

(9) 24 Exhibits

1 of 3

**SCREENED**  
by *lsp* on *1/30/01*

THE WHITE HOUSE

## PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

6X  
12

PLACE DAY BEGAN

DATE (Mo., Day, Yr.)

THE WHITE HOUSE  
WASHINGTON, D.C.

JUNE 20, 1972

TIME DAY

8:40 a.m. TUESDAY

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	ID	
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. The 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			The President met with Mr. Haldeman.
5:25				The President went to the Barber Shop

EX 1

LACE DAY BEGAN

DATE (Mo., Day, Yr.)

THE WHITE HOUSE  
WASHINGTON, D.C.

JUNE 20, 1972

TIME DAY

5:50 p.m. TUESDAY

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	LD	
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 for 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.

MF/CD/LR

GOVERNMENT  
EXHIBIT  
*IN  
EVID*

EVZ

1972	JUNE							1972
S	M	T	W	T	F	S		
4	5	6	7	8	9	10		
11	12	13	14	15	16	17		
18	19	20	21	22	23	24		
25	26	27	28	29	30			

Tuesday, June 20

172

		P.M.	1:00	
	<i>Staff Meeting</i>		1:15	
			1:30	
			1:45	
	<i>John DeLoach's office</i>		2:00	
			2:15	
			2:30	
			2:45	
			3:00	
	<i>Resident's E.O.B. Office</i>		3:15	
			3:30	
			3:45	
			4:00	
			4:15	
			4:30	
			4:45	
			5:00	
	P.M.		5:15	
			5:30	
	<i>Removal - Evening Kennedy Ct. Trial Thursday</i>		5:45	
			7:30	
			7:45	
			8:00	
			8:15	
			8:30	
			8:45	

Clip For Current Day

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 comprehensive technical 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.

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

SYMBOLS:

