(9)19 Q+A re Gap

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WATERGATE SPECIAL PROSECUTION FORCE

Stannes Compraning DEPARTMENT OF JUSTICE

# Memorandum

TO : Rich Davis

DATE: June 6, 1975

FROM : Judy Denny

SUBJECT: Proposed Outline for Use in Questioning Richard Nixon About the 18 1/2 Minute Gap

#### I. Background

#### A. The Announcement

Fred Buzhardt, Counsel to the President, announced on November 21, 1973, first in Sirica's chambers and then in open court, that an 18 1/2 minute buzz was discovered the week before on the subpoenaed June 20, 1972 tape of a Nixon-Haldeman conversation.

#### B. The Materiality of the Conversation

The June 20, 1972 morning meetings that Nixon had with Haldeman and Ehrlichman were the first meetings that occurred between these men after the DNC break-in on June 17. The conversations were pinpointed by Haldeman and Ehrlichman's logs and later more precisely by the Presidential Daily Diaries. [Tabs 1 and 2]

Haldeman's notes of this meeting on June 20, 1972 [Tab 3] show that the conversation dealt with several subjects, including the break-in and the proposed public relations "counterattack" by the White House. The 18 1/2 minute buzz obliterates only the Watergate related portion of the conversation.

#### C. The Experts' Report

The Court appointed a panel of experts in accoustics and sound engineering to study the obliterated subpoenaed tape and determine the method of erasure, on what kind of machine it was erased and the possibility of recovering the

obliterated conversation. Their report of January 15, 1974 [Tab 4] shows that the erasure required at least five hand operations of the tape recorder. The machine was a Uher 5000 and was probably the one Woods used. Recovering the conversation was not possible.

#### D. Access to the Tape

#### 1. Secret Service Custody

The June 20, 1972 tape with the 18 1/2 minute gap, (tape box labeled EOB 6/12/72-6/20/72) was not removed from the vault in which the tapes were kept during the time of Secret Service custody according to access records kept by the Secret Service.

The Presidential taping system was such a closely held secret that the Secret Service never set up a procedure for "checking out" tapes. When Bull first asked Sims and Zumwalt for a group of tapes on April 25, 1973, Zumwalt merely made hasty notes on a sheet of paper as to which tapes were being taken out.

While custody remained with the Secret Service, there were only four more requests for tapes: June 4, June 25 and July 10 and 11. On each of these occasions, Zumwalt made notes on whatever was handy and left the note in the safe with the tapes. Although some of the notes were on small pieces of paper bags, there is no evidence that any tape checked out was not recorded in some manner. There is also no evidence (in fact there is evidence to the contrary) that there was any other way to get access to tapes other than through Sims or Zumwalt.

#### 2. General Bennett's Custody

On July 18, 1973, the taping system was removed and the custody of the tapes was transferred to General John Bennett, an aide to General Haig. Bennett made extensive handwritten notes about any movement at all of the tapes. The few mistakes that can be found in his records are due to transcribing data from the backs of the tape boxes either inconsistently or inaccurately. There is no evidence that any of these minor mistakes affected the June 20 tape.

Bennett's notes and receipts show the following movement of EOB 6/12/72-6/20/72:

- September 28, 1973 Bennett removes tape (with others) in Bull's presence and leaves in his (Bennett's) office safe. [Tab 6]
- September 29, 1973 Bull removes tape (with others) and takes to Camp David. Bull cues the tape to the correct conversation and gives it to Rose Woods. [Bull, Woods, G.J.]
- September 30, 1973 Bull helps Rose bring several tapes back to D.C. EOB 6/12/72-6/20/72 is one of those tapes that Woods retains custody of and puts in her safe in her office in the White House. [Tab 7 and Bull and Woods G.J.]
- November 13, 1973 Woods returns tape (with others) to
  Bennett. [Tab 8] Bennett takes tape (with
  others) to NSA for duping process. Bennett
  returns the tapes to his office safe that
  night. [Tabs 9, 10]
- November 14, 1973 Bennett takes tape (with others) back to NSA. After all copies are made, it and the others are sealed for delivery to the Court. [Tabs 9, 10] Copy #1 of the tape is given to Buzhardt and Powers. The 18 1/2 minute gap is discovered that afternoon. [Tab 11]
- II. Conversations Nixon Had About the Subpoena [Tabs 12, 13]
  - A. Item 1a the June 20, 1972 Tape Which Includes the Haldeman-Nixon Conversation with the 18 1/2 Minute Buzz

During his November 28, 1973 testimony at the tape hearings, Buzhardt volunteers that he had a conversation about item la of the subpoena earlier than September 28 or 29, 1973 when he told Haig that the Haldeman conversation was not included in the subpoena. (Hearings 1463, 1469) [Tab 14]

arg- interp, this way to avoid turning over 6/20 ter tape

Buzhardt says that this discussion was with Nixon and that it was "not too long after the subpoena was issued," (Hearings 1471) perhaps July and probably before the end of August. (Hearings 1472) Nixon asked Buzhardt at that time what his opinion was as to why certain items of the subpoena were included. (Hearings 1473) [Tab 14]

# B. Item 1b - the June 20, 1972 Telephone Conversation Between Nixon and Mitchell

From the following testimony by Bull, it is apparent that either Nixon was displaying a remarkable memory or that he had carefully studied and researched the subpoena. Bull says that on September 29, when he and Rose Woods were at Camp David, Nixon came into their cabin where they were working on the tapes. Bull tells Nixon that he has three problems with locating subpoenaed conversations. One of those problems is the June 20, 1972 telephone conversation between Nixon and Mitchell (item 1b). Nixon immediately replies that that phone call took place on an untapped phone. (Bull G.J. February 1, 1974, 79-80) [Tab 15]

#### III. Camp David - September 29-30, 1973

Bull testifies that he called Al Haig when he realized that there was no Haldeman, Ehrlichman, Nixon meeting on the morning of June 20, 1972, as called for in the subpoena. This was the first taped conversation that Bull looked for so the call was placed soon after Bull and Woods arrived at Camp David (probably 9:00-9:30 a.m.).

