhardt had subpoena in front of him and Buzhardt consulted the source material from which the logs furnished to the Prosecutor's office were prepared, which material showed that the President met with Haldeman a few moments after he met with Ehrlichman. During September, Buzhardt was talking to Cox regarding subpoena and other matters but it never occurred to Buzhardt to clarify with Cox what the subpoena called for. Buzhardt does not recall the date the official logs of the President's June 20 meetings were provided to the Special Prosecutor's office. (1477-1478)

Exhibit 96 - Haldeman's Diary June 20, 1972

Received into evidence on prosecutor's representation that it was furnished by Haldeman prior to Grand Jury issuing subpoena. (1478-1479)

Exhibits 97 and 98 - Buzhardt letters to Cox

Exhibit 97 was sent on July 25 with a large enclosure, Exhibit 98, written on July 26; received into evidence. Exhibit 97 enclosed logs of Ehrlichman meetings with the President, including June 20, 1972; Exhibit 98 is same regarding Haldeman and contains meeting of June 20, 1972 between the President and Haldeman. Buzhardt has no knowledge that Prosecutor's office had these White House logs prior to the time Buzhardt supplied them. Exhibit 96 appears to conflict with President's logs. (1480 - 1482)

Exhibit 99 - August 13 Memorandum in Support

Received into evidence; Buzhardt is sure he saw this about August 13. (1482-1483)

Interpretation of Subpoena Item 1a.

Exhibit 99, page 5, does not show anything about a clarification. Paragraph begins "meeting" singular. 12:45 p.m. coincides exactly with the time Haldeman left the President's EOB office on June 20. Paragraph at middle of the page three does not indicate Haldeman joined Ehrlichman-Nixon meeting. Buzhardt had had Exhibit 99 for about six weeks when Haig made an inquiry about interpretation. Buzhardt read Court of Appeals October 12 decision. Buzhardt's November 26 memorandum indicates Buzhardt did not realize until November 14 that conversation between Nixon and Haldeman on June 20, 1972, was rightfully included in the subpoena, but Buzhardt thinks it was not necessarily included and says we decided to supply it because Prosecutor's office desired it. Buzhardt decided Prosecutor's office wanted it not because Prosecutors said anything on November 14 but because from very careful reading of paragraph 1, Buzhardt interpreted prosecutors were attempting to expand subpoena from one meeting to two. Although under Buzhardt's understanding that there was no meeting between the three individuals as called for in the subpoena, Buzhardt did not think he should provide nothing but <sup>what</sup> <sup>was</sup> <sup>to</sup> produce the most nearly identifiable thing. (1483-1487)

Preparation to Reply to Subpoena

When ready to reply, Buzhardt (and co-counsel-- Powers) went into great detail to study precisely all information with regard to subpoena. This study did not include Haldeman's logs, which he had taken with him; Buzhardt was later furnished copies of them but never examined them. Buzhardt started to work on index and summary on November 14, although he might have done some preliminary work sometime before then. (1487-1488)

Buzhardt does not recall stating on November 5 that he was leaving court hearing to devote time to preparation of index and summary. At that time, Buzhardt was a witness. Before beginning analysis they had to set up procedures for copying the original tapes. They started

the search for some of the documentation called for in the subpoena, but Buzhardt does not remember when that search began. In the search, Buzhardt did not find Haldeman's notes (Exhibit 61) immediately. (1489-1490)

Finding Haldeman's Notes-Exhibit 61

Buzhardt first saw Exhibit 61 on November 15 or 16. They had not searched Haldeman's files at that point. Although Buzhardt had asked Haig to search for some items, he asked Higby and a secretary to search Haldeman's file. Buzhardt asked Higby to begin search on the day Buzhardt found out. No one had told Buzhardt the contents of those notes (Exhibit 61) prior to November 15. Buzhardt went with Higby to look for the notes but Higby did the searching. A Secret Service agent accompanied them. Higby brought the document to Buzhardt, Buzhardt identified it, Buzhardt does not recall discussing it with Higby. In the presence of the Secret Service agent they made a copy and placed the copy where the original had been. (1491-1492)

Procedures Regarding Files in Storage Room

In late May or early July, Buzhardt issued instructions to Sims that no documents were to be removed from that storage room by anyone. When Buzhardt started providing original documents to the Prosecutor's office and others, he instructed that Secret Service keep a log of all documents as they were removed, by nature of document, date, and person removing, and that copies immediately be made and placed in the files. Buzhardt believes these instructions have been followed in every case. Buzhardt also had instructed that people were not to copy or make notes of the things they were permitted to examine, and he thinks on one occasion a person did make some notes. Buzhardt knows of no missing documents or documents destroyed. (1492-1495)