▽ ERASE-RECORD ON

△ ERASE-RECORD OFF

— ERASE-RECORD ON AND OFF

~~~~~ SHORT SEGMENT OF SPEECH-LIKE SOUND UNDER BUZZ

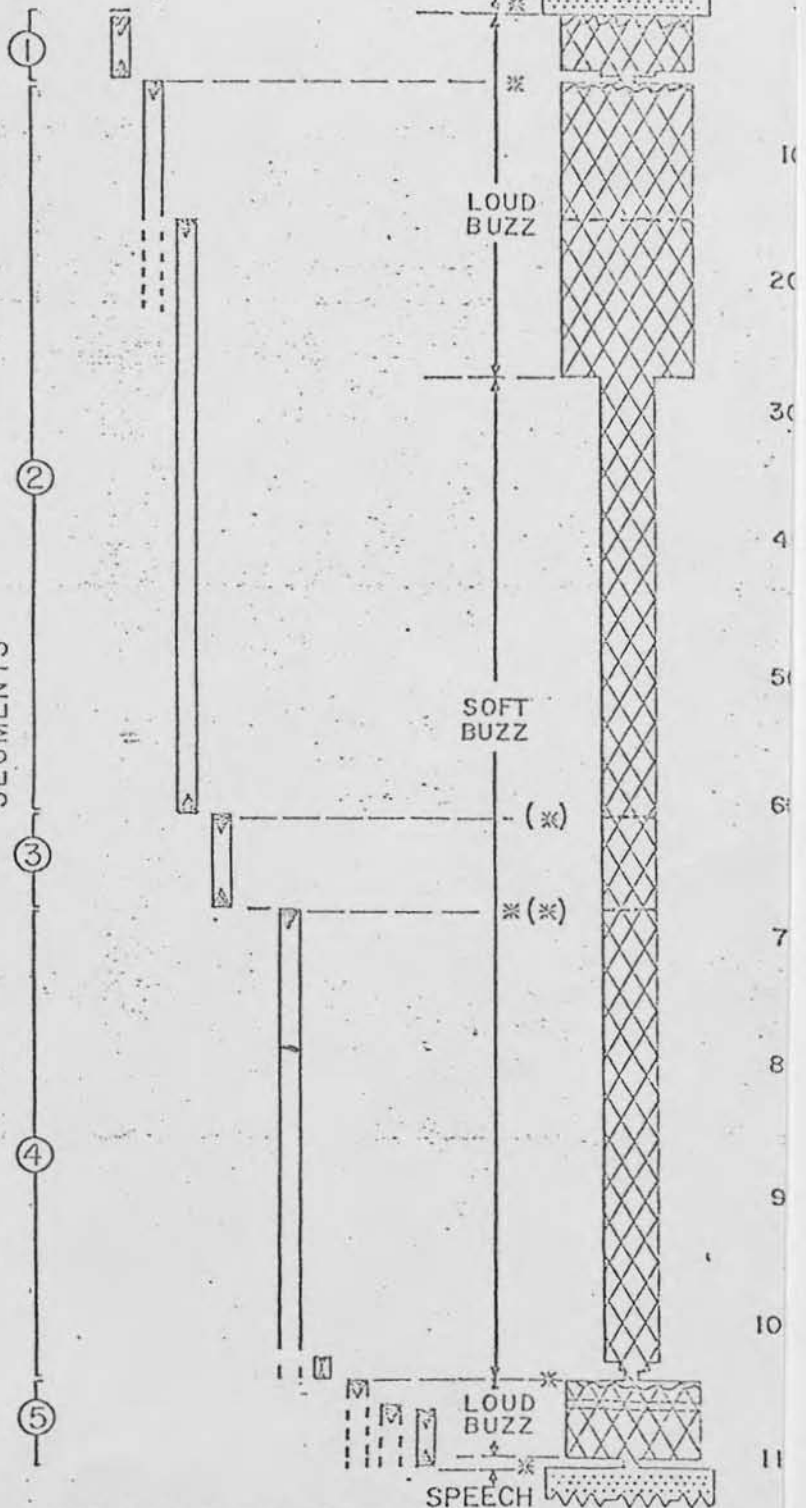
--- START/STOP CLICK WITHIN BUZZ

\* ERASE-HEAD-OFF SIGNATURE OF UHER 5000

(\*) ERASE-HEAD-OFF SIGNATURE PARTIALLY ERASED

▭ SEGMENT WITH UNCERTAIN ENDING

SEGMENTS



SEQUENCE OF OPERATIONS ON UHER 5000 RECORDER

SEQUENCE OF SOUND ON THE TAPE

1/14/74 C



## Record of Transfer

Wed

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 Connally.~~

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

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

2100 - returned to site

2140 - signed over

2200 - all secured

2230 - informed Haig

0810-19 Jul - explained, turned over to Haig; informed B also. Rec'd instrs N only on list

(Thurs)

0955 - Told S to change list, assured he would.

28 Sep 73 32-B

2:15 p.m.

Haug said get list  
from Bugardt (he called  
him) of all tapes requested  
by Comm. and Cox.

- Then go get them  
& bring to H's office  
- SB & RW to CD to  
transcribe.

2:20 - I called B and  
he said he would bring  
list over at 2:30  
(over)

2:30 - entered

3:45 - locked, returned  
to office

See w/ Bull

Tapes in my safe, taken by  
Bull to C.D. morning of  
29 Sep.

Eve (6:15) 29 Sep opened  
room & extracted one additional  
tape for 15 Apr 73, Personally  
delivered to Bull at C.D.  
at 8:00 p.m.

Morning lost a tape (13) in  
RW's safe till further notice.

(REVERSE SIDE  
OF CARD)

32-B

32-C

# Inventory

26 Sep

- EOB 6/11/72 - 6/20/72
- ~~Tel 5/25/72 - 6/29/72~~ 10/11 vault 31 Oct
- ~~EOB 6/20/72 - 6/29/72~~ 10/11 "
- EOB 6/30/72
- oval 9/15/72
- oval 3/13/73
- oval 3/21/73
- EOB 3/20/73 - 3/28/73
- EOB 3/21/73 - 3/23/73
- ~~EOB 4/1/73 - 4/15/73~~ 10/11 "

---

- EOB 2/28/73
- ~~X 4/28 - 4/22/73~~ 10/11 "

To Bull

3/28/73 - extra mag tape vault 31 Oct

15 Apr 73 to Bull 8:00 pm. 29 Sep at C.D.

~~Sat night tape - 15 Apr returned~~ 10/11 vault 31 Oct

Total of 6 tapes  
returned to vault on  
31 Oct. B

32-C

1/13/73

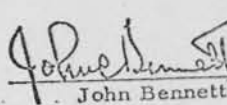
Receipt from

Ex 105

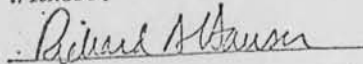
Return of the following reels of tape recordings from Miss Rose Mary Woods received this thirteenth day of November, 1973: (identified by 1st line on box)

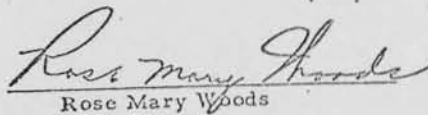
1. EOB Office start 3/20/73
2. Oval Office 9/15/72
3. Oval Office 3/13/73
4. EOB Office start 6/30/72
5. EOB Office start 3/20/73
6. Oval Office 3/21/73
7. Oval Office 4/16/73
8. (Copy of Box) EOB Office on 4/10/73
9. EOB Office 6/12/72 →
10. Oval Office 2/28/73
11. Oval Office 4/14/73
12. EOB Office 4/16/73 (How St given)
13. Oval Office 4/18/73 →
14. Oval Office 4/17/73
15. Oval Office 4/17/73

(Xerox copies of each Box attached)

  
John Bennett

Witness:

  
Richard Hansen

  
Rose Mary Woods

3 personnel drove there to pass from project and send to mail.  
 Ruth Hansen, Judy Benney, and Carl Falkbaum, leaving WH at approx. 3:30.  
 November 13, 1973

The following tapes designated for copying at NSA on afternoon  
 November 13, 1973 (2:00 p.m. inventory):

(Identified by 1st date on box)

- 6-1. EOB office start 3/20/73 - 3/21/73
- 1-2-2. Oval office 2000(104); 2005(6); date 9/15/72 - 9/16/72 in box
- 2-3. Oval office 2100(1); 2200(6) 3/13/73 - (duplicate in R's office - no copy)
- 3-4. EOB office - start 6/30/72 (9 a.m.)
- 5-5. EOB office - start 3/20/73
- 4-6. Oval office (12/15/72) 3/21/73
- 7-7. Oval office (12/15/72) 4/16/73
- 8-8. Copy of Box - 11/1/73
- 9-9. EOB office on 4/10/73
- 10-10. Oval office (12/20/72) - Start 6/12/72 (8 a.m.) - 2 duplicate in R's office - no copy  
 2/28/73
- 12-12. WH telephone start (12/25/72) 4/11/73  
 5/25/72 (2 p.m.)

Total of twelve tapes.

1425-193  
 13 NOV 1973

Copy of ...  
 at 1510 ...  
 at 11:00 ...

1425-193(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12)  
 (12/20/72) ...

NSA - 15 NOV 73

(Note: 2 tapes unrec'd - probably were corrupted)

arrived, to Rosenbloom's office, then to Director (Allen) for orientation.  
100 (app) to Lab - checked for range of 9/15/72; account, needed new gear to  
have fidelity.

1730 - back to Rosenbloom's office to wait. Present in party at NSA: Bennett, Hunsicker,  
Feldbaum, Denny, Rosenbloom, and Banner (EC).

Finished recording (see reverse) at approx 2300; whole breakfast back in  
vault at 2400. Home at 2445 approx

NSA Day Two - 14 NOV 73 (WED)

0715 - called EPS, opened vault at 0720. Rechecked three aborted tapes, extracted  
brief case w/ contents (except three aborts left in safe).

0730 - 90 - prepared receipt for original + 2 cpy of following (6 tapes with):  
OVAL OFFICE 9/15/72 (not used)  
OVAL OFFICE 31/1/73

- a new receipt, as seen to call from FBI for tapes (copy of list of tapes  
list seen) made out; 1 missing tape but no recording; the other 5 tapes  
Time: 0830 14 NOV.

0915 - Rec. call from FBI for any tapes containing names; list of tapes  
hand (called EPS again), which tapes (see receipt) etc.

1100 - 1105 14 NOV 73, completed 1510.

- we then packaged original tapes of all on Home side except 2/25/73  
in seal pkg inside sealed metal case. Total: eleven (11) originals.  
Time: approx 1540 when done.

Returned to office approx. 4:30

1700 - F.B. entered and I signed over to him ten tapes (copy of receipt attached) <sup>Reference C<sub>1</sub> & I.</sup>

- This left in my possession the following:

1. Eleven originals separately packaged (see above).
2. Twelve # 2 copies (all listed on reverse side).
3. One original of 2/25/73.

1755 (approx) called EPS, cleared "125" and entered vault. 9 place. 0 returns 1, 2, and  
3 in vault, Summary 1 box, 13 tapes placed in vault. Back in office  
at 1805 (EPS office was present outside vault while I was inside - id. of, etc.).



W  
excerpt from  
Ex 105  
4. 10

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):

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

J. Fred Buzhardt  
J. FRED BUZHARDT

CONFIDENTIAL  
EXHIBIT  
IN  
D-ENO

~~CONFIDENTIAL~~

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

Al Haig

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

(Camp David)

Safe Access Log

10/19/73

Post Instructions: Access only to Steve Bull + Rose Woods

- 4:53 pm - Agent <sup>Ans</sup> Chénille assumed post responsibility. (Steve Bull + Rose Woods + Villa)
- 5:01 pm - Safe opened by Steve Bull
- 5:08 pm - " closed " " "
- 6:21 pm - Agent Williams <sup>His</sup> relieved Agent Chénille
- 7:10 PM - SAFE OPENED BY STEVE BULL.
- 7:12 PM - SAFE CLOSED BY STEVE BULL.
- 9:35 pm - Agent Jones <sup>His</sup> RELIEVED AGENT WILLIAMS
- 11:10 PM - Agent Jones <sup>His</sup> relieved by Agent <sup>His</sup> Desario

12:10 AM: Safe Secured - SA <sup>His</sup> Dominiello

Safe Access Log

10-5-73

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

- 12:01 AM AGENT DOMINIC CONT. ON DUTY
- 1:58 AM SAFE OPENED BY STEVE BULL.
- 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 DOMINIC RELIEVED BY AGENT SHAW <sup>His</sup> JPS
- 7:33 AM SAFE OPENED BY STEVE BULL.
- 9:36 AM SAFE CLOSED BY STEVE BULL.
- 12:10 PM AGENT SHAW RELIEVED BY AGENT REWZI
- 2:25 PM AGENT REWZI RELIEVED BY AGENT <sup>His</sup> Kevoc
- 8:09 PM Safe opened by Don <sup>His</sup> Merryman
- 8:09 PM SAFE CLOSED BY ROSE WOODS
- 8:13 PM SAFE OPENED BY ROSE WOODS
- 8:14 PM SAFE CLOSED BY ROSE WOODS
- 11:05 PM AGENT <sup>His</sup> Kennedy relieved by AGENT <sup>His</sup> Steve Bull
- 11:07 PM SAFE OPENED BY ROSE WOODS

Access only to Rose Woods + Steve Bull

SAFE ACCESS LOG

10-6-73

- 12:45 AM SAFE CLOSED BY ROSE WOODS.
- 7:00 AM SA <sup>His</sup> Howell Relieved SA Leonard Egan
- 10:01 AM SAFE OPENED BY STEVE BULL.
- 10:06 AM SAFE LOCKED BY STEVE BULL.
- 10:41 AM SAFE OPENED BY STEVE BULL.
- 10:53 AM SAFE LOCKED BY STEVE BULL.
- 11:08 AM SA EGAN RELIEVED BY SA P. WATKINS
- 11:50 AM SAFE OPENED BY STEVE BULL.
- 11:55 AM SAFE LOCKED BY STEVE BULL.
- 2:50 PM SA J. Green <sup>His</sup> relieved SA Watkins
- 2:06 PM SAFE OPENED BY STEVE BULL
- 7:09 PM SAFE LOCKED BY STEVE BULL
- 7:51 PM SA Chénille <sup>His</sup> relieved SA <sup>His</sup> Clark
- 11:06 PM SA Cleary <sup>His</sup> relieved SA Chénille

10-7-73

- 12:01 AM AGENT Cleary cont on duty
  - 7:00 AM SA <sup>His</sup> Cleary relieved by SA <sup>His</sup> D...
  - 9:36 AM Safe opened by Rose Woods
  - 11:26 AM SA <sup>His</sup> D... relieved by SA <sup>His</sup> Cleary
  - 2:45 PM SA <sup>His</sup> Green relieved by SA <sup>His</sup> C.W.
  - 5:04 PM - STEVE BULL REMOVED ALL ITEMS FROM SAFE.
- POST DISCONTINUED BY SA C. M. WILLIAMS

IN RE: SUBPOENAS DUCES TECUM ISSUED TO PRESIDENT RICHARD M. NIXON RE TWO SUBPOENAED ITEMS THAT DO NOT EXIST

Wednesday, October 31, 1973

The Court: The Court first learned yesterday that the April 15th and June 20th tapes do not exist. Buzhardt informed the Court and Justice Department counsel that recordings of these conversations had never been made. The Court felt these facts and the circumstances giving rise to them should be made a matter of public record and therefore scheduled this proceeding. (2)

BUZHARDT: The telephone call between the President and Mitchell on June 20th apparently was made from one of the telephones in the residence which was not hooked into the recording system and therefore does not appear on the tape of recording. The conversation between the President and Dean on April 15th was not recorded due to a malfunction of the system, or a basic inadequacy of the system. (2-3)

ZUMWALT, Raymond C.

Employed in the United States Secret Service, at the Executive Office Building, Technical Security Division, since 1966.

Zumwalt was the first one consulted in installing the tape recording system. He designed the system and supervised its installation. (4)

The telephone system had three extensions of the White House switchboard tied into it: the Oval Office extension; the EOB extension; and the extension in the Lincoln room. All three were tied into a telephone pick-up device. The family locator device would turn on the pick-up device at his location, wherever he would be. All three telephones were recorded on one tape. The Oval Office was extension 500, the EOB Office was 504 and the Lincoln room was 506. The system started automatically when the hand set was removed from the cradle. (5) There was no capability to record conversations on other instruments or other extensions. (6)

The recording machine was located in a small room in the basement of the West Wing. (6)

At the beginning Zumwalt monitored the system. Zumwalt later turned over the changing of the tapes to Baker, Zumwalt's assistant. (6)

Only telephone calls were recorded on the tapes that recorded telephone calls. (6)

Five inch reels with 1800 feet per reel were used. The machines ran at 15/16 speed, so that there were 6 hours recording time on one tape. The telephone tape was checked daily Monday through Friday, but usually not on weekends. The tape had to be changed anywhere from three or four days up to two weeks. (6-7)

Seven microphones were installed in the Oval Office. They were connected to a mixer which was connected to a voice operated relay. From the voice operated relay there was a timer. In turn the recorders were connected. The system was turned on and off by the family locator. This turned on the power. The box controlled the start and stop of the machines. The machines remained idle until activated by a noise. (7)

Oct 31: 2 items  
p. 5: Nov 1: Zumwalt  
Baker p. 13  
Nov 7: p. 12  
p. 15: Nov 2: Sims  
Bull. p. 22

The conversations in the Oval Office, the EOB and the Cabinet Room all were recorded separately. There were two recorders for the Oval Office, two for the EOB and one for the Cabinet room. The Cabinet room was voice actuated, but not controlled by the family locator. It was turned on manually. (7-8)

To prevent an individual from staying late or coming in early before the President arrived, they installed a timer that would automatically switch from one recorder to another somewhere between 11 and 12 p.m. This was for the EOB and the Oval Office. (8)

The Oval Office tapes normally were checked about 2 p.m. If the tape was low, a new one was placed on the machine. The EOB office was not changed that frequently due to lack of use. After a tape was removed, it was stored in the cabinets with the equipment until a small amount was collected. They then were removed to a safe contained in a room in the EOB. (8-9)

Baker and Zumwalt had access to the recorders. There was a key to the equipment cabinet in Sims' safe. In the beginning only Zumwalt had access to the room, then Baker was brought in. There were only three keys to the cabinet. Wong had access before Sims took over Wong's position. (9-10)

About ten or twelve tapes, in boxes, were wrapped in brown paper, dated and stored in the safe. The notations were made on the boxes the reels were stored in. The date, location and meter reading were noted. The date was written on the box when the tape was put on the machine. (11)

The Oval Office and telephone systems were checked Monday through Friday, the EOB less frequently. They were not checked on weekends. They were checked on Friday and then on Monday. (11-12)

[How does the system work on a weekend, specifically Sunday, April 15th?] Zumwalt had explained the timer switches from one machine to another. He subsequently learned that two days are run together. The only way he could explain this, knowing the way the system was set, the 7 day timer was not a precise instrument. The contacts on the timer were modified to perform the function they wanted it to perform. Zumwalt assumes it failed to switch the machines that night. At the time Baker was changing the tape. Zumwalt assumes that on Monday Baker manually switched the tape back. (12)

On the morning of the day he testified, Zumwalt examined the boxes containing the tapes for the weekend of April 15th and 16th. On the reel for the 15th, the back of the box was marked full. It was noted as full and removed on the 16th. (12)

[How could there have been a full tape?] After 11 Friday it would have switched to a new reel, a new machine, that would have run until 11 Saturday. At that time it should have switched back to the tape that would have been on Friday. Evidently, the contacts did not make, it did not switch and it would have remained on the same machine through Sunday until the timer was due to make another switch. It then would have switched back to its original state, and the person making the switch would not have realized that it had not gone through its switching phase. This is a hypothetical. (13)

There is no marking or anything else to indicate when Zumwalt or his assistant checked these tapes between April 13th and April 16th. Zumwalt knows the room was not entered on the 15th because no one entered the cabinet to change that tape. That is shown by the computer print-out log for the alarm system for that room, which would indicate whether anybody entered the room. (14)