Haig calls back and gives Woods the message that only the Ehrlichman portion is called for by the subpoena. After the Tape Hearings begin, Woods finds the time of the call (10:10 a.m.) and puts it on her typed message. [Tab 16]

Nixon has met with Haig from 9:35-9:50 a.m. [Tab 17]

Bull and Woods both testify in the Tape Hearings and in the Grand Jury that Nixon visited Dogwood Cabin in the afternoon of September 29, 1973 when they were working on the tapes. They say that Nixon put on earphones and listened to several portions of the tape. The Presidential Daily Diary confirms that Nixon did visit Dogwood Cabin from 1:58-2:05 p.m. [Tab 17]

Later in the day, Nixon spoke with Haig (2:09-2:21 p.m.), Ziegler (4:46-4:49 p.m.), Woods (meeting from 6:19-6:50 p.m.), Haig (6:42-6:53 p.m.), Buzhardt (6:54-7:02 p.m.), and Woods (meeting from 7:30-7:35 p.m.) [Tab 17]

#### IV. October 1, 1973

Bull and Woods both testify that Woods requested and received a tape recorder which had smaller earphones and a footpedal on the morning of October 1, 1973. A Secret Service purchase order confirms that a Uher 5000 was purchased and delivered to Woods.

Woods testifies that she finished transcribing the "gist" of the Ehrlichman conversation on the new Uher 5000 machine and began the Haldeman conversation (in order to establish that the Ehrlichman conversation which she had been requested to do was in fact finished). She was interrupted from working on the tape by a phone call which she estimates lasted no more than five minutes. When she returned to her work on the tape, she discovered a loud buzz. She only listened a minute or two and then she went to see Nixon at her first opportunity. She explained to Nixon that she may have accidentally erased a portion of the tape by keeping her foot on the footpedal while she was talking on the phone. She was assured by Nixon that there was no harm done since this was a part of the tape that was not included in the subpoena.

The Daily Diaries show that Nixon met with Rose Woods alone from 2:10-2:15 p.m. that day. [Tab 18]

#### V. Key Biscayne - October 4-7, 1973

Bull and Woods took all of the tapes in Woods' possession (including EOB 6/12/72-6/20/72) to Key Biscayne even though she may have finished transcribing some of them. Woods is vague about how many of the tapes she had finished by this time and how many she finished while she was there.

Bull ordered a safe for the tapes while they were in Key Biscayne, that was installed by the White House Communications Agency. Secret Service agents were assigned to guard the safe and to limit access to Bull and Woods only. Some unusual early morning activity is shown one day in the access log that was kept by the agents. [Tab 19]

Woods says that she did not discuss the tapes with Nixon on that trip, except perhaps to lament about how hard the job was. Nixon did not visit the place where Woods was staying and working on the tapes. Woods did have Bull deliver a package to Nixon late the first night that they were in Key Biscayne (the same night as the unusual activity with the safe). Woods explains that it was merely some routine correspondence and other normal business matters.

#### IV. October 7-November 13, 1973

Woods estimates that she probably finished transcribing all of the tapes around October 21-23. There is no other testimony about this period other than Woods saying that she kept the tapes locked in her safe at all times.

The Court of Appeals upheld the District Court's decision to force Nixon to comply with the subpoena on October 12, 1973.

Cox was fired on October 20, 1973.

The Tape Hearings to determine the facts around two of the subpoenaed tapes not being recorded were begun on October 31, 1973. The hearings were adjourned November 12 to wait for Butterfield's testimony.

Woods testified on November 8, 1973 and did not disclose her "accident" of October 1. She made statements like "I used my head. It's the only one I've got," when asked about her procedure to make sure that the tapes were handled carefully. She also implies that the June 20, 1972 tape includes both the Ehrlichman-Nixon conversation and the Haldeman-Nixon conversation.

#### PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

PLACE DAY BEGAN THE WHITE HOUSE

DATE (Mo., Day, Yr.) JUNE 20, 1972 TIME DAY

WASHINGTON, D.C.  TIME PHONE P=Place R=Receiv			ONE Placed eccived	ACTIVITY
la	Out	Lo	LD	EXI
8:40				The President had breakfast.
9:00				The President went to the Oval Office.
9:01	9:04			The President met with his Deputy Assistant, Alexander P. Butterfield.
10:20				The President went to his office in the EOB.
10:25	11:20			The President met with his Assistant, John D. Ehrlichman.
10:51	10:54	P		The President talked with his Deputy Assistant, Edward L. Morgan.
11:26	12:45			The President met with his Assistant, H. R. Haldeman.
12:32	12:33	R		The President talked with his daughter, Tricia.
12:46		P		The President telephoned Senator Margaret Chase Smith (R-Maine). The call was not completed.
12:53	12:55	P		The President talked with Senator Smith.
1:27	2:10			The President met with his Deputy Assistant, Maj. Gen. Alexander M. Haig, Jr.
1:30	1:35	P		The President talked with Senate Minority Leader Hugh Scott (R-Pennsylvania).
1:38	1:39		P	The President talked long distance with Joseph Trerotola, Vice President of the International Brotherhood of Teamsters, in New York City.
1:45	1:49	P		The President talked with his Counsel, Clark MacGregor.
2:16	2:17	P		The President talked with his Special Counsel, Charles W. Colson.
2:20	3:30			The President met with Mr. Colson.
3:33		P		The President telephoned Staff Assistant Stephen B. Bull.  President talked with Beverly J. Kaye, Mr. Bull's secretary.
4:09	4:14	P		The President talked with his Special Assistant, Patrick J. Buchanan.
4:35	5:25		7	The President met with Mr. Haldeman.
5:25	1			The President went to the Barber Shop.