Buzhardt-Powers Review Haldeman's Notes

After getting Exhibit 61 from Higby late in the evening on November 15, Buzhardt and Powers examined the notes. Buzhardt does not recall their conversation. At that time they were aware there was an 18 minute segment on the tape had been erased since the night before, that there was nothing but a hum. They discussed getting technical advice on the possibility of bringing out the erased portion. "[I]t is obviously a portion of the notes which reflected an apparent discussion of Watergate on the audible part of the tape. And possibly some other material was not on the audible part of the tape or the second tape." (1497) [emphasis added, check with court reporter re transcription] (1495-1497)

Knowledge of Topics of Haldeman - Nixon June 20, 1972 Conversation

Buzhardt has never interviewed Haldeman, has never learned from any source what Haldeman's recollection of the meeting was, has never discussed it with anyone, and has never specifically discussed with Nixon what was said between Nixon and Haldeman on June 20, 1972. (1497-1498)

Buzhardt's First Knowledge of Tape Obliteration

Probably in early or mid-October either from Nixon ~~either from Nixon~~ or Haig, each of whom Buzhardt talked to once, Buzhardt was first told about Woods' accident. Buzhardt guesses this date because since November 14 the President told Buzhardt that they had discussed it shortly or some time after it occurred. Buzhardt was told that Woods had made a 4 to 5 minute erasure on the tape subsequent to the subpoenaed conversation. Buzhardt does not recall if he was told the erasure was in a conversation with Haldeman, but he learned that recently when he checked the logs. Buzhardt asked no questions about the erasure but he was asked, probably by the President, "only the conversation subpoenaed" and Buzhardt said yes. (1502-1503) Buzhardt did not ask how Woods had the tapes in her possession of how she happened to make the mistake. Buzhardt does not recall whether he was told at this time that Woods was transcribing the tapes, but he thinks he learned that later. Buzhardt does not recall talking to Woods about the tapes at this time. When first advised of the erasure, Buzhardt made no attempt to listen to the portion of the tape and did not ask if anyone had listened to it to determine no subpoenaed part had been obliterated because he was told it was not a subpoenaed conversation. (1498-1507)

November 14 Buzhardt's Reading of Memorandum in Support

This was first realization Prosecutor wanted two meetings, not one. (1507-1510)

Copying of Tapes November 14

Buzhardt did not attend copying of the tapes but was advised, after the 14th, by Bennett or Houser that in copying they could tell there were spots where there were apparently no conversations on the tape. (1510-1511)

J. FREDERICK BUZHARDT (following recess - questions by Ben-Veniste)

Copying Tapes

At the time that the tapes were copied, a representative of the Special Prosecutor as well as one from the White House were present. (1521)

Gaps in Tapes

Buzhardt knows of no other mistakes, alterations, or gaps relating to any White House tape, either subpoenaed or not. (1521) Buzhardt explained that sounds other than conversation could trigger the system. (1522) Also it was reported to Buzhardt that there were substantial periods lasting several minutes in which the meter registered but no sound except that of the actuation was made. It was not reported to Buzhardt that the silences in question meant that there would be no sound of actuation but that it was not registering any sound at all. (1522-23)

Determining Reasons for Gap

After discovering the gap on November 14, (sic-Buzhardt and others) continued to review the other tapes to determine if there were any other problems with the subpoenaed ones. On Friday morning, we (sic) consulted Howard Rosenblum, a technical expert with NSA, to ask that if there had been an erasure, was there any way to recover that material. After that Buzhardt, using similar machines and subsequently the actual machines, personally attempted to duplicate the sounds that were on the tape. (1525-6)

November 14

We (sic)-(Buzhardt and Powers) started in chronological order of the subpoena to prepare an index of the material. After running through Ehrlichman June 20th taped conversation several times and identifying benchmarks, we moved on to subsequent conversations. Buzhardt found about a three minute gap between Ehrlichman and Haldeman conversations, although it shows an log as six minute gap. Buzhardt had expected the buzz, but the length of the tone shocked him. He did not talk to anyone else that night about this and he believes only he and Powers were there. (1527-1529)

Buzhardt first told Powers of the accident that night when they were working on the Ehrlichman conversation. It did not occur to Buzhardt to inform Powers earlier. (1529-30)

Preparing Woods for Court

Ben-Veniste had previously (before Nov. 14) told Buzhardt he would call Woods and him as witnesses. Buzhardt did not discuss her testimony with her or with Powers, and did not see her not to tell Powers about the gap.