From the marking on the first tape, the microphone was installed in the Oval Office by February 16, 1971. At some unknown time Zumwalt obtained these dates from the tape boxes and entered them in his notebook. He changes inserts in the notebook as they are used up, recording anything of interest in the new notebook. The notations of dates probably were made around July, when Zumwalt knew he was losing possession of the tapes. Zumwalt destroys the notebook inserts after they are used up. (Notebook marked Government Exhibit No. 1) (15)

The Secret Service made a full inventory, tape by tape. This was turned over on July 18th to General Bennett. On July 18th they were told to deactivate the tape recorders. Sims told Zumwalt to turn the inventory over to Bennett. Sims is the chief of the TSD and is the special agent in charge. They also prepared a compilation of access to the tape room by any person and a compilation of all the tapes that had been removed at any time from the storage area. (17) That compilation still is in the safe. It reflects each occasion prior to July 18, 1973 when a tape was removed. Zumwalt last saw that log on July 18th. Zumwalt's notes consisted of 4 or 5 pieces of paper. The compilation reflected 4 or 5 occasions, not more than half a dozen, on which tapes were removed. Anywhere from one tape up to 15 or 20 would have been involved in any instance of removal. (18) Sims gave Zumwalt the information allowing him to release the tapes. Zumwalt may have discussed this directly with Bull, but the tapes would not have been released without consulting with Sims. Bull did not have access to the tapes. Zumwalt's compilation of the removal of tapes indicates what tapes were removed, to whom they were given and when they were returned. The compilation did not indicate who was to see them or for what purpose they were removed. Aside from public testimony Zumwalt has not heard that anyone other than Buzhardt and the President listened to any of the tapes, except one time that Butterfield listened to a tape in Zumwalt's presence. It was not logged out to him. There was no procedure to inspect tapes after they had been removed to determine if they had been altered. Zumwalt did not check the tape to verify that it was the same tape that had been removed. (20) Zumwalt did not play the tapes. There was no marking on the reel itself. There was no indication that copies of the tapes were being made. At no time was any tape removed from storage for over a week. Zumwalt has no knowledge of any tapes that might have been removed from storage after July 18th. (21)

The recording system was installed by 2 of Zumwalt's personnel, Charles Bretz and Roger Scwalm. Neither of them participated in the monitoring, servicing or storage of tapes after installation of the system. The installations did not occur at the same time. The Oval Office came first. (22) A number of miniature microphones was placed on the President's desk in the Oval Office, and there were 2 other microphones in the office, behind the wall sconce or lighting fixture. During installation an audio test was conducted. Zumwalt participated in it. The system is very sensitive. It would detect normal conversation in the hallway. If you whispered and an individual would hear, it probably wouldn't pick it up. (23) During the test, they talked at low voices in various points in the room and in chairs that may be used.

The equipment was tested at the point further from the microphones, talking in a very low voice. The equipment picked up the sound. (23-24)

There was no manual override by which the President could keep the machine from working in the Oval Office. (24)

The recording device for the EOB was installed in a small room next to the office inside a small cabinet. The microphones were installed in the President's desk. (25)

From time to time throughout the installation Zumwalt monitored conversations to determine whether the equipment was functioning properly. There were no instructions from Butterfield about the regularity with which the equipment should be checked. There were discussions that the tapes should be marked daily and Butterfield said he preferred that at the Oval Office each day should be on a separate tape. The machines were checked for pick-up on selected occasions. If the person was in the office during the time the tape was scheduled to be changed, the person would look to see if the tape was functioning properly, not necessarily listening to it. On at least one occasion Butterfield asked for a tape so that he could listen to the quality. (26) Butterfield did not ask Zumwalt to keep up on this to determine if the equipment was functioning properly. During the time Zumwalt was checking the machines, about once a week he would listen for a minute or two to determine whether the equipment was functioning and caring about the substance of the conversation. When Baker took over, Zumwalt instructed him to check periodically. (27)

Zumwalt remembers occasions when the timer did not switch properly. No notation was made, and Zumwalt has no idea when that occurred. Buzhardt has given Zumwalt information that refreshed Zumwalt's recollection about the timer malfunctioning since Zumwalt's interview with Ben-Veniste on the morning of the day Zumwalt testified. Zumwalt cannot recall any malfunction during the time he was changing the tapes. Baker has informed Zumwalt on at least one occasion that the timer did not switch properly. The only reason Zumwalt can say a malfunction occurred is that Buzhardt informed him there were two days running on one tape, and that is not normal for the equipment. It never came to Zumwalt's attention during the time he was in control of the equipment that there was a malfunction. (28) Zumwalt's answer is based on the fact that Buzhardt informed him the switching equipment didn't work properly the weekend of April 15th. During Zumwalt's control of the tapes, there never was a malfunction. Baker informed Zumwalt of a malfunction of the timer before. Zumwalt can recall Baker making a statement on various occasions. This morning Zumwalt asked Baker how frequently this occurred, and Baker said it happened several times. Zumwalt spoke to Baker at 8 a.m. in Zumwalt's office. On various occasions the machine had to be changed. When asked about a malfunction in an office interview, Zumwalt said nothing about the tape or timer not working properly. (29-30)

Baker took over the servicing of the equipment in 1972, possibly the early part of the year. The only way Zumwalt could fix the date would be by checking the handwriting on the boxes of tape. The day to day servicing shifted entirely to Baker. (30) In June 1972 Baker was assigned to be Zumwalt's assistant. Baker was present when Hunt's safe was opened.

The tapes usually were not changed on the weekend. If the President's activities report showed activities scheduled for the weekend, a man would come in and change the tapes. This was rare. Zumwalt cannot recall any instance when the tape was changed on the weekend. If Zumwalt or Baker happened to be in on the weekend, it is possible they would change the tapes. (33) Zumwalt can recall one instance when the Oval Office tape ran out. It had probably just run out when Baker went to change it in the afternoon. Zumwalt has no idea when that happened. Zumwalt was very alarmed when this happened. For a long time after that they checked the tapes earlier than 2 o'clock. Zumwalt does not recall that this ever occurred in the EOB. From what Zumwalt has been told, the only instance when this occurred was April 15th. Zumwalt has not had the opportunity to listen to either of the tapes maintained on April 15th. (15) His testimony about what might have happened then is strictly hypothetical.

Thursday, November 1, 1973

BUZHARDT

All tape recordings made on the White House system still exist in their entirety and have been kept under close security. It was not until several weeks ago when the President considered making a disclosure before the matter was resolved in the courts that he commenced a review of the tapes. Initially recordings of certain conversations could not be found. It was not definitely determined that the 2 conversations were not recorded until late last week. They were still continuing to check yesterday. They propose to show that there were six hours on the tape and that the tape was set for Saturday April 14th and Sunday the 15th and that the tapes were not changed. The President's lawyers will show by the President's log that he had more than 6 hours of conversation on Saturday and Sunday so that the tape ran out. They will submit for the Judge's examination in camera the tape of telephone calls and the tape that was on the machine April 15th so that the Judge can hear the tape running out and verify the conversations [on the telephone tape] in accordance with the logs. They recommend that the Judge use technical experts, agreed on with the Prosecutor, to determine that the tapes are complete and have not been tampered with. (40-41)

[Ben-Veniste and the Court noted their concurrence that experts should be called to check the tapes. (42)]

ZUMWALT

Zumwalt guesses he turned the responsibility for changing tapes over to Baker in the middle of '72. He cannot recall whether he or Baker was responsible for servicing the tapes on June 20, 1972. (43) There was no reporting procedure in connection with the tapes or their installation. Zumwalt was not instructed not to report. At the time of installation Wong was Zumwalt's immediate supervisor. Zumwalt's title is Supervisor, Security Specialist. Zumwalt keeps a daily time log that reflects the hours he has worked each day. It would have a description of particular activity if there was a special occasion Zumwalt wanted to remember. Zumwalt's subordinates had to submit this report. As you get to the lower echelon, more activities are indicated. Baker submitted activities reports to Zumwalt. Those reports did not include servicing the tapes. Zumwalt never had a conversation with Baker about submitting a report of his activities regarding the tapes. It was generally understood that there should be no written documentation about servicing this equipment. Zumwalt submitted reports to Wong, but not about the tapes. Zumwalt occasionally gave Wong and later Sims oral reports but not written reports. Usually the oral reports came up only if there was some cause to bring it up, such as change in procedure or change in command. There was no change of procedures in handling the tape, but there might have been



in operation of the equipment, not necessarily bringing this to Wong or Sims' attention. The kind of changes made were changing the sequence of the timer because of understanding their function of using the office if it appeared the President stayed in his office later than the hour for which the timer was set. The change was made right after the installation. (46-48) Zumwalt rarely discussed the system with Wong or Sims. He might if there was a breakdown that affected the operation while the office was in use. Zumwalt recalls no such instance. (49)

Randy Nelson had the same position Zumwalt had and was in charge of another group. Zumwalt and Nelson discussed the operation of the tapes. Nelson might have participated in the installation of the equipment and in the initial servicing of the tapes. (50) Nelson in in the Secret Service at the Washington Field Office. Nelson had training in electronic surveillance.

Looking at his notebook (Ex. 1), Zumwalt determined that the telephone taping system was installed after the Oval Office on 3/12/71. Originally there was a cross-connect in the telephone frame room running directly to the room in the West Wing where the equipment was set up. There was a direct connection against a tip-on ring of the toggle bearer, direct to a telephone pick-up device. The voltage on the telephone line, 49 volts, had the equipment locked up. The drop to 12 volts when the hand set was lifted activated the pick-up device which activated the recorder. There was a direct connection to the recording equipment at a point between the switchboard and the telephone instrument. (52) For the 3 telephone extensions Zumwalt referred to earlier, a number of extensions were hooked up and conversations from any of them would be recorded. (53) The connection to the taping equipment later was changed from the frame room to one of the instruments so that there was a direct wire from the instrument to the recording equipment. These were received in the basement of the West Wing, even for the EOB phone. There was no discussion about putting a recording device on other phones besides the Lincoln Room or about why that phone was selected, except Zumwalt understood that the President used used that as a working area. The telephone tapes were checked daily except Saturday and Sunday. (54)

The telephones had no timer. Only one recorder recorded all telephone conversations. For room conversations in the EOB, there were 2 recorders and they alternated depending on which had been switched on for that day. That was a 6 hour tape on the telephone. There was no timer on the telephone system because Zumwalt had been told to use only one machine to record all telephone conversations. Baker or Bretz built a switching box. The family locator turned on the telephone pick-up device for the location of the President. The pick-up device would alert this switching box which switched the sound into one box to prevent tying two telephone lines together. Zumwalt got his instruction from Butterfield. The timer was Zumwalt's idea, but he explained it to Butterfield. Butterfield did not know that room conversations would be on alternating tapes. At the beginning the tapes were changed daily. Lack of use of the EOB office led to putting 2 or 3 days on one tape, noting the meter reading on the box. (56) The only way Zumwalt could tell when the change was made would be by checking the boxes. (57)

The family locator did not determine where the President was in the residence. If he anywhere in the residence, the power for the Lincoln Room phone was switched on. (57)

Zumwalt cannot recall receiving instructions about storing the tapes or about marking them. Zumwalt decided to mark the date and the time the tape was changed on the back of the box. He did not make interim markings on the box. The notations would be date it was checked, meter reading and location. (58)

There was an automatic gain control to raise the amplitude if there was a low noise. This control is built into the recorder. The recorder is a Sony 800-B. Zumwalt decided to use a 6 hour tape and switching device in the EOB and Oval Office because they were trying to get on any machine the longest possible time after first selecting a machine that would run at the slowest speed, 15/16. Zumwalt knows of no machine that will run slower, than selecting a larger reel size. The only size machine that was available with a 5 inch reel with the 15/16 speed. Using 1800 feet per 5 inch reel provided 6 hours of recording time. They used a machine that had only a 6 hour tape because they had no other machine in stock with a longer time rating than the 800-B. (60)

For each day a tape was on a machine there should be a notation that the tape was checked. (61)