	-			(See Travel Record for Travel Activity)
LACE DAY	BEGAN			DATE (Mo., Day, Yr.)
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WASHINGTON, D.C.  TIME PHONE P-Placed R=Received			ONE	
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	Oat	100		
5:50	5:53			The President met with Mr. Butterfield.
6:01				The President returned to the second floor Residence.
6:08	6:12	P		The President talked with John N. Mitchell, Campaign Director the Committee for the Reelection of the President.
6:30				The President and the First Lady had dinner in the Yellow Oval Room.
7:36				The President returned to his office in the EOB.
7:52	7:59	P		The President talked with Mr. Haldeman.
8:04	8:21	P		The President talked with Mr. Colson.
8:42	8:50	R		The President talked with Mr. Haldeman.
11:22				The President returned to the second floor Residence.
11:33	12:05	P		The President talked with Mr. Colson.
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be sure 200 office is thoroty chal re trug at all times - etc. what is our counter-attack? PR Opensive to top this hit the opposition uf their activities . pt. out-libertacions have cuated fullie cather. do they justify This less than Stealing Rentingion papers, anderson file e we shid be on the attack - for diversion -- what is sched in STR SMI hearings? Julie come out later PN not to the shower

January 15, 1974

Report to Chief Judge John J. Sirica

From the Advisory Panel on the White House Tapes

In response to your request we have made a comprehensitechnical study of the White House tape of June 20, 1972, with special attention to a section of buzzing sounds that lasts approximately 18.5 minutes. Paragraphs that follow summarize our findings and indicate the kinds of tests and evidence on which we base the findings.

Magnetic signatures that we have measured directly on the tape show that the buzzing sounds were put on the tape in the process of erasing and re-recording at least five, and perhaps as many as nine, separate and contiguous segments. Hand operation of keyboard controls on the Uher 5000 recorder was involved in starting and again in stopping the recording of each segment. The magnetic signatures observed on the tape show conclusively that the 18.5-minute section could not have been produced by any single, continuous operation. Further, whether the footpedal was used or not, the recording controls must have been operated by hand in the making of each segment.

The erasing and recording operations that produced the buzzing section were done directly on the tape we received for study. We have found that this tape is 1814.5 feet long, which lies within a normal range for tapes sold as 1800 feet in length. We have examined the entire tape for physical splices and have found none. Other tests that we have made thus far are consistent with the assumption that the tape is an original and not a re-recording.

A Uher 5000 recorder, almost surely the one designated as Government Exhibit #60, was used in producing the 18.5-minute section. Support for this conclusion includes recorder operating characteristics that we measured and found to correspond to signal characteristics observed on the evidence tape.

The buzzing sounds themselves originated in noise picked up from the electrical power line to which the recorder was connected. Measurements of the frequency spectrum of the buzz showed that it is made up of a 60 cycles per second fundamental tone, plus a large number of harmonic tones at multiples of 60. Especially strong are the third harmonic at 180 and the fifth harmonic at 300 cycles per second. As many as forty harmonics are present in the buzz and create

its "raucous" quality. Variations in the strength of the buzz, which during most of the 18.5-minute section is either "loud" or "soft," probably arose from several causes including variations in the noise on the power line, erratic functioning of the recorder, and changes in the position of the operator's hand while running the recorder. The variations do not appear to be caused by normal machine operations.

Can speech sounds be detected under the buzzing? We think so. At three locations in the 18.5-minute section, we have observed a fragment of speech-like sound lasting less than one second. Each of the fragments lies exactly at a place on the tape that was missed by the erase head during the series of operations in which the several segments of erasure and buzz were put on the tape. Further, the frequency spectra of the sounds in these fragments bear a reasonable resemblance to the spectra of speech sounds.

Can the speech be recovered? We think not. We know of no technique that could recover intelligible speech from the buzz section. Even the fragments that we have observed are so heavily obscured that we cannot tell what was said.

The attached diagram illustrates the sequence of sound events in the 18.5-minute section. Also illustrated is a

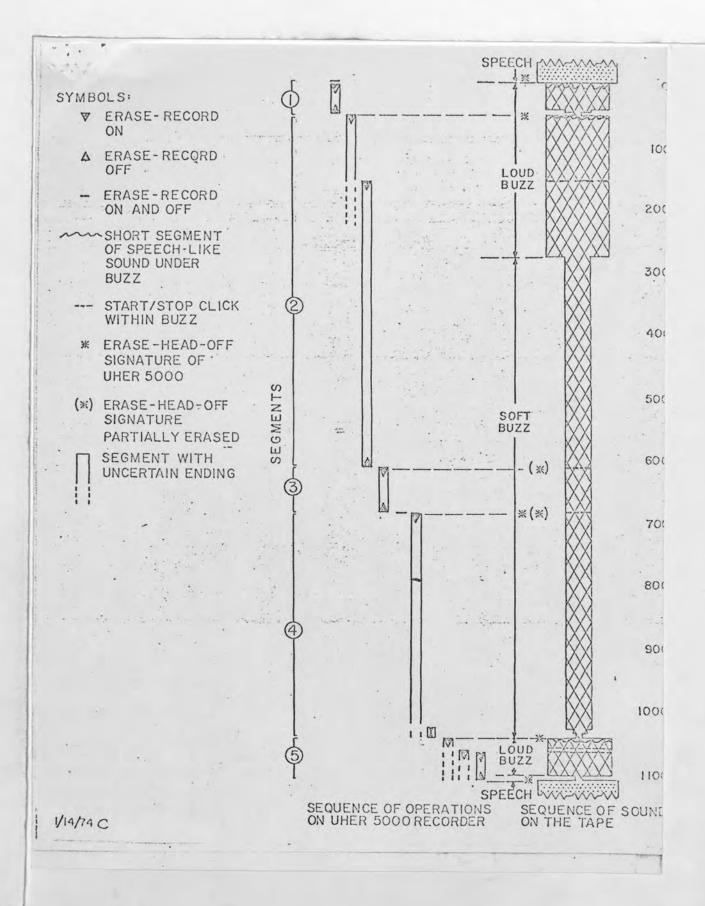
sequence of Uher operations "erase-record on" and "erase-record off" that are consistent with signatures that we measured on the evidence tape. The five segments that can be identified unequivocally are labeled "1" through "5." In addition, the diagram shows four segments of uncertain ending.

In developing the technical evidence on which we have based the findings reported here, we have used laboratory facilities, measuring instruments, and techniques of several kinds, including: digital computers located in three different laboratories, specialized instruments for measuring frequency spectra and waveforms, techniques for "developing" magnetic marks that can be seen and measured directly on the tape, techniques for measuring the performance characteristics of recorders and voice-operated switches, and statistical methods for analyzing experimental results.