One time when Powers and Garment were talking to Woods, Buzhardt went in, but did not participate with them in discussing her testimony. A few minutes before seeing Garment and Powers, Buzhardt asked something, but cannot recall what. (1531)

Woods-Buzhardt Tape Discussions

Buzhardt had discussed tape matters with Woods on occasion prior to her testimony. When they had these discussions, Buzhardt did not know Woods was going to testify anyway. Buzhardt feels it would have been improper for him to have helped Woods to testify. (1532)

Informing Powers

Buzhardt did not consider informing Powers of gap on tape a top priority matter because Buzhardt at that time believed it was not a subpoenaed tape. If it had occurred Buzhardt, he probably would have told Powers earlier about this. (1532-3)

Informing Haig

Buzhardt discussed the matter of erasure with Nixon and Haig on the fifteenth. Buzhardt first met privately with Haig in Haig's office. Buzhardt informed Haig that the conversation with the 18 minute gap was sought under the subpoena, and that it should be turned over. There was also a signal on it that Buzhardt could not identify. Haig replied that it was pretty late to be discovering that this was a subpoenaed tape. (1534)

Buzhardt reported the tones on the June 20 tape to Haig in order to get the message to Nixon or to set up a meeting with Nixon. Buzhardt doesn't recall what Haig said at the time. (1535)

Later in the day, Buzhardt informed Haig that a review of the subpoenaed tapes was continuing. (1535) Even later in the afternoon or perhaps the evening, Buzhardt met with Nixon and Haig in the Oval Office. At that time Buzhardt ~~xxx~~ described the sounds on the tape. (1536)

Buzhardt explained to Nixon that an 18 minute gap existed rather than a 4 1/2 minute one as he had earlier been told. Buzhardt was unable to explain what happened but cannot remember any further details of the conversation. (1537)

Nixon could not recall what the erased conversation was about, but suggested trying to find Haldeman's notes. (1538)

The subject of whether the conversation could be brought out was discussed. Buzhardt said he would find out whether that was possible. (1538-39)

Making a disclosure to the Court was discussed and it was decided that the tape should be turned over. Buzhardt realized what a serious situation this was, but the discussion was directed to including this tape in the analysis and index being made rather than disclosing the obliteration to the Court. (1540-1541)

On November 20th, the White House applied for an extension to the deadline for turning in the index and summary, citing Powers' illness as the reason. There was no discussion of including the fact of the obliteration in the reasons for the extension, but there was discussion that the White House would not wait during the period of the continuance to make disclosures to the court about the matter. (1541-1542)

Buzhardt never felt that he was not getting all the information relevant or pertinent to his ability, to represent the White House. (1542)

Buzhardt cannot explain the fact that he accompanied Zumwalt, Sims, and Bennett to the vault on October 31, to get three tapes when Bennet actually had those tapes with him. (1542-1543)

Buzhardt feels that it was his own carelessness in not inquiring that led him to say all the tapes were in the vault when the hearings began on October 31. (1543)

Buzhardt used Woods' transcripts when making the index and analysis of each of the subpoenaed tapes. (1543) Buzhardt thinks most of these transcripts came from Nixon himself. Woods may have given him one or two. On one

occasion he took a transcript back to Woods for re-checking and improvement if possible. (1544)

After hesitating to say he is contradicting Woods, Buzhardt does say his testimony is different from hers on the point that she saw the transcripts after giving them to Nixon. (1544-1545)

Buzhardt doesn't believe Woods' transcripts were included in the subpoena, but they would be available if the Court rules they are included. (1545-1546)

There was no typing of Haldeman's conversation on the June 20 tape in Woods' transcript. (1457)

Buzhardt talked with Woods about correcting the transcript before the 14th. (1547) It was at this time that he discussed the erasure with Woods. (1548-1549) Buzhardt cannot place the date definitely, but estimates late October or early November. (1549-1550)

When discussing the correction of the transcript Woods asked if Buzhardt knew about her mistake. After he indicated he had heard about the mistake, Woods showed Buzhardt which button she pushed and may have asked if Buzhardt wanted to hear the tape. (1550-1551)

Buzhardt knew Woods had access to the tapes, but not necessarily that they were in her office. Buzhardt did see a tape recorder in her office. (1551)