The 7 day timer has a large disc with small attachments that rotate on the outer edge, making one rotation in 7 days. The connections on the side of the disc turn a lever off or on, switching power from one machine to another. There probably would be a 30 minute delay for a complete change. As the disc rotated, both recorders would be shut off until the disc completed its revolution. (61) Zumwalt explained to Butterfield or Wong that the device would be inoperative for at least a half hour each day. A 7 day timer was used to prevent Zumwalt from having to stay at the office until the President retired to put on a clean tape or from having to enter the office before the President arrived. The machine was set to switch automatically during the night. A new tape was not put on in the EOB office, so that the switch would mean that you would have conversations from the first and third of the month on one tape and from the second on another tape. (62)

After the tapes had been placed in their boxes, they were stored temporarily in the cabinet where the equipment was kept in the West Wing. There were 5 recorders there - 2 with a switching device for the Oval Office, one for the Cabinet Room, one for the telephones and one spare or maybe 2. The cabinet is a wall locker about 6 feet tall, 3 feet wide and a foot and a half deep. (63) The entire division had access to the room containing the cabinet. Only Bretz, Scwalm Nelson, Sims, Wong and Zumwalt knew directly what was in the cabinet but the other people on the staff must have figured it out. The cabinet was locked by an angle bar running from the top to the bottom secured by a lock. Baker and Zumwalt had the keys. After some tapes accumulated in the cabinet, they were taken to a safe in a room in the EOB. [Stipulation that the tapes still are in this room.] 3 five drawer standard security safes were in the room. (64-65) The tapes were packaged 10 or 12 to a bundle. The various locations were in separate drawers. Zumwalt has discussed the tapes with the Secret Service and with Butterfield, Bull and Buzhardt. (67) When Zumwalt explained the taping system to Bull when Bull replaced Butterfield, Bull did not ask to listen to any tapes. Zumwalt next talked to Bull about locating tapes when Bull asked to hear some tapes. (68) Zumwalt was never asked to search for tape he could not find or to prepare a written or oral explanation of the system until last week when Sims questioned Zumwalt about the operation of the system, the timer switch-over system. Sims asked how a tape could run out in relation to the timer. (69) Sims questioned Zumwalt about the operation of the timer, especially over the weekend. He asked whether it was possible for a tape to run out. Zumwalt didn't prepare

a written report, but Sims was taking notes. (70) [Bench conference about report on the system prepared for Buzhardt.] [Government Exhibits 2 and 3, the report on procedures, introduced in evidence. (72)]

The initials on Exhibit 1 are CDT for Camp David Telephone, CDHW for Camp David Hard Wire. (72)

Yesterday Baker told Zumwalt there were several malfunctions when Zumwalt asked how a reel could run out of tape. Zumwalt did not refer to April 15th. (73) Zumwalt did not report to the Prosecutors that there had been malfunctions. Zumwalt has no knowledge whether anyone in the WH had interviewed Baker before Zumwalt had interviewed him. (74) Zumwalt's meeting with Baker was not specifically to question him about these tapes. Zumwalt talked to Baker following Zumwalt's testimony yesterday, but not about the tapes. Zumwalt talked only with Buzhardt about the tapes. They did not discuss Zumwalt's testimony. (75) They discussed the timer malfunction. (76) [Timer marked Ex. 4] The timer was identified by serial number and Baker's initials. Zumwalt didn't discuss with Buzhardt what had happened on April 15th. When Zumwalt testified yesterday, he had no knowledge of any timer malfunction on April 15th. He has no information of any different procedure on that date. If there was a reference point on the tape, Zumwalt could compute how many hours were on the tape by working backwards from the 15th, going by the amount of footage. If Zumwalt knew it had run out on the 15th, he could say it must have been going on the 13th and the 11th. (79)

The Secret Service copy of the President's activity logs is destroyed daily. (80)

[Tape boxes marked Ex. 5 and 6] (81) The first date on 6 is 4/11/73. Ex. 5 says EOB, 4/10/73. That is the date Baker installed the tape on the machine. The tape didn't necessarily run that day. Since 6 is marked for the 11th, the other tape probably was running that day. (84) Normally, Ex. 5 would run on the 11th, 13th and 15th, except on a weekend. Zumwalt then changed his earlier testimony, noting that you cannot put 7 days on this timer. You have to skip one day. It is possible for the same machine to run on Saturday and on Sunday. (85)

The writing on Ex. 5 means that tape was checked on 4/16/73 and the meter reading was 348. Ex. 6 was checked on 4/12/73 and had a meter reading of 409. Zumwalt cannot explain why there is no notation on Ex. 5 for 4/12/73. (86) If the President was out of town, it could have been a clean tape. The notation on the tape shows that it was removed on 4/18/73 and that there was no conversation between the 18th and the time the reel was removed. Three quarters of the reel was used up when it was removed. (87)

On Ex. 6 the next notation after 4/12/73 is 4/16/73, full removed. The tape had run over or had a little bit left. Referring to the notation Part 1, the standard policy for the Oval Office when there is more than one tape in a day is to mark the tapes Part 1 and Part 2. Part 1 doesn't mean there had to be a part 2, though. (89)

[Spiral notebook of access logs marked Ex. 7] (90) Zumwalt placed his initials on each page when the notebook was prepared on July 18th. Zumwalt next saw the notebook this morning in Buzhardt's office. [Notes attached to Ex. 7 marked Ex. 7-A] (91) The notes, in Zumwalt's writing, show the tapes that were checked out. Ex. 7 was prepared from 7A. 7A is a complete list of tapes removed from the safe, based only on 7A. That is the only place the information could have been obtained. (92-93) There were no other papers in

the safe. Whatever Zumwalt found in the safe, he transmitted to Ex. 7. It is not possible some paper was misplaced and not reflected in Ex. 7. There were no instructions on maintaining this log. (93)

The first page of Ex. 7 shows that 22 tapes were given to Bull at 1:45 of 4/25/73. Cd indicates Camp David, Cr is Cabinet Room, Eob is Executive Office Building, WHT is White House Telephone. (95) Zumwalt was given a time period of desired tapes. These tapes were returned at 5:28 on 4/25/73. They went out again at 11 a.m. on 4/26 and came back at 5:05 p.m. on 5/2/73. Bull probably requested these orally. (96) Looking at the dates shown, Zumwalt cannot reconstruct his instructions from Bull. As far as Zumwalt knows, no tape made during the dates indicated was not included in the list. The second page shows 26 tapes, all of which went out on June 4th. (97) Zumwalt turned them over to Bull. The initials underneath are Zumwalt's. The other initials are Sims'. Sims placed his initials there when the log was prepared. There is no indication when the tapes that went out on June 4th were returned. (98) All documents about removal of the tapes are contained in Ex. 7A. (106)

The third page of Ex. 7 shows that the WH tapes from 2/28 through 3/22/73 were removed on 6/25/73. Sims called Zumwalt at home and told him that a tape had been requested. (108) There was a rush to get the tapes, and Zumwalt is not sure whether the notation 11:30 p.m. refers to the time it was signed out or returned. Sims and Zumwalt obtained the tape that had been requested it and took the tape and a recorder to Buzhardt's office. All the telephone calls from 2/28 through 3/22/73 were on one tape. One particular date had been specified. (109) Zumwalt does not recall the specific date. Buzhardt listened to a portion of the tape. Zumwalt assisted in queing the tape up to a particular conversation, but doesn't recall which one. It was a conversation between the President and Dean and was toward the end of the tape, so it was mid to late March. (110) Zumwalt then returned the tape to the cabinet that evening. (111)

Page 5 of Ex. 7 shows that 6 tapes were removed on July 11th at 2:45 p.m. Usually Bull requested tapes from Sims, contacting Zumwalt if Sims was not around. Zumwalt wouldn't remove tapes until he checked with Sims. (111) The tapes removed on 7/11 were returned 7/12. When Bull made his first request for tapes, Zumwalt checked Bull's authorization for removing tapes. The notation "to Steve Bull only" means they were given to Bull and that no one else was present. Sims checked to see that Bull was authorized to remove tapes. Sims talked with Bull. (113)

The notation shows that the EOB tape from 4/11 to 4/16 - Ex. 6 - was removed on July 11th and returned on July 12th. Ex. 7 was prepared from Zumwalt's notes and no other source. (114) Zumwalt doesn't know whether Bull was authorized to show the tapes to anyone other than the President. (114) Zumwalt doesn't know what tapes Haldeman received or the date of the tape he reviewed. Zumwalt's notes show that on July 10th at 2:45 p.m. he released 3 tapes to Bull, including 2 reels covering September 15th, 1972. They were returned 7/12/73, the same date that Bull returned the tapes he received on the 11th. Ex. 7A has no notation when those tapes were returned. (116)

Zumwalt doesn't know whether the conversation between the President and Dean in the EOB on April 15, 1973 was given to Haldeman in July. (117)

The room containing the cabinet where the recorders are kept is secured by an alarm and a lock on the door. A record is kept of entries by a computer connected to the alarm system. The police note the person who has entered. The computer system works continuously. (118) [Computer print-out logs marked Exhibits 8, 9 and 10.] (119) The logs cover April 13, 1973 at 12:09 a.m. through April 16th, 2351. Exhibit 11 shows when the computer print out indicates the room containing the EOB recorders had been entered. On April 13th the room was entered at 1502 and secured at 1510. Baker had entered the room. (120) The computer shows no entry into the tape room on April 14th or 15th. On the 16th Baker first entered the room at 7:42 a.m. and left at 7:48. (121) It is not possible that anyone entered the room between 1510 on April 13th and 742 on April 16th. This room is the only access to the EOB tapes. Therefore there was no entry to the tapes between the times mentioned. [Additional log as Ex. 12] (122) The room was entered on April 13th, but no notation was made on the tape boxes that day. (123) The computer print out refers to more than one room. The symbol for the room containing the recorders is 147-S. (124) Zumwalt does not know what room 307-S refers to. (125) On April 15th at 2105 the alarm went off in room 307-S and Ehrlichman entered that room. The EOB tape recorders are in room 175 1/2. (126)

Referring to Ex. 7, it appears that the tape of the meeting between the President and Dean was removed not only in July, but also on June 4th, again to Bull. There is no indication when they were returned. (125)

BAKER, James G.

Employed with TSD for 5 years, 10 months. Supervisor of the video and alarm section. Since the spring of 1972 Baker has been responsible for changing the tapes and maintaining the equipment. It is not possible to have a conversation from a given date on one reel of tape and another conversation from the same date on another reel of tape without having anyone enter the recording system. (128)

Baker put his initials on Ex. 5 that morning in the room in the EOB where the tapes had been stored. Baker copied Ex. 5 onto another box on which he wrote copy. There had been a tape in Ex. 5. (129-130) The notation on the box, in Baker's handwriting, means that Baker put a tape on one machine on 4/10/73 and checked it on 4/16/73 when the meter reading was 348, indicating that a small amount of tape had been used. That tape was on the machine between April 14th and 16th. The next notation is 626 at 10 a.m. on 4/16/73. The next notation is 4/20/73, 626 - removed three quarters of a reel. (130-131) Possibly that should have been 1626. (132)

Baker also placed his initials on Ex. that morning and copied the notations on another box, marking it copy, moving a reel of tape into that other box. (133) This tape was put on a machine for the EOB on 4/11/73. The meter reading when checked on 4/12 was 409. The next notation is 4/16/73 full- removed, meaning that Baker checked the machine on 4/16/73, found that the reel was full and removed it. (134) Full means that the tape had run completely through. This is Baker's recollection. But he doesn't recall removing a full tape at this time, although it has happened. (135) Since both exhibits are dated 4/16/73, they would have been checked at the same time on that date. Baker would not have

made notations on any tape not on a machine. Baker had 2 machines. (156) It is not possible that any other 2 tapes recorded any conversation of the weekend of April 15th and 16th in the EOB. The recorders were set for one recorder to run through for Saturday and Sunday. (137) It was done this way because of the operation of the timer and because the office wasn't busy over the weekend. No other tapes could have been on the machines for the EOB office on April 14, 15th and 16th until Baker checked the tapes. (138)

Baker probably took over from Zumwalt in March 1972. The only record Baker has of his duties is on the boxes, Baker does not file reports of his daily activities, but had only a weekly report of his general duties. Baker did not take over storing the tapes in the file cabinets. (140) Baker later had a key to the storage room because of the alarm system, but he does not know when he was given the key. The tapes were stored chronologically according to the place where the conversation occurred. (141)

Yesterday was the first time Baker was asked to explain about maintaining and servicing the tapes to anyone other than Secret Service personnel. Baker had a conversation with Zumwalt last week. They talked about the timer. (143)

Baker was an electronic technician in the Army.

Baker talked with Zumwalt yesterday about the timer and told Zumwalt there had been occasions when the timer malfunctioned. Zumwalt did not ask Baker about April 15th. Baker did not talk with Zumwalt last night or this morning about Zumwalt's testimony, but they had a general discussion of the timing mechanism. (144) Baker never discussed with Zumwalt the procedure for not changing the tape over the weekend. (145)

Theoretically Baker could have come in on the 12th and set the timer so that there would have been an overlap for the weekend. There was no set procedure for when Baker would make notations on the tapes. (145) Possibly there was no difference between the readings on the 12th and on the 13th. (146)