In summary we have reached complete agreement on the following conclusions:

- 1. The erasing and recording operations that produced the buzz section were done directly on the evidence tape.
- 2. The Uher 5000 recorder designated Government Exhibit #60 probably produced the entire buzz section.
- 3. The erasures and buzz recordings were done in at least five, and perhaps as many as nine, separate and contiguous segments.
- 4. Erasure and recording of each segment required hand operation of keyboard controls on the Uher 5000 machine.
- 5. Erased portions of the tape probably contained speech originally.
- $\underline{6}$ . Recovery of the speech is not possible by any method known to us.
- 7. The evidence tape, in so far as we have determined, is an original and not a copy.

Respectfully submitted,
Richard H. Bolt
Franklin S. Cooper
James L. Flanagan
John G. (Jay) McKnight
Thomas G. Stockham, Jr.
Mark R. Weiss





# Record of Transfer

18 July 1973

. 10:15 -- Meet with Haig, Buzhardt, Garment, and Ray Price and Bruce Kerhli. Received instructions.

> No change in location. No other material to be included. Supervise complete change of security. Keep a record. Record names of those concerned.

10:25 -- Inspect premises with K & S.

10:35 -- Broke news to S. Confirmed with Buzhardt, at which time instructions to remove machinery were issued.

11:30 - Called Haig reference Lawson, Moore and Commally

4:30 - Visited site: Est. 2 more hours.

4:40 - talked to B. promised to call when complitu.

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2200 - all soured

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(over)

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29 Sep.

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(REVERSE SIDE OF CARD)

32-8

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Return of the following reels of tape recordings from Miss Rose Mary Woods receipted this thirteenth day of November, 1973: (identified by 1st line on box)

- EOB Office start 3/20/73 1.
- Oval Office 9/15/72 2.
- Oval Office 3/13/73 3.
- EOB Office start 6/30/72 4.
- EOB Office start 3/20/73
- Oval Office 3/21/73
- Oval Office 4/16/73 7.
- (Copy of Box) EOB Office on 4/10/73
- 8. EOB Office 6/12/72 -> 9.
- Oval Office 2/28/73 10.
- Oval Office 4/14/73
- EOB Office 4/16/73 (Now Sth given) 12.
- Oval Office 4/18/73 ----13.
- Oval Office 4/17/73 14.
- Oval Office 4/17/73 15.

(Xerox copies of each Box attached)

Rose Mary Woods

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-2-3. Oval office 205(1) 2223 6/30/72 (9 a.m.)
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## NSA Day Two - 14 NOV73 (WED)

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3. One original of 2/28/73.

1755 (sover) called & is, closed 128" and ontend vault. I place I stome 1,2, and 3in variet, Summary 1 box, 18 tapes parelle vault. Back in office at 1805 (or office one present outside court while I was inde-idet, etc.).

November 14, 1973 (5:00 p.m.)

I have personally received from John C. Bennett the

following tapes this date (all tapes are Copies No. 1 of originals):

- · EOB Office start 3/20/73 3/23/73 ∨
- 2. EOB Office start 6/30/72~
- EOB Office start 3/20/73 3/28/73~
- Oval Office 3/21/73 Oval Office 4/16/73
- (Copy of Box) EOB Office on 4/10/73 -EOB Office 6/12/72 6.
- 7.
- 8. EOB Office 4/11/73 >
- 9. WH Tel 5/25/72.
- 10. Oval Office 2/28/73 >

subpoena Duoes Tecum Milled States District Court

For the District of Columbia

# THE UNITED STATES 1.8.

REPORT TO UNITED STATES DISTRICT COURT HOUSE

and on Constitution Avenue NW. Washington, D.C. Between 3d Street and John Marshall Place MINIMUM Grand Jury Noom 3

70: control of the documents or objects hereinefter described on the attached schedule. subordinate officer, official, or employee with custody or Richard M. Nixon. The White House, Washington, D. C., or any

You are hereby commanded to attend before the Grand Jury of said Court on .... Thursday

the 26th day of July ,19.73., at 10 o'clock A.M., to testify ontbehalf with being with you the documents or objects listed on the attached sched-WITAESS: The Honorable John J. Sirica Chief Judge of said Court, this ule. 23rd

The Robert ANGHIBAND COXILEG States

JAMES F. DAVEY, Clerk.

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Kaderk O. Oxene Deputy Clerk.

Form No. USA-9x-184 (Rev. 7-1-71)

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#### MARSHAL'S RETURN

Subpornaed personally all, the	UNITED STATES
day of, 19	UNITED STATES
	vs.
wohington, C.C.	
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on behalf of the	
President	
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Grand Jury No.....

### UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

GRAND JURY SUBPOENA DUCES TECUM Dated July 23, 1973

Schedule of Documents or Objects to be Produced by or on Behalf of Richard M. Nixon:

- All tapes and other electronic and/or mechanical recordings or reproductions, and any memoranda, papers, transcripts or other writings, relating to:
- (a) Meeting of June 20, 1972, in the President's Executive Office Building ("EOB") Office involving Richard Nixon, John Ehrlichman and H. R. Haldeman from 10:30 a.m. to noon (time approximate).
- (b) Telephone conversation of June 20, 1972, between Richard Nixon and John N. Mitchell from 6:08 to 6:12 p.m.
- (c) Meeting of June 30, 1972, in the President's EOB Office, involving Messrs. Nixon, Haldeman and Mitchell from 12:55 to 2:10 p.m.
- (d) Meeting of September 15, 1972, in the President's Oval Office involving Mr. Nixon, Mr. Haldeman, and John W. Dean III from 5:27 to 6:17 p.m.
- (e) Meeting of March 13, 1973, in the President's Oval Office involving Messrs. Nixon, Dean and Haldeman from 12:42 to 2:00 p.m.
- (f) Meeting of March 21, 1973, in the President's Oval Office involving Messrs. Nixon, Dean, and Haldeman from 10:12 to 11:55 a.m.
- (g) Meeting of March 21, 1973, in the President's EOB Office from 5:20 to 6:01 p.m. involving Messrs. Nixon,

Dean, Ziegler, Haldeman and Ehrlichman.