From the fact that the tape from Ex. 6 was placed on the machine on the 11th, it would be a logical assumption that Ex. 5 was in service on the 11th. (146) The only other explanation is if Baker changed recorders, but there is no indication that was done. Ex. 5 would have worked on the 11th and the 13th, and Ex. 6 would have worked on the 14th and 15th. On the 12th the meter reading on Ex. 5 was 348 and 409 on Ex. 6. (147-149) Ex. 6 then was more full than Ex. 5. There are 3 digits on the tape recorder counter. The reading could have been 1626, however, through Baker's computation. (150) The notation Part 1 and the small (i) in parentheses are not in Baker's handwriting. Baker placed his initials on Ex. 6 this morning. (151)

Baker could have used the word full to describe a tape that had ten feet left on it. Baker has no recollection of removing the tape from the EOB room on April 16th. There were occasions that the tape ran out, missing some conversation. (152) Baker probably would have reported that to his supervisor when it occurred. Baker would not make a notation about what had occurred other than to mark the tape "Full removed" or "Tape ran out." Full removed could mean there was a little tape left. (153) Baker would have told Zumwalt on the occasions when the tape ran out, but Baker did not do so in April 1973. (154)

The tape running on Monday would have switched that night, so it would not be the tape that was running over the weekend. (154)

In addition to Zumwalt and Baker Sims and Wong had access to the tapes. Baker did not go into the safe room and did not have access to the tapes because he did not have the combination of the safes. (155) Baker had access only to the room. Baker stored some alarm equipment in that room. Baker may have located tapes for someone else. Zumwalt may have said bring the tapes for April from where they were stored temporarily in the locker with the recorder. Zumwalt would meet Baker and put them in permanent storage. (156) Baker is not aware of anyone else who had access to the tapes until they were turned over. Baker was aware that Zumwalt and Sims were preparing a schedule of the access logs up to that point, but Baker doesn't recall participating in its preparation. (157)

There was a malfunction of the timer, but Baker can't recall when. (157) When there was a malfunction, the (timer) machine would get stuck on one position and stop there. Then only one tape recorder would be used. Baker can recall no instance when the timer got stuck in the middle while it was changing and there was no recording at all. It never happened that the cause of a malfunction was that the tape ran out. (158)

NESBITT, John Springfield, Virginia; assigned to the WH by National Archives since January 1971. Nesbitt supervises a staff that compiles a minute by minute log or daily diary of the President's contacts. (181)

The logs are prepared from 6 to 12 reports including the telephone log maintained by the WH chief operator, the telephone log maintained by the WH Signal Board, informal logs maintained by receptionists outside the Oval Office and outside the EOB office, a log maintained by the WH usher and a movement log compiled by the Secret Service. (182)

Ex. 13, initialed by Nesbitt, is the ribbon copy of the President's daily diary for June 20, 1972. (183) This would have been prepared 3 to 7 days after the 20th. Ex. 14 is the telephone switchboard log for June 20, 1972. It is stored by Nesbitt's office. It shows whether the call was incoming or outgoing, the time it was placed, the time of disconnect, the party the President talked to and a column for the operator to mark the appropriate "action". (184) The daily diary includes the information about whether the President placed or received the call, the time the call was placed and when it ended and the other party in the conversation. Ex. 14 is prepared by the chief operator. Nesbitt cannot testify to its accuracy. (185) Nesbitt assumes this is an original document and not a summary. (186) [Objection by Ben-Veniste to introduction of Ex. 14 in evidence. (187)]

Ex. 13 shows calls between the President and MacGregor, Colson, Bull's secretary Beverly Kinkaid and Buchanan. These calls were made from the EOB office. At 6:01 the President went to the second floor residence of the WH. From 6:08 to 6:12 the President placed a local call to Mitchell. (188) After dinner the President returned to his EOB office at 7:36. The next phone call was to Haldeman from 7:52 to 7:59. (189)

Ex. 15 is the ribbon copy of the President's daily diary for April 10, 1973. (189) Ex. 16 is the diary for April 11th and Ex. 17 is for April 12th. Nesbitt initialed these documents, checking them against his own copies at the time. Nesbitt keeps the daily supporting documentation in his files. (190)

Ex. 18 is the original diary for April 13, 1973; Ex. 19 is for the 14th and 21 is for April 16th. (191) These usually are prepared within 3 to 7 days. Sometimes there is a delay in getting telephone logs back from the

West Coast. (192) [Explanation of preparation of the diaries and their review by Nesbitt's staff. (192-194)] Nesbitt didn't compare the diaries with the original source material for Exhibits 18, 19 and 21. The finished product goes to West Wing as soon as it is prepared and xeroxed. (194)

Ex. 20 is the original presidential diary for April 15, 1973 initialed by Nesbitt this morning. This was a weekend. It is easier to prepare diaries for weekdays when everybody is there and the receptionists note in and out times. This diary was revised on July 26th. (195) After the initial preparation of the diary, they received the EOB log, which conflicted with the information received from the Executive Protection officer who sits outside the door to the President's EOB suite. Nesbitt remembers trying to check the conflict on April 23rd. The first indication of progress came from Buzhardt's office when his secretary called to say Ehrlichman had been in the Oval Office with the President that morning, a fact Nesbitt's staff didn't know. Nesbitt's research assistant checked with Thomas Hart in the West Wing. (196) By July 24th they came up with a revised version of the time sequence in the EOB. There never was any question about the accuracy of the President's movements. The question was the precise times of the entry and exits of the people who called. The Executive Protection officer notes when somebody enters the President's suite, but he can't tell when somebody's goes into the President's office. There probably would be no question about the sequence of callers. (197)

The day was reconstructed from bits and pieces and from a memo from Hart on July 24th. This diary is an accurate record of the President's movements for that day. (198-199)

Nesbitt doesn't recall when he heard from Buzhardt about the innaccuracy of the diary. He does recall Buzhardt getting logs on visits various people had with the President and being told that those individual logs had conflicts. (199) Nesbitt learned from Buzhardt that Ehrlichman had been in with the President that morning. (200)

This sheet is one of the few times there are question marks on a diary. On page one there is a question mark about the time Ehrlichman began his meeting with the President. Hart, who was responsible for getting the President to church, knew Ehrlichman went in, probably about 10:35. (201) The other question mark is at 2:30, the beginning of the time Ehrlichman met with the President. The EPS officer had written down that Kleindienst and Ehrlichman went in to see the President, but this was wrong. Hart and Sanchez remembered that the AG was in with the President alone and that Ehrlichman arrived 5 or 10 minutes later. A question mark is rarely used. Here it indicates doubt about the starting time, but not about the number of people in the room. (202) This is the only time in the WH Nesbitt can recall the use of a question mark. The unrevised copy would show a military aide in with the President for an hour and a half. The unrevised version would not have the pencil markings in connection with Kleindienst's visit that Buzhardt put on this version. (203) [Request for the unrevised version. (204)]

Nesbitt thinks it is a coincidence that the revised version is dated July 26th, the date of the prosecution subpoena to the WH. (204) The revision was based on Hart's memo to Nesbitt dated July 24th. In 3 years there probably weren't half a dozen revisions. (205) Nesbitt doesn't recall any other question marks. (205)



Hart remembers the necessity of getting the President to church on time. The other revision began on April 23rd when they realized the military aide couldn't have been in with the President for an hour and a half. [Nesbitt did not deny and impliedly admitted that oral information without backup documents is relied on in preparing these diaries. (206-207)] [Request for all supporting documentation and for the unrevised version of the April 15th log. (207)] [Equivocation on 3 months to revise the diary.]

Ex. 19 is the diary of April 14, 1973. The President went to his EOB office at 8:44 a.m. There were two phone calls and then a meeting at 8:55 that lasted until 11:31. Then there was another phone call. (208) The phone call was in the middle of the meeting. The next entry shows a meeting at 11:32 with Kissinger for 58 minutes. Then there were phone calls followed by a move to the Oval Office at 1:52. The President returned to the Oval Office at 3:55. His first meeting after that was at 5:15 and lasted until 6:45. (209) The President left the EOB office for the second floor residence at 8:11.

Nesbitt keeps copies of the Secret Service movement logs. The logs are typed by the WH Signal Board every night at midnight. During the day the Secret Service notifies the EPS of every change of location of the President. The EPS notifies the Signal Board where the President is. The time that is recorded is the actual time of movement. (211)

Nesbitt keeps copies of the President's projected schedule not because they are accurate but for their historic significance. (211)

The initials on the logs are the people who prepare and review the logs. (212) Separate logs are kept by the WH switchboard and by the Signal Corps, the Army switchboard. (212) LW on the logs means left word. (313) You cannot tell from the logs which telephone instrument was used. (214)

The call was initiated at 1:42 while the party was enroute. OK means that at 1:45 the party came on the line and was in contact with the President until disconnect at 1:49. There is no way of knowing from what telephone it was placed. (215) RES means enroute to the residence or that the party was in his residence.

#### BENCH CONFERENCE

Ex. 20 represents who saw the President starting at 12:09 a.m. Sunday when he talked with Haig. All the phone calls that were on a recorded phone will appear on the tape. You can tell the location at the time. The President phoned Ehrlichman. That's on the tape. The President talked with Petersen from 8:14 until 8:18 from 8:25 until 8:26 from 9:17 p.m. until 10:12. Then the President met with Dean. The call with Petersen should be on the tape, but it hasn't been checked. The conversation with Dean isn't on the tape. The tape stopped in the middle of this personal meeting in the EOB [indicating], the meeting beginning at 1:12 with Kleindienst. (216-218)

The 2 tapes for the 15th and the tape for the 20th are being submitted to the Judge who wants them checked by experts. Ben veniste suggested getting the tape put on after the tape on the 16th was removed full. Buzhardt said it clearly wasn't put on until the 16th. Ben veniste said the tape that Petersen referred to in his Senate testimony and about which Buzhardt has written a letter would be covered by the subpoena. Buzhardt wasn't sure whether there was a dictaphone belt. Petersen understood the President had taped a conversation with Dean. Buzhardt said this was a dictation. Buzhardt agreed to furnish anything relevant in the files. (219-20)

IN RE SUBPOENAS DUCES TECUM ISSUED TO  
PRESIDENT RICHARD M. NIXON FOR PRO-  
DUCTION OF TAPES

Summary of Friday, November 2, 1973

OPENING STATEMENT OF BEN-VENISTE

Many questions are still unanswered: who wrote "Part I" on the tape box, whether there is a "Part II," the fact that the April 15 tape box is marked "full" rather than "ran out," the revision of Nixon's April 15 log on the same day as the grand jury subpoena was issued, whether there was a malfunction of the timer, who had access to the tapes, where the June 20 phone call was made, access to the June 20 tape, when the nonexistence of the taped conversations was discovered. (225). We intend to call Bull, Sims, Wong, Butterfield, Petersen, Higby, Haldeman, and Nelson (226). We may also have to call Buzhardt on the issue of the time of discovery (226).

STATEMENT OF BUZHARDT

We came to the hearing on short notice and have had no opportunity to prepare a presentation on chain of custody (227). If the court desires such a presentation, we will offer one if given time to prepare it (228).

TESTIMONY OF LOUIS B. SIMS -- DIRECT EXAMINATION

Sims is a Special Agent with the Secret Service assigned to the White House (229). Took Wong's place on November 26, 1972. Sims supervised Zumwalt and Baker, who were technicians (230). Sims supervised the storage of the tapes, but Zumwalt and Baker did most of the actual putting in and taking out. (231). Sims was aware whenever a tape was put in or taken out (231).

Sims reported to Butterfield, who was liaison between the White House and the Secret Service, until Butterfield left for the FAA in late February or early March, 1973. Butterfield's job was taken over by Steve Bull (231). Right before Butterfield left the White House, he and Sims met with Bull and told Bull of the taping apparatus (231). The Secret Service was removed from custody of the tapes on July 18, 1973 (232). At that time, the Secret Service prepared records on the tapes (232).

Sims instructions when he took over in November, 1972, were that records had to be kept of access to the tapes. Normally Sims would accompany Zumwalt to get tapes which were requested, but sometimes Zumwalt went alone. The deliveries were always made to Mr. Bull (233). The request would come to Sims, who would tell Zumwalt (233). Sims did not tell Zumwalt what kind of records to keep, only to keep some kind of access records.

On July 18, when the tapes were to be turned over, Sims and Zumwalt went to the storage facility and inventoried the tapes (233). Listing was made of the dates tapes were removed and returned. No guesses were made, papers were referred to (234).

Oval, 3-12-73 means the tape of that date's conversations in the Oval office. It was given to Steve Bull (235).

Sims does not know when Bull returned that tape (235). Zumwalt kept all the records. The tapes were kept in a locked cabinet in a safe room in the Executive Office Building. Sims and Zumwalt had keys (237). The tapes which Bull would request would be handed to Bull almost immediately (237). Sims would make no notation of the tapes given to Bull, but Zumwalt would (238). When Bull returned tapes, Zumwalt would run those that were returned against a list of what was taken out, and would ask Bull where a certain tape was if it was not being returned (238-9). Sims believed Zumwalt always noted when something was returned. Every return date is listed in the log, but not all are on the little slips of paper (239). Sims would ask Bull, every time Bull took tapes, who the tapes were for, and Bull would indicate the President, but Sims has no knowledge that they were really for the President (240-41).

Bull would always keep the tapes safe overnight (241). The tapes were taken out at 1:45 pm on April 25 and returned that day at 5:28 pm. They obviously were returned for storage overnight, because they were taken out again at 11:00 am the next day (241), and were returned at 5:05 pm on May 2.

Sims assisted in the preparation of the book (241), but did not add any substantive information to that which Zumwalt already had (242). The notes from which the log was made were kept in a safe place (242).

One note says 6-25-73, Buzhardt. Sims remembers that on 6-25-73 Bull telephoned him from California late at night and requested that the March 20 tape be delivered to Buzhardt for review. Sims called Zumwalt at his home, and Zumwalt met Sims at the storage location (243). They took the March 20 tape out and put it in Buzhardt's office for him to listen to. Buzhardt listened to a portion of it.

Zumwalt did not hesitate in preparing the logs. He had all the relevant information on slips of paper (243). An inventory was made of all the tapes, and the key to the cabinet was turned over to the President through Mr. John Bennett (245).

Sims is familiar with the alarm system at the White House (245). 3078 refers to the office occupied by John Ehrlichman in the West Wing when Ehrlichman was at the White House.

#### TESTIMONY OF SIMS - CROSS EXAMINATION

Sims is familiar with the handling of evidence (246-7). Sims has not talked to Zumwalt about his testimony since Zumwalt testified (248). Sims did not talk to Zumwalt about exhibit 7-A, but X may have talked to him about the timing device. (248). Sims did not discuss Zumwalt's testimony per se (250). Sims did ask Zumwalt about if he recalled how the logs were put together from the scraps of paper (250). Sims was not aware that there had been a discrepancy about the preparation of the logs (250).

The inventory of the tapes was done at the direction of Buzhardt and Haig, possibly (252). They merely asked Sims to turn off the tape apparatus and to turn the tapes over to them; the decision to inventory was his own. (252). An inventory was provided to Bennett (252). The inventory

reflects all the tapes turned over (253). It does not reflect all the notations on the tape boxes (253). The information for the inventory came off the tape box (253). None of the tapes was listened to. (254). Sims recollects that there were some gaps in the tapes -- some day's tapes not present. Occasionally the missing tape would be filed elsewhere (255). Sims does not recall if there were gaps not covered by a misfiled tape (255). They weren't looking for that; they were only concerned with listing what was turned over. Sims is certain that none of the tapes was missing. (255). But he was concerned only with listing what was physically present and turned over (257).

The inventory was Sims' idea; he wanted a receipt in effect for what he turned over to Buzhardt and Haig (258-9). There were approximately five or six five-drawer file cabinets of tapes (259). Sims was not given an explanation of why these tapes were to be turned over (259). Buzhardt asked that they be turned over (259). There were several hours delay in turning over the tapes because the inventory had to be made (260).

Sims did not see any of the slips of paper which comprise exhibit 7-A until July 18 (260). Sims had no idea before then how these documents were kept (260). Sims assisted Zumwalt in preparing the log. He (Sims) carefully wrote what was on the individual notes onto the ~~ex~~ back of exhibit 7. Sims was careful to include all the individual scraps of paper (262). On one occasion, Zumwalt made reference to a piece of paper not included in exhibit 7-A (262). It might have been in his pocket notebook (262-3). Sims doesn't know anything about the preparation of Zumwalt's notebook (264). Sims doesn't have any specific recollection of what document Zumwalt referred to on July 18, in addition to exhibit 7-A (264). Zumwalt's was an unusual means of logging evidence (264), but not for Zumwalt (265).

Sims initialed exhibit 7 on July 17 (265), and asked Zumwalt to do likewise. As to the tapes taken out on June 4, using exhibit 7 as the source of reference, Sims would say that if the date of return of these tapes ~~were~~ was not on a little slip of paper then ~~xxxxx~~ they were returned on the same day (266). This is not consistent with the rest of exhibit 7 (266-7).

Zumwalt would check what he got back from Bull box by box (269) to make sure that everything given was returned (269). Sims watched him do it. (270). Sometimes Zumwalt would say such and such has not been returned and how are you going to secure it (270). Sims, after ~~exam-~~ining exhibits 7 and 7-A, says they do not reflect any partial returns (270). Sims then conforms his testimony to the notes, saying that what he took to be a partial return may not have been one (271).

No log was kept of the furnishing of tape recorders to Bull or others (281). On ~~an~~ occasion more than one recorder was provided, in case of a mechanical failure (281). On June 4, 1973 several recorders were supplied to Bull (282). Bull didn't give any explanation for why he wanted the extra recorders (282). Earphones were also provided (282).

On the evening of June 25, Sims got a call from Bull

asking that he fill a certain tape (282-83). Bull said he was in San Clemente and had to have the tape and listening device out there (283). Five minutes later Bull called Sims back and said to deliver the tape to Buzhardt instead. Sims recollects that it was the March 20 tape which was requested, but he did not write the date down at the time (284). The note on exhibit 7-A refreshes Sims' recollection of the ~~March 20~~ date, but Sims did not write the note and does not recognize the handwriting (284). It may be Zumwalt's handwriting (285).

No one explained to Sims the urgency involved (285), despite the late-night phone call. Sims called Zumwalt and asked him to meet him at the ~~White House~~ EOB. (286). They arrived at about 11:30; it took about 5 minutes to find the tape (286). The tape was either March 20 or 21. They took it up to Buzhardt's office along with some listening equipment (286). Buzhardt listened to the tape with earphones. Looking at exhibit 7-A, Sims cannot tell what tape was removed (287). Sims doesn't know who was present at the meeting which was tape recorded (287). The incident stands out in Sims' mind because prior to this Sims assumed that Bull was the only one who knew of the tapes, and after this Buzhardt also knew. Sims and Zumwalt gave Buzhardt only one tape. They stayed in Buzhardt's office while Buzhardt listened to a portion of the tape, and then they took the tape back.

Although Sims clearly recollects that the only tape given to Buzhardt that night was the March 20 EOB tape, exhibit 7 indicates that the document given to Buzhardt was the White House telephone tape from February 28 to March 22, 1973. (290). Exhibit 7 was prepared from the note which is part of 7-A, but the note does not have anything on it about the telephone tape (290). Sims says that Zumwalt must have known what he was doing (291), and must have relied on something other than the 7-A note in preparing the exhibit 7 summary of this incident (292). Sims changes his testimony to conform to the written evidence (291).

Sims was not always present when the tapes were returned (293), or when they were logged back in. Sims did not log them in himself, and has no independent knowledge of whether tapes taken out were returned.

Sims was advised of a malfunction in the equipment when he took over for Wong and specifically asked about prior malfunctions (294). He was told that occasionally there was trouble with a switch or something like that. In the cabinet room the manual switch was sometimes left on (295). This was the only "malfunction" Sims remembers (295).

The first time Sims was questioned by anyone from the White House about the timer on the tape machine or the tape running out was Veterans Day. Sims was at home and got a call from Buzhardt asking that he come into the office. (296). Sims tried to call Zumwalt but couldn't reach him, so he called Baker and asked him to come in to work. Around 2:00 or 3:00 that afternoon Buzhardt asked them if a conversation missing on one tape might be on some other tape. Baker said he couldn't be sure, so they consulted Zumwalt the following day (296-7). Buzhardt asked Baker on Veterans Day how it was that a call made from the White House would not be on the tapes, and Baker said it wouldn't be taped

if it wasn't made from a bugged telephone in the White House (297). Buzhardt specifically asked about a June 20 phone call, and an April 15 EOB conversation (298). Baker said that on weekends in the EOB office the tapes would rarely be used because of the lack of activity, but that if there was a lot of unexpected activity the tape would run out before the timer switched on the other tape (298-9). The timer switch was set for 12:00 in the morning (299). Sims got this understanding from Baker. Sims doesn't recall if there was any discussion at the meeting with Baker and Buzhardt about a malfunctioning of the timer.

Sims discussed this with Zumwalt the following day (301). Sims specifically told Zumwalt that the day in question was April 15, 1973 (301), and the phone call was June 20, 1973.

Sims, Zumwalt, Bennett, and Buzhardt were present a few days ago when Buzhardt took exhibits 5 and 6 out of the storage room (303). Sims was not present when Buzhardt played the tape (303). The tape was returned later the same day (304), with Sims present. Sims thinks he saw Bennett log the tapes out, or at least make some notation (304). This would have been before 10:30 in the morning of October 31, 1973 (305). Sims doesn't remember if both exhibits 5 and 6 were removed, only that the tape for April 15 was removed. Sims was not present when the tapes were returned (306).

Sims doesn't remember marking a tape box "Part 1" or "Part 2." (306). Sims does not remember seeing "Part 1" on exhibit 6 when he saw it a few days ago, but he was not examining it "from that standpoint." Sims does not remember any discussion with Buzhardt about the "Part 1" notation at the time Buzhardt was asking whether another tape might exist (307).

#### TESTIMONY OF SIMS -- REDIRECT EXAMINATION

Sims identifies exhibits 2 and 3 and explains that it is a written summary of what he, Baker, and Zumwalt had told Buzhardt on Veterans Day about the telephone lines at the White House and EOB (307-8).

#### TESTIMONY OF SIMS -- RECROSS EXAMINATION

Exhibits 2 and 3 do not reflect everything that was said in the Veterans' Day conversations with Buzhardt (309).

The tape boxes which Sims saw in making the inventory were the same sizes as exhibits 5 and 6 (309), but Sims can't say they were all Scotch 290 boxes.

TESTIMONY OF LOUIS SIMS -- REDIRECT EXAMINATION

Sims identifies exhibits 22 and 23, the receipts which he received upon turning over the tapes on July 18, 1973 (331). He also identifies exhibits 24 - 26, listings of tapes at Camp David, the Oval Office, and the White House telephone.

TESTIMONY OF SIMS -- RECROSS EXAMINATION

Sims was present during the entire time that exhibit 7 was prepared (335). Zumwalt did all the transferring of information from 7-A to 7. Sims was probably inventorying the tapes at the time (336). Sims didn't check what Zumwalt had done, and his initials on exhibit 7 only indicate that he was there when it was prepared. "Two recorders, some overlap" on exhibit 22 means that there was a switch back and forth on the EOB recordings (337). Sims made this notation after Baker and Zumwalt told him that there were two overlapping recorders in the EOB office (338).

Exhibit 25, an inventory, was prepared by both Zumwalt and Sims. The notations "tape 1" and "tape 2" on exhibit 25 were written by Zumwalt (339). Sims prepared exhibit 22. Sims tried to follow the notations on the tape boxes when making his inventory, and if there were writing on the boxes he would try to put it on the inventory (339). Sims does not know if Zumwalt followed the same policy in his inventorying of the EOB tapes, exhibit 22.

TESTIMONY OF STEPHEN BULL -- DIRECT EXAMINATION

Bull is Special Assistant to the President (341), a position he has held for the past six months. Bull became aware of the tape recording system in late February or early March, 1973 (342), when Butterfield told him about it. Bull discussed the storage and retrieval of the tapes with Zumwalt and Sims (342) a few days later.

Bull asked Sims for certain tapes on April 22 (343). He may have asked Zumwalt rather than Sims (343). His request for the tapes was precipitated by a request from Haldeman, who had just come from the President's office (343). Bull does not recall if Haldeman gave him a list of the tapes he wanted, or told him orally (344). Bull got the tapes, gave them to Haldeman, and got them back. He recalls getting back from Haldeman all that he gave him (344), and returning them to the Secret Service (345). Haldeman had the tapes approximately one day. Bull has no recollection of the Secret Service's checking out the tapes to him on more than one day (346).

The next occasion Bull had to obtain tapes was on June 4 (347). Haig told Bull that Nixon wanted to review certain tapes. Bull got the tapes from either Zumwalt or Sims (348). Bull first looked for the specific conversations which the President had in mind (348). He did this in his office, but then moved to the Executive Office Building, in a room separate from Nixon's (348). He would find the specific conversation the President wanted, bring it into the President on the recorder, and then leave (349). Bull was seeking to find about 20 conversations (349), but was not successful in finding all of them (349). He couldn't find about two or three, but can't remember which ones. Bull did not make any investigation

as to why those conversations were missing (350). The listening procedure took about 10-12 hours, and lasted until about 10 at night.

The next occasion when Bull made arrangements over the phone for Buzhardt to listen to a tape (350). Bull did this at Haig's request (351). Bull telephoned Sims or Zumwalt and asked him to make available to Buzhardt ~~xxxxxx~~ a tape which Bull now believes, with his recollection refreshed by recent newspaper accounts, was of a March 20 conversation (351). Bull was interviewed by the Senate Select Committee earlier this year, and hazarded a guess that the tape might have been of a conversation around April 15, but he repeatedly qualified that answer before the Committee and said that he really didn't know what the date was (352). Bull called Buzhardt the night that Buzhardt got the tape and asked if everything was O.K. Buzhardt said yes (352).