- (h) Meeting of March 22, 1973, in the President's EOB Office from 1:57 to 3:43 p.m. involving Messrs. Nixon, Dean, Ehrlichman, Haldeman and Mitchell.
- (i) Meeting of April 15, 1973, in the President's EOB Office between Mr. Nixon and Mr. Dean from 9:17 to 10:12 p.m.
- 2. The original two paragraph memorandum from W. Richard Howard to Bruce Kehrli, dated March 30, 1972, concerning the termination of Howard Hunt as a consultant and transfer to "1701", signed "Dick," with handwriting on the top and bottom of the one-page memorandum indicating that it was placed there by Kehrli. (A copy of this memorandum was turned over to the Federal Bureau of Investigation on August 7, 1972, by James Rogers, Personnel Office, White House.)
- 3. Original copies of all "Political Matters Memoranda" and all "tabs" or "attachments" thereto from Gordon Strachan to H. R. Haldeman between November 1, 1971, and November 7, 1972.

inconsistent as well as incomplete. In all probability, therefore, the grand jury's search for the truth of these events will be greatly assisted by obtaining an accurate record of each of the nine conversations identified in the subpoena and described below.

- 1. Meeting of June 20, 1972. Respondent met with John D. Ehrlichman and H. R. Haldeman in his Old Executive Office Building (OEOB) office on June 20, 1972, from 10:30 a.m. until approximately 12:45 p.m. There is every reason to infer that the meeting included discussion of the Watergate incident. The break-in had occurred on June 17 -- just three days earlier. Dean did not return to Washington until June 18 (S. Tr. 2166). Mitchell, Haldeman and LaRue had also been out of town and did not return until late on June 19 (S. Tr. 3305, 3307, 6195). Early on the morning of June 20, Haldeman, Ehrlichman, Mitchell, Dean and Attorney General Kleindienst met in the White House. This was their first opportunity for full discussion of how to handle the Watergate incident, and Ehrlichman has testified that Watergate was indeed the primary subject of the meeting (S. Tr. 5923-5924). From there, Ehrlichman and then Haldeman went to see the President. The inference that they reported on Watergate and may well have received instructions, is almost irresistible. The inference is confirmed by Ehrlichman's public testimony that the discussion with respondent included both Watergate and government wiretapping (S. Tr. 5924-25). The contemporary evidence of that meeting should show the extent of the knowledge of the illegal activity by the participants or any effort to conceal the truth from the respondent.
- 2. Telephone call of June 20, 1972. Respondent and John Mitchell, the director of respondent's campaign for

TAP

BY MR. BEN-VENIETE:

Q Mr. Buzhardt, did there come a time, sir, when you were contacted by someone from the White House staff around September of 1973 concerning whether a particular portion of a tape recorded conversation involving the President as one of the participants was called for by a subpoena issued by a Federal Grand Jury?

A Yes; but let me add, I do not believe this is the first time I had discussed it --

THE COURT: -- Can you increase the volume on the microphene, Mr. Clerk.

Try it again.

THE WITNESS: Yes. But this was not the first time which I had discussed the particular item of the subpoera.

BY MR. BEN-VENISTE:

Q Referring to a June 20 subposmed conversation which occurred in the Executive Office Building?

A Referring to the iten covered by 1-A of the subpoena which says, meeting on June 20, 1972 in the President's Executive Office Building, TOB, office involving Messrs. Richard Himon, John Ehrlichman, and H. R. Haldeman from 10:30 to noon-time approximately.

Q My question was whether there came a time in September around the end of the month when you had a conversation

TAB

first item of the subposne.

As I said before, it was not the first time that I bad discussed item 1-A with anyone.

Q Let's fix on the conversation you had with General Haig, then we can add whatever it is you want to add.

That conversation, would you give us the substance of the conversation to the best of your recollection?

A Well, there was an inquiry about that was covered by 1-A of the conversation --

O -- Most respectfully, Mr. Dashardt, could you say who made the inquiry, what was said to your best recollection?

A To the best of my recollection, the inquiry came from General Heig.

Q What did he say?

A I don't remember his words, Mr. Den-Veniste. He inquired about what was covered in the first item of the sub-poena.

O You don't recall in any greater detail than that whether he said there is some question, we are experiencing some confusion, we are uncertain or any language like that?

A No.

Q And did he specify what the problem was?

A I don't recall.

Q What do you recall your telling Ceneral Haig?

A I remember telling him that the conversation covered

- O Did you consult with anyone prior to giving this opinion to General Heig?
  - A Ho.
- O And you had discussed the matter previously, I take it, was with Professor Wright to some extent?
- A I don't ever recall discussing this particular item of the subpoena with Professor Wright, no.
- 0 Wasn't Professor Wright substantially involved in the question of litigation over the tapes?
  - A That is correct.
  - 2 And did you work with him on that metter?
  - A Yes, I did.
  - O . Who was it you discussed the matter with previously?
  - A I discussed the matter previously with the President.
- Q And did the President voice on opinion as to the accuracy of the subpoena?
  - A I don't recall him voicing an opition.
  - Q You voiced an opinion to the President?
  - A Yes.
  - Q And when was that?
- A I don't recall, Mr. Ben-Veniste. It was some time probably not too long after the subpoena was issued, or the litigation was cormenced.
  - O Where did this conversation take place?
  - A I don't recall.

- Q Do you recall whether it was in the month of July?
- A No. It could have been.
- Q Could it have been later than the end of August?
- A I don't think so.
- Q Now, do you recall whether the conversation took place in the President's office?
  - A Mo.
  - Q I acome it didn't take place in your office?
  - A No, it did not take place in my office.
  - Q Do you recall where it did take place?
  - A No, Y don't recall where it took place.
  - Q Might it have been on the telephone?
  - A It could -- I don't believe it was, no.
  - Q Do you recall any circumstances of that meeting?
- A No, I remember discussing with the President, I remember the gist of the conversation. It was not just about this item of the subpoena but about several of the items.
- Q Could you give us to the best of your recollection what you said to the President on this occasion and what he said to you?

Let ue ask you as a preface to that whether it was at your suggestion that the meeting was held or at the President's?

- A I don't have any idea.
- Q That do you remember?

- why contain items on the submerse true principled and I recall giving him to the best of a recalling thy they would have been suppossed.
- Q With respect to the June 20 conversation, what did the President say to you and what did you say to him?
- nek for that and I told him that I accused that they wanted it because of the -- it must have been after Hr. Ehrlichmen testified in the Senete, because I recall I knew at that time that Mr. Ehrlichmen had testified about the particular conversation twice, once he had said that Matergate matters were not discussed and later corrected his testimony and said they were.
  - Q That is the reason?
  - A That is one of the reasons, yes.
- Q Was another one of the reasons the fact there had been meetings of the President's advisors in the morning, meetings between Mr. Mitchell, Mr. Maldeman, Mr. Ehrlichman, Mr. Kleindienst, Mr. Dean, and that this was the first occasion that they all got together back in Washington after the Watergate break-in?
- A No. I den't think so. I den't think I had really -I was aware of Mr. Ehrlichmen's testimony, I was perhaps aware
  that this was why the line of questioning to Mr. Ehrlichmen at
  the time but I guess from my state of mind at the moment, I

Steve Bull 6.9"

the President and his advisors occurred to you spontaneously and was not suggested by anyone else as being a potential problem?

- A. You mean when I was looking for it?

  Well, I wanted to know -- yes, excuse me, yes.
  - Q. You brought that out yourself?
- A. Yes, that there was something wrong. The two didn't coincide. There was not a joint meeting, you know, and maybe the date had been wrong or something like that on the subpoena or maybe our logs could have been wrong.

  Just something wasn't right.
- Q. You say when the President arrived -- when the President arrived were you present?
- A. I don't think I was -- I think I was in the back.
- Q. You were in this back room?
  - A. Yes.

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- Q And you didn't come out of there when the President of the United States came in?
- A No, sir, and I don't recall hearing him come in.

  My recollection is that I came in and saw him

  there and normally I don't like to, you know, interrupt

  conversations like that -- they were there talking, the

  President and Miss Woods, but I was already there and that

  is when I told him that we didn't have the Mitchell telephone

  conversation.

TAG

Q You told the President that? A. Yes, sir. Q. And did you tell him anything about the Ehrlichman conversation? I may have, but I don't recall the conversation 6 on that. You don't recall the conversation? A. I may have, but I can't recall it. 8 Ω What do you recall happening from the time you 9 walked into the room and saw the President there with Miss Woods? A. My recollection is that the President was sitting in a chair next to Miss Woods and they were talking. I 13 stumbled in in the middle of a conversation there, but I was 14 already there, so I stayed. I told him that we didn't have the Mitchell conversation and he asked me something or other, I guess where was it, or something of the like, and then he told me, "Oh, I made that telephone conversation from the West Hall, "which is the living room of the White House, in their private quarters in the White House. 20 Q He told you that right then and there? A. Yes, sir. That he remembered it? Ω. A. Yes, that he remembered it and it was made from the West Hall and that phone didn't have a recording device

on it, the only one in the White House, you know, the White House residence, and it was at that time also that I told him I was having difficulty in finding the April 15th conversation with John Dean.

That was the last item on the list.

- Q. So you had run through them all by that time?
- A. I can recall having pretty good luch going through and I had written on my cuing notes and put pieces of paper right within the reel of tape so that if the cuing notes were lost or it would just be easier to find them, not going by the cuing notes but you could just run them by looking at a piece of paper and in a period of about three hours I was able to find maybe five other conversations, so I explained to him at that time that I couldn't find the Dean conversation and at that time gave him a hypothesis of possibly why not, which was based on incorrect understanding on my part of how that EOB recording system worked.
  - 0. What did you tell him?
  - A. I told him that there were two recording machines over there for the EOB and that the second one acted as a backup to the first one, that, you know, if the first one failed, the second one would turn on and begin recording and I called back to the White House, to the man named John Bennett and asked him to go in the White House and look in the safe, or wherever it was he had the tapes, the valut, or something,

CRITING CO., UNG. ADM AVENUE, R.I. (1000)

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and see if he could find the tape for that day that would have been on the backup recorder, and that is what I told him, and then I went on my way, giving him some hope that we had the second tape or second conversation.

Q What was the conversation between the President and Miss Woods when you came in the room?

A. I don't remember it and I think -- maybe it stopped. I don't know. I just came in in the conversation, but I don't remember what they were saying.

Q I take it Miss Woods had a tape on the machine at the time?

A. I believe so. I don't think she removed it.

Q. She had the same tape she started with?

A I believe that was it. I think she worked all weekend on that tape.

Q. And if I understand your testimony, you are saying that you told the President that you couldn't find the tape recording of the conversation he had with John Mitchell on the 20th of June, 1972?

A. Right.

Q. Approximately 14 or 15 months prior to the time you were having that conversation with the President in the lodge at Camp David?

A. Right.

Q And the President told you, "Well, I made that

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telephone call from a telephone in the White HOuse that wasn't recording."

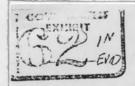
He remembered that?

- A. He said it was in the West Hall and the West Hall is the living room of the White House. It is just known as the West Hall.
- Q. He remembered the telephone call and the conversation and where it was made from, you are saying?
- A. I don't know about the first two parts, but I remember him saying that he remembered it being made from the West Hall, which is the living room.
- Q Did he tell you at that time that that telephone was not being recorded?
- A I think he may have. I think he may have offered the explanation that, of course, it wouldn't be recorded.
- Q Was that the first time that the President had seen that subpoena, as far as you know?
  - A. I don't know.
- Q So theoretically, if he looked at the subpoena, he would have been able to tell you that you wouldn't find any conversation?
- A. Possibly, yes, sir.
  - Q. What else occurred in that conversation?
  - A. Well, what I just related about telling him the

Avenue, N.L.

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## Coxxxxxx

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

Al Haig

10:10Am Sept. 29 th, 1973

(Camp David)

TAD 14

DATE (Mo., Dar, Yr.)
SEPTEMBER 29, 1973
TIME DAY
9:17 a.m. SATURDAY

THE WRITE HOUSE WASHINGTON, D.C.