Shortly after Nixon returned from San Clemente in the middle of July, Bull got some tapes for Haldeman (352). Haldeman asked for them (353), saying that he was ready to review the tapes of certain conversations, and would he (Bull) check with the President to see if it would be O.K. (353). More than one tape was involved, but Bull does not remember the dates (354). Bull delivered half to Haldeman on one day and half on another (354). One delivery was made in the guest office of the EOB and the other was made to Larry Higby's home. The tapes were returned two days later (354).

The next occasion that Bull had access to the tapes was on September 28, when Haig asked him to get certain tapes which had been subpoenaed. Bull discussed this with John Bennett, who provided boxes containing the tapes (355). Bull did not listen to the tapes, but instead carried them to Camp David, where the President and the President's personal secretary conducted a review of the tapes (356). The review occurred on September 29. Bull was then told that the telephone call conversation was not recorded. He was told this by "ultimately, the President," by which he meant the President and no one else (356-7). Bull made no effort to determine if this conversation might have been on any other tape (357). Bull was also told that the April 15 conversation was not recorded (357). Bull made efforts to see whether this conversation might be on another tape (357). He asked Bennett if there might be another tape containing that conversation, and Bennett furnished him with additional boxes, but they did not contain the conversation (357-8). As to the telephone conversation, Nixon said at the time that it was held on a telephone which did not have a recording device (358). Nixon said the phone call had been made from the West Hall in the living quarters of the White House (359). As to the April 15 conversation, Bull surmised that the conversation had not been recorded because the tape had run out, there having been an inordinate amount of activity in the EOB office on that weekend (360). No one told him this, he just hypothesized it himself on September 29, because the April 15 tape ran out in mid-sentence (360). The President had no comment on Bull's hypothesis (361). The phone call from Bull to Sims about Buzhardt's hearing the tape occurred about June 27 (362).

Bull is shown exhibits 5 and 6 and identifies "part 1" on one of the boxes as having been written by him (362). He placed this notation on the box on September 29 (363), thinking that since the tape ran out in mid-sentence that



there was a part 2 (363). Bull never discovered a part 2 (363). Bull did not make the "i)" on exhibit 6, but thinks it was made by John Bennett, perhaps on September 28 (364). The exhibits on which the "(i)" appears corresponds to the "(i)" part of the subpoena duces tecum issued by the grand jury for the tapes (365).

Bull spoke to Buzhardt about two weeks ago about the absence of certain conversations (366). Bull thereafter assisted Buzhardt in determining the existence of these conversations (367). He and Buzhardt worked with the President's daily log and determined where the Mitchell June 20 phonecall would have appeared on the tape had it been taped (368). Exhibits 5 and 6 were also examined (368) to try to figure out what happened with the April 15 tape (368). Bull discussed with the Secret Service on September 29 what might have happened (368-9). Bull talked with Zumwalt, but can't remember anything about the conversation other than that it contributed to his hypothesis (370).

#### TETSIMONY OF BULL -- CROSS-EXAMINATION

Bull talked with White House counsel Thursday evening, November 1 (371), and Friday morning. Bull did not consult any documents to refresh his recollection in the past few days.

Butterfield told Bull that he (Bull) would be responsible for the tapes (372), and turned him over to Sims (373). Butterfield indicated that sometime the quality of the recordings from the cabinet room was not good. Butterfield said it was a "limited recording capability" because sometimes words would be inaudible (374). Bull then changes his story somewhat and says that Butterfield only said that he was once looking for a specific conversation and couldn't find it, which could mean either a poor audio system or a poor retrieval system (375). Bull does not recall any comments by Butterfield about the poor quality of tapes from elsewhere than the Cabinet Room. (376). The Secret Service discussed ways in which to improve the quality of the system in the Cabinet Room.

Bull has listened to portions of the tapes in an effort to cue them up for the President (377).

The first request of Bull for tapes came on April 22, 1973 or thereabouts (378). To Bull's knowledge, this was the first time since Bull took over that anyone asked that a tape be removed from the storage area. Bull is not sure how he approximated the April 22 date (379), but he recalls it was about a week before Haldeman's resignation (379). Haldeman asked for certain tapes, but Bull has no recollection of how specific Haldeman's request was (379). About 20 tapes were involved (380). Bull has no documentation relating to this question. During the June 4 request for tapes, Bull did make some notations on a piece of paper as to the conversations he found (380). Bull left the paper with the President. (381). The conversations which Bull could not find on June 4 probably would not have had checkmarks next to them (381). On April 22 Haldeman also asked for some sort of listening device (381). After talking with Haldeman, Bull probably called Zumwalt or Sims and requested the tapes and a recorder (382). Bull doesn't recall whether he physically gave Zumwalt or Sims a list of the requested conversations (382). Bull didn't tell them on whose authority he wanted the tapes (383), and they did not question his authority.

When Sims or Zumwalt delivered the items to Bull in Bull's office, Bull probably checked the tape boxes against Haldeman's request (383). Bull says it is fair to assume that this checking process occurred on paper and not in his head (384), but it is not his best recollection that he had a list (384). He did not give Zumwalt or Sims a receipt. Bull doesn't know if there is a log like exhibit 7 which shows the ins and outs of the tapes since July 18. (Parker believes there is such a list and promises to produce it). Buzhardt says there is such a list and he will bring it Tuesday morning).

Bull delivered the tapes in a briefcase to Haldeman (392). The tapes had arrived in Bull's office in a briefcase. Bull doesn't specifically remember looking in the briefcase when he received it and making an inventory (393--this seems inconsistent with his earlier testimony). Bull delivered the tapes and the machine to Haldeman directly, in Haldeman's office (394). Bull does not remember if he or Haldeman counted the tapes at the time of delivery or if Haldeman looked inside the briefcase (394). Haldeman indicated he was going to review the tapes. Bull recalls that the tapes were returned within a day or two, and he returned them to the Secret Service (395). Bull picked up the stuff in Haldeman's office (395). Bull does not recall exactly when this happened but is sure that Haldeman at least had the tapes overnight. Bull has no recollection of having given the tapes to Haldeman and then getting them back four hours later, events which exhibit 7 shows (396). Bull doesn't recall two deliveries and two returns of the same tapes (396-7). Bull believes he returned the tapes wither to Zumwalt or Sims (397), but it might have been to some other person who worked for them, whose name Bull does not recall. Bull can't describe him (398), but it might or might not have been Baker (398). Bull can't be sure that the tapes he got back from Haldeman were the same tapes he delivered to Haldeman (399), but he "has no reason to believe that they were not the same." Not having listened to the tapes, he can't say they were the same, though. Bull can't even say he received the same number of tapes back from Haldeman that he gave him (399). Bull would not have questioned Haldeman, but would have assumed that Haldeman would return what he was given (400).

Bull has no knowledge of any withdrawal of tapes between the time he mentioned and June 4th. On June 4th Haig called Bull and said the President would like to go through the exercise or would like to review the tapes; he would like to review a series of conversations and Bull should work with the President in that review. Bull doesn't recall going into the President for instructions at that time because Bull was in the WH and the President had moved to the EOB, but at some point Bull was given a sheet of paper that listed a series of conversations. Haig probably gave the paper to Bull. It could have been from Zeigler. It was a typewritten list. (400-401) Bull probably received the list a half hour or an hour after Haig told Bull the President wanted to hear some tapes. (402)

Regarding the April 23rd delivery, Bull doesn't recall ever telling anyone he had received only 5 or 6 tapes then and delivered only 5 or 6 to Haldeman. Bull recalls a large number, about 20. (402)

Bull remembers the date June 4th in connection with that incident because of a Time article that said Bull contradicted the President. Bull was told the date was June 4th, but he checked no independent documentation. (402-404)

On that occasion Bull had a list of conversations. He went through the list and made check marks or wrote NA for not available if he couldn't find the conversation. Bull doesn't recall how many conversations the President reviewed but it was quite a few. (405) Bull must have called Zumwalt or Sims and read the list of tapes by date and location. (406) There probably were 20 tapes. They were delivered to Bull around 9 or 9:30 a.m. Bull began trying to find the specific conversations. (407) Bull cued up a conversation on the recorder then took the recorder across the street to the President where he placed the recorder on the table in the President's office in the EOB. Bull indicated which conversation the President was about to hear. He moved his operation to the President's outer office to avoid walking back and forth across the street. Bull ended up working with 4 machines outside. (408) The President buzzed Bull when it was time to come in with the next conversation. They started going down the list chronologically. The President recalled the substance of certain conversations and found it unnecessary to review them, or Bull might be having some difficulty in obtaining a conversation and the President would say "Well, let's go on to the next one." Bull doesn't think they slipped around too much. (409) This took close to 12 hours. Bull would rewind the tapes and then put them back in their boxes. He probably checked each off on his list. Bull doesn't recall which date he started skipping, but was probably told to skip when he reported to the President he was having difficulty finding some conversation. (410) Bull didn't make any note other than marking NA. This probably happened on 2 or 3 occasions. (411) None stand out in Bull's mind.

Bull was at Camp David listening to the April 15th conversation when it trailed off in the middle. He speculated that there must be another tape. He probably didn't write part 1 until he found out there was another tape box that had dates encompassing this period. Bull doesn't recall whether

he was asked on June 4th to find the April 15th tape or whether he heard the conversation run out on June 4th. (412)

Bull believes the WH recording system was in place on June 4th when the President was listening to the tapes. Ben-Veniste suggested that the June 4th tape might be helpful. Ex. 7 shows that the April 15th tape was included in the batch checked out on June 4th (items 22 and 23 on Ex. 7). (414) Buzhardt has no authority to hand over additional tapes. The tape of June 4th was not among the 9 subpoenaed tapes. (415)

After Bull finished on June 4th, he returned to the President the list of tapes. Bull recalls no conversation with the President about the tapes marked NA. (416) Bull doesn't know if the list still exists. Bull didn't follow up on the conversations he couldn't find. (417)

On June 25th Haig, who was in California, called Bull and asked if there was a courier flight available that could bring a tape recorder. Bull found out that there was no plane going out on official business. Haig called back and told Bull to arrange with the TDS to have Buzhardt listen to certain conversations. (417-418) Bull didn't ask Sims to arrange to have it flown to California. Bull isn't sure if he talked with Sims or with Zumwalt. That is the first time Buzhardt had access to the tapes. (419) Bull has no recollection what tape Buzhardt listened to. 2 days ago Bull saw a transcript of a WH press briefing. It related to a report that Bull told the Senate that Buzhardt listened to the April 15th tape when pressed to give a date. (421) Bull has no recollection which tape Buzhardt listened to, but Bull has been told it was the tape of March 20th. (422) Bull told the Senate staff in a secret session that he guessed Buzhardt listened to the April 15th tape. (424) There was no reporter, but Lenzner and Armstrong might have been taking notes. Bull's recollection on August 1st probably was better than his present recollection. (426)

Bull's involvement ended with making the arrangements for Buzhardt to hear the tapes and didn't include reporting on the contents. Bull doesn't know the urgency for the arrangements. (427)

[Upon adjournment Bull was instructed not to discuss his testimony with anyone. (429)]

At a bench conference Ben-Veniste explained that he wasn't demanding production of the June 4th tape but simply suggesting that it might be helpful. (430)

IN RE SUBPOENAS DUCES TECUM ISSUED TO  
PRESIDENT RICHARD M. NIXON FOR PRO-  
DUCTION OF TAPES

Summary of Friday, November 2, 1973

*Sims  
Bull*

OPENING STATEMENT OF BEN-VENISTE

Many questions are still unanswered: who wrote "Part I" on the tape box, whether there is a "Part II," the fact that the April 15 tape box is marked "full" rather than "ran out," the revision of Nixon's April 15 log on the same day as the grand jury subpoena was issued, whether there was a malfunction of the timer, who had access to the tapes, where the June 20 phone call was made, access to the June 20 tape, when the nonexistence of the taped conversations was discovered. (225). We intend to call Bull, Sims, Wong, Butterfield, Petersen, Higby, Haldeman, and Nelson (226). We may also have to call Buzhardt on the issue of the time of discovery (226).

STATEMENT OF BUZHARDT

We came to the hearing on short notice and have had no opportunity to prepare a presentation on chain of custody (227). If the court desires such a presentation, we will offer one if given time to prepare it (228).

TESTIMONY OF LOUIS B. SIMS -- DIRECT EXAMINATION

Sims is a Special Agent with the Secret Service assigned to the White House (229). Took Wong's place on November 26, 1972. Sims supervised Zumwalt and Baker, who were technicians (230). Sims supervised the storage of the tapes, but Zumwalt and Baker did most of the actual putting in and taking out. (231). Sims was aware whenever a tape was put in or taken out (231).