TIME		PmPlated Reserved		ACTIVITY		
In	Out	Lo	LD			
9:17				The President went to the Oval Office.		
9:18		.Р		The President requested that his Assistant, Ronald L. Ziegler, join him.		
9:19	9:36			The President met with Mr. Ziegler.		
9:37	9:50			The President met with his Assistant, Alexander M. Haig, Jr.		
9:52	10:06			The President met with his Counsellor, Bryce N. Harlow.		
10:07	10:53			The President met with: Senator Charles H. Percy (R-Illinois) Mr. Harlow		
		1		White House photographer, in/out		
10:11	10:14		P	The President talked long distance with Senator James B. Pearson (R-Kansas) in Topeka, Kansas.		
10:54	10:59			The President met with Secretary of State Henry A. Kissinger.		
11:03	12:07			The President met with:  Willy Brandt, Chancellor of the Federal Republic of Germany		
11:03	12:04			Berndt von Staden, Ambassador from the Federal		
11:03	12:04			Gunther van Vell, Political Director for the Ministry of Foreign Affairs of Germany		
11:03	12:04			Secretary Kissinger Brig. Gen. Brent G. Scowcroft, Deputy Assistant Members of the press, injust		
12:07				White House photographer, in/out The President and Chancellor Brandt went to the Rose Garden.		
12:07	12:12			The President participated in a photo opportunity with:		
12.07				Chancellor Brandt Ambassador von Staden		
				Mr. van Vell Secretary Kissinger		
				Members of the press, in/out White House photographer, in/out		
12:12				The President, accompanied by Secretary Kissinger, returned to the Oval Office.		
12:12	12:14			The President met with Secretary Kissinger.		
12:21	12:25	-		The President met with Secretary Kissinger.		

## PRESIDENT MICHARD MIAUN'S DAILT DIAMT (See Travel Record for Travel Activity)

- AY BEGAN

THE WHITE HOUSE

SEPTEMBER 29, 1973
TIME DAY
12:26 p.m. SATURDAY

TIME PRI		7 a.ed	ACTIVITY		
Ia Ia	Out	Lo	LD		
12:26	12:45			The President met with Mr. Haig.	
12:46	12:47	P		The President talked with the First Lady.	
12:43	1:14			The President met with: Mr. Harlow	
1:09	1:10			Gerald L. Warren, Deputy Press Secretary Mr. Ziegler Mr. Ziegler	
1:10	1	P		The President requested that Mr. Ziegler join him.	
1:15		1			
		1		The President went to the South Grounds of the White House.	
1:19	1:50			The President flew by helicopter from the South Grounds of t White House to Camp David, Maryland. For a list of passengers, see APPENDIX "A."	
1:51	1:53			The President and the First Lady motored from the Camp David helipad to Aspen Lodge.	
1:56				The President went to Dogwood Cabin.	
1:58	2:05			The President met with:  Rose Mary Woods, Executive Assistant Stephen B. Bull, Special Assistant	
2:06				The President returned to Aspen Lodge.	
2:00	2:21		Ď	The President talked long distance with Mr. Haig in Washington, D.C.	
2:23	2:36		P	The President talked long distance with his brother, F. Donald Nixon, in Arlington, Virginia.	
3:27	3:28	P		The President talked with his Physician, Maj. Gen. Walter R. Tkach.	
4:40			P	The President telephoned long distance to Mr. Ziegler in Washington, D.C. The call was not completed.	
4:46	4:49		P	The President talked long distance with Mr. Ziegler in Washington, D.C.	
6:19	6:50			The President met with Miss Woods.	
6:24	6:26	P		The President talked with Mr. Bull.	
	1 .			* *	

THE WHITE HOUSE

DATE (Mo., Day, Yr.) SEPTEMBER 29, 1973
TIME DAY
6:35 p.m. SATURDAY

TIME		PlioNE Partited Residenced		ACTIVITY	
In	Out		[ 15		
6:35			P	The President telephoned long distance to his Special Counsel J. Fred Buzhardt, Jr., in Washington, D.C. The call was not completed.	
6:42	6:53		P	The President talked long distance with Mr. Haig in Washington, D.C.	
6:50	7:30			The President had dinner with:  The First Lady Julie Eisenhower Miss Woods	
6:54	7:02		P	The President talked long distance with Mr. Buzhardt in Washington, D.C.	
7:30	7:35			The President met with Miss Woods.	
8:24	10:05			The President saw the movie "Bang the Drum Slowly" with: The First Lady Julie Eisenhower	
		1		Julie Elsemiower	
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THE WHITE HOUSE

## PRESIDENT RICHARD NIXON'S DAILY DIARY (See Travel Record for Travel Activity)

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PLACE DAY BEGAN

THE WHITE HOUSE

DATE (Mo., Day, Yr.)
OCTOBER 1, 1973

TIME DAY

WASHINGTON, D.C.			8:46 a.m. MONDAY				
TIME		PHONE P=Placed R=Received		ACTIVITY			
In	Out	Lo	LD				
8:46				The President went to the Oval Office.			
8:46		P		The President requested that his Assistant, Ronald L. Zieg join him.	gler,		
8:47	8:49	P		The President talked with his daughter, Julie.			
8:50	9:16			The President met with Mr. Ziegler.			
			1	The President met with:			
9:17	10:45			Alexander M. Haig, Jr., Assistant			
9:50	10:18			Melvin R. Laird, Counsellor			
				The President met with:			
0:57	12:09			Henry A. Kissinger, Secretary of State Francois-Xavier Ortoli, President of the Commission of the European Communities	on		
1:06	12:09			Philippe de Margerie, Chief of the Cabinet for the Commission of the European Communities	2		
1:06	12:09			Charles A. Cooper, Deputy Assistant			
1:06	12:09			Alec Toumayan, State Department interpreter			
				Members of the press, in/out White House photographer, in/out			
				miles masse photographics, any out			
2:09				The Presidential party went to the West Lobby.			
				The President bade farewell to Mr. Ortoli.			
12:10			1	The President returned to the Oval Office.			
12:11	12:13			The President participated in a promotion ceremony for his Deputy Assistant, Brig. Gen. Brent G. Scowcroft who was promoted to Major General in the U.S. Air Force. For a list of attendees, see <a a."="" house="" href="#APPENDIX" photographer"="" white="">APPENDIX "A."</a> White House photographer, in/out	S		
12:15	12:17			The President met with: Congressman Del Clawson (R-California) Max L. Friedersdorf, Deputy Assistant White House photographer, in/out Congressman Clawson presented the President with a centennial plate from Downey, California.			
12:28	12:30			The President participated in a signing ceremony for S. 11 the Domestic Volunteer Service Act of 1973. For a list attendees, see APPENDIX "B."  Members of the press, in/out White House photographer, in/out			

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THE WHITE	HOUSE			PRESIDENT RICHARD NI	XON'S DAILY DIARY	
WEATE DAY	-DEGAN			(See Travel Record for Travel Activity)		DATE (Mo., Day, Yr.) OCTOBER 1, 1973
THE WHITE HOUSE WASHINGTON; D.C.				•		TIME DAY 12:38 p.m. MONDAY
• т	TME	PHON P=Place R=Recei	red ved	ACTIVITY		
In	Out	Lo 1	LD			
12:38		P		Biscayne, Florida	. The call was	
12:58			1	The President went t	o his office in	the EUB.
1:14	1:20	P	2	The President talked in New York City.		ith his daughter, Tricia,
			1	The President met wi	th:	
2:04	2:10 2:15				lter R. Tkach, Pools, Executive A	
2:15		P	1	The President reques	ted that Mr. Zie	gler join him.
2:25	2:41			The President met wi	th Mr. Ziegler.	
2:44	2:47	P	2	The President talked Biscayne, Florida		ith Mr. Rebozo in Key
2:45	3:05		1	The President met wi	th Mr. Haig.	
3:06			1	The President, accom Executive Avenue.		ig, went to West
3:06	4:55			The President and Mr metropolitan area		hrough the Washington
4:57			1	The President return	ed to his office	in the EOB.
5:01			1	The President return	ed to the second	floor Residence.
5:20	5:25	R		The President talked	with Mr. Haig.	
5:34	5:35	P		The President talked Carolina).	with Senator St	rom Thurmond (R-South
5:36	5:45	P	1	The President talked	with Senator Jo	hn G. Tower (R-Texas).
5:41	5:43	P	1	The President talked Washington).	with Senator He	nry M. Jackson (D-
5:44		P	1	The President teleph Mississippi). Th		
5:46	5:50	P		The President talked	with Secretary	Kissinger.
6:03	6:10	P		The President talked	with Senator St	ennis.
						a.
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THE WHITE HOUSE				PRESIDENT RICHARD NIXON'S DAILY DIARY  (See Travel Record for Travel Activity)				
THE WHITE HOUSE WASHINGTON, D.C.				DATE (Mo., Day, Yr.)  OCTOBER 1, 1973  TIME DAY				
TI		PHO P=3	ONE Placed eccived	6:13 p.m. MONDAY				
In	Out	Lo LD		. Activity				
6:13	6:14	P		The President talked with Senator John L. McClellan (D-Arkansas).				
6:30				The President went to the South Grounds of the White House.				
6:34	6:50			The President motored from the South Grounds of the White House to Trader Vic's Restaurant in the Statler Hilton Hotel. He was accompanied by: The First Lady Mr. and Mrs. David Eisenhower				
				The President had dinner with:  The First Lady  Mr. and Mrs. Eisenhower  Mr. and Mrs. Robert Milligan, friends of the  Eisenhowers				
				After dinner, the President greeted patrons of the restaurant including:  Ibrahim Al-Sowayel, Ambassador from Saudi Arabia to the U.S.  Talal Al-Sowayel, six-year-old son				
				The President went to his motorcade parked at the restaurant entrance. Enroute, he greeted members of the crowd gathered outside the hotel.				
8:52	8:55			The President and the First Lady motored from the Statler Hilton Hotel to the South Grounds of the White House.				
8:58				The President returned to the second floor Residence. He wa accompanied by:  The First Lady  Mr. and Mrs. Eisenhower  Mr. and Mrs. Milligan				
-								

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Sufa Access Log (10/4/73)

Post Instructions: Accuse only to Steven Bull + Rose Wones

4:53 pm - Agent Chandle assumed post responsibility. (Stane B.W + Rose Words & Villa) 5:01 pm - Safe opened by Store Bull 5:08pm - " closed " , " " 6:21pm - Agent Williams relieved Agent Charles 1:10 PM - SAFE OPENED BY STEVE BULL. 7:12 PM - SAFE CLOSED BY STEVE BULL . 9:35pm - Heady Joles RELIEVED Agents Whiceins 11:10A4 - Agent Jokes Relieved by Agent Deservices

12.00 Min : Sale Secure - SA. Dimensis A.D.

Access only To Rose Woods + Steve Buch SAFE Access Log 10-6-73

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SAFE Access Loc. 10-5-73.

Post Instructions: Access only to Rose Weeds AND STEVE BULL.

12:01 AM AGENT DOMENICE CONT. ON DUTY 1:58 AM SAFE OPENED BY STEVE BOLL.

2:03 AM SAFE CLOSED BY STEVE BULL.

2:05 AM SAFE OPENED BY STEVE BULL.

2:11 AM SAFE CLOSED BY STEVE BULL. 7:02 AM. AGENT DOMENICO ReLieved By.

Acent SHAW' 275

7:33 Am SAFE OPENED BY STEVE BUIL.

SAFE CLOSED BY STEVE Bull. 9:36 AM

HOENT SHAU RELIEVED BY AGENT RENZI 12:10 pm

2:25 PM AGENT RENZI PETRIJED BY THE PRESENTED AS THE PRESENT WHITE PRESENTED TO THE MARKET MARKET WHITE 8:08 Pm

SAFE CLOSED By Rose Woods 8:09 Pm

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11:05 Pm Sufe Closed By Rose Woods She Wind William By Albert Bond Whend by Rose Woods is

10-7-73

AGENT CLEARY CONT ON DINAL SACRETELY RELIEVED BY SADNAT 12:0/AM 7:00 AM

SAR Danne second by sale will SA Banne second by sale willy SA GREFIN which by SA C. W. 11. 9:36 AM

11.76 Am 2:45 PM -

5:04pm - STEVE BULL REMOJED ALL

ITEMS FROM SAFE. POST DISCONTINUED By SA. C. M. Williams