Sims reported to Butterfield, who was liaison between the White House and the Secret Service, until Butterfield left for the FAA in late February or early March, 1973. Butterfield's job was taken over by Steve Bull (231). Right before Butterfield left the White House, he and Sims met with Bull and told Bull of the taping apparatus (231). The Secret Service was removed from custody of the tapes on July 18, 1973 (232). At that time, the Secret Service prepared records on the tapes (232).

Sims instructions when he took over in November, 1972, were that records had to be kept of access to the tapes. Normally Sims would accompany Zumwalt to get tapes which were requested, but sometimes Zumwalt went alone. The deliveries were always made to Mr. Bull (233). The request would come to Sims, who would tell Zumwalt (233). Sims did not tell Zumwalt what kind of records to keep, only to keep some kind of access records.

On July 18, when the tapes were to be turned over, Sims and Zumwalt went to the storage facility and inventoried the tapes (233). Listing was made of the dates tapes were removed and returned. No guesses were made, papers were referred to (234).

Oval, 3-12-73 means the tape of that date's conversations in the Oval office. It was given to Steve Bull (235).

Sims does not know when Bull returned that tape (235). Zumwalt kept all the records. The tapes were kept in a locked cabinet in a safe room in the Executive Office Building. Sims and Zumwalt had keys (237). The tapes which Bull would request would be handed to Bull almost immediately (237). Sims would make no notation of the tapes given to Bull, but Zumwalt would (238). When Bull returned tapes, Zumwalt would run those that were returned against a x list of what was taken out, and would ask Bull where a certain tape was if it was not being returned (238-9). Sims believed Zumwalt always noted when something was returned. Every return date is listed in the log, but not all are on the little slips of paper (239). Sims would ask Bull, every time Bull took tapes, who the tapes were for, and Bull would indicate the President, but Sims has no knowledge that they were really for the President (240-41).

Bull would always keep the tapes safe overnight (241). The tapes were taken out at 1:45 pm on April 25 and returned that day at 5:28 pm. They obviously were returned for storage overnight, because they were taken out again at 11:00 am the next day (241), and were returned at 5:05 pm on May 2.

Sims assisted in the preparation of the book (241), but did not add any substantive information to that which Zumwalt already had (242). The notes from which the log was made were kept in a safe place (242).

One note says 6-25-73, Buzhardt. Sims remembers that on 6-25-73 Bull telephoned him from California late at night and requested that the March 20 tape be delivered to Buzhardt for review. Sims called Zumwalt at his home, and Zumwalt met Sims at the storage location (243). They took the March 20 tape out and put it in Buzhardt's office for him to listen to. Buzhardt listened to a portion of it.

Zumwalt did not hesitate in preparing the logs. He had all the relevant information on slips of paper (243). An inventory was made of all the tapes, and the key to the cabinet was turned over to the President through Mr. John Bennett (245).

Sims is familiar with the alarm system at the White House (245). 307S refers to the office occupied by John Ehrlichman in the West Wing when Ehrlichman was at the White House.

#### TESTIMONY OF SIMS - CROSS EXAMINATION

Sims is familiar with the handling of evidence (246-7). Sims has not talked to Zumwalt about his testimony since Zumwalt testified (248). Sims did not talk to Zumwalt about exhibit 7-A, but X may have talked to him about the timing device. (248). Sims did not discuss Zumwalt's testimony per se (250). Sims did ask Zumwalt about if he recalled how the logs were put together from the scraps of paper (250). Sims was not aware that there had been a discrepancy about the preparation of the logs (250).

The inventory of the tapes was done at the direction of Buzhardt and Raig, possibly (252). They merely asked Sims to turn off the tape apparatus and to turn the tapes over to them; the decision to inventory was his own. (252). An inventory was provided to Bennett (252). The inventory

reflects all the tapes turned over (253). It does not reflect all the notations on the tape boxes (253). The information for the inventory came off the tape box (253). None of the tapes was listened to. (254). Sims recollects that there were some gaps in the tapes -- some day's tapes not present. Occasionally the missing tape would be filed elsewhere (255). Sims does not recall if there were gaps not covered by a misfiled tape (255). They weren't looking for that; they were only concerned with listing what was turned over. Sims is certain that none of the tapes was missing. (255). But he was concerned only with listing what was physically present and turned over (257).

The inventory was Sims' idea; he wanted a receipt in effect for what he turned over to Buzhardt and Haig (258-9). There were approximately five or six five-drawer file cabinets of tapes (259). Sims was not given an explanation of why these tapes were to be turned over (259). Buzhardt asked that they be turned over (259). There were several hours delay in turning over the tapes because the inventory had to be made (260).

Sims did not see any of the slips of paper which comprise exhibit 7-A until July 18 (260). Sims had no idea before then how these documents were kept (260). Sims assisted Zumwalt in preparing the log. He (Sims) carefully wrote what was on the individual notes onto the ~~xx~~ back of exhibit 7. Sims was careful to include all the individual scraps of paper (262). On one occasion, Zumwalt made reference to a piece of paper not included in exhibit 7-A (262). It might have been to his pocket notebook (262-3). Sims doesn't know anything about the preparation of Zumwalt's notebook (264). Sims doesn't have any specific recollection of what document Zumwalt referred to on July 18, in addition to exhibit 7-A (264). Zumwalt's was an unusual means of logging evidence (264), but not for Zumwalt (265).

Sims initialed exhibit 7 on July 17 (265), and asked Zumwalt to do likewise. As to the tapes taken out on June 4, using exhibit 7 as the source of reference, Sims would say that if the date of return of these tapes ~~xxxx~~ was not on a little slip of paper then ~~xxxxx~~ they were returned on the same day (266). This is not consistent with the rest of exhibit 7 (266-7).

Zumwalt would check what he got back from Bull box by box (269) to make sure that everything given was returned (269). Sims watched him do it. (270). Sometimes Zumwalt would say such and such has not been returned and how are you going to secure it (270). Sims, after examining exhibits 7 and 7-A, says they do not reflect any partial returns (270). Sims then confirms his testimony to the notes, saying that what he took to be a partial return may not have been one (271).

No log was kept of the furnishing of tape recorders to Bull or others (281). On ~~an~~ occasion more than one recorder was provided, in case of a mechanical failure (282). On June 4, 1973 several recorders were supplied to Bull (282). Bull didn't give any explanation for why he wanted the extra recorders (282). Earphones were also provided (282).

On the evening of June 25, Sims got a call from Bull

asking that he pull a certain tape (282-83). Bull said he was in San Clemente and had to have the tape and listening device out there (283). Five minutes later Bull called Sims back and said to deliver the tape to Buzhardt instead. Sims recollects that it was the March 20 tape which was requested, but he did not write the date down at the time (284). The note on exhibit 7-A refreshes Sims' recollection of the March date, but Sims did not write the note and does not recognize the handwriting (284). It may be Zumwalt's handwriting (285).

No one explained to Sims the urgency involved (285), despite the late-night phone call. Sims called Zumwalt and asked him to meet him at the White House EOB. (286). They arrived at about 11:30; it took about 5 minutes to find the tape (286). The tape was either March 20 or 21. They took it up to Buzhardt's office along with some listening equipment (286). Buzhardt listened to the tape with earphons. Looking at exhibit 7-A, Sims cannot tell what tape was removed (287). Sims doesn't know who was present at the meeting which was tape recorded (287). The incident stands out in Sims' mind because prior to this Sims assumed that Bull was the only one who knew of the tapes, and after this Buzhardt also knew. Sims and Zumwalt gave Buzhardt only one tape. They stayed in Buzhardt's office while Buzhardt listened to a portion of the tape, and then they took the tape back.

Although Sims clearly recollects that the only tape given to Buzhardt that night was the March 20 EOB tape, exhibit 7 indicates that the document given to Buzhardt was the White House telephone tape from February 28 to March 22, 1973. (290). Exhibit 7 was prepared from the note which is part of 7-A, but the note does not have anything on it about the telephone tape (290). Sims says that Zumwalt must have known what he was doing (291), and must have relied on something other than the 7-A note in preparing the exhibit 7 summary of this incident (292). Sims changes his testimony to conform to the written evidence (291).

Sims was not always present when the tapes were returned (293), or when they were logged back in. Sims did not log them in himself, and has no independent knowledge of whether tapes taken out were returned.

Sims was advised of a malfunction in the equipment when he took over for Wong and specifically asked about prior malfunctions (294). He was told that occasionally there was trouble with a switch or something like that. In the cabinet room the manual switch was sometimes left on (295). This was the only "malfunction" Sims remembers (295).

The first time Sims was questioned by anyone from the White House about the timer on the tape machine or the tape running out was Veterans Day. Sims was at home and got a call from Buzhardt asking that he come into the office. (296). Sims tried to call Zumwalt but couldn't reach him, so he called Baker and asked him to come in to work. Around 2:00 or 3:00 that afternoon Buzhardt asked them if a conversation missing on one tape might be on some other tape. Baker said he couldn't be sure, so they consulted Zumwalt the following day (296-7). Buzhardt asked Baker on Veterans Day how it was that a call made from the White House would not be on the tapes, and Baker said it wouldn't be taped



if it wasn't made from a bugged telephone in the White House (297). Buzhardt specifically asked about a June 20 phone call, and on April 15 EOB conversation (298). Baker said that on weekends in the EOB office the tapes would rarely be used because of the lack of activity, but that if there was a lot of unexpected activity the tape would run out before the timer switched on the other tape (298-9). The timer switch was set for 12:00 in the morning (299). Sims got this understanding from Baker. Sims doesn't recall if there was any discussion at the meeting with Baker and Buzhardt about a malfunctioning of the timer.

Sims discussed this with Zumwalt the following day (301). Sims specifically told Zumwalt that the day in question was April 15, 1973 (301), and the phone call was June 20, 1973.

Sims, Zumwalt, Bennett, and Buzhardt were present a few days ago when Buzhardt took exhibits 5 and 6 out of the storage room (303). Sims was not present when Buzhardt played the tape (303). The tape was returned later the same day (304), with Sims present. Sims thinks he saw Bennett log the tapes out, or at least make some notation (304). This would have been before 10:30 in the morning of October 31, 1973 (305). Sims doesn't remember if both exhibits 5 and 6 were removed, only that the tape for April 15 was removed. Sims was not present when the tapes were returned (306).

Sims doesn't remember marking a tape box "Part 1" or "Part 2." (306). Sims does not remember seeing "Part 1" on exhibit 6 when he saw it a few days ago, but he was not examining it "from that standpoint." Sims does not remember any discussion with Buzhardt about the "Part 1" notation at the time Buzhardt was asking whether another tape might exist (307).

#### TESTIMONY OF SIMS -- REDIRECT EXAMINATION

Sims identifies exhibits 2 and 3 and explains that it is a written summary of what he, Baker, and Zumwalt had told Buzhardt on Veterans Day about the telephone lines at the White House and EOB (307-8).

#### TESTIMONY OF SIMS -- RECROSS EXAMINATION

Exhibits 2 and 3 do not reflect everything that was said in the Veterans' Day conversations with Buzhardt (309).

The tape boxes which Sims saw in making the inventory were the same sizes as exhibits 5 and 6 (309), but Sims can't say they were all Scotch 290 boxes.

TESTIMONY OF LOUIS SIMS -- REDIRECT EXAMINATION

Sims identifies exhibits 22 and 23, the receipts which he received upon turning over the tapes on July 18, 1973 (331). He also identifies exhibits 24 - 26, listings of tapes at Camp David, the Oval Office, and the White House telephone.

TESTIMONY OF SIMS -- RECROSS EXAMINATION

Sims was present during the entire time that exhibit 7 was prepared (335). Zumwalt did all the transferring of information from 7-A to 7. Sims was probably inventorying the tapes at the time (336). Sims didn't check what Zumwalt had done, and his initials on exhibit 7 only indicate that he was there when it was prepared. "Two recorders, some overlap" on exhibit 22 means that there was a switch back and forth on the EOB recordings (337). Sims made this notation after Baker and Zumwalt told him that there were two overlapping recorders in the EOB office (338).

Exhibit 25, an inventory, was prepared by both Zumwalt and Sims. The notations "tape 1" and "tape 2" on exhibit 25 were written by Zumwalt (339). Sims prepared exhibit 22. Sims tried to follow the notations on the tape boxes when making his inventory, and if there were writing on the boxes he would try to put it on the inventory (339). Sims does not know if Zumwalt followed the same policy in his inventorying of the EOB tapes, exhibit 22.

TESTIMONY OF STEPHEN BULL -- DIRECT EXAMINATION

Bull is Special Assistant to the President (341), a position he has held for the past six months. Bull became aware of the tape recording system in late February or early March, 1973 (342), when Butterfield told him about it. Bull discussed the storage and retrieval of the tapes with Zumwalt and Sims (342) a few days later.

Bull asked Sims for certain tapes on April 22 (343). He may have asked Zumwalt rather than Sims (343). His request for the tapes was precipitated by a request from Haldeman, who had just come from the President's office (343). Bull does not recall if Haldeman gave him a list of the tapes he wanted, or told him orally (344). Bull got the tapes, gave them to Haldeman, and got them back. He recalls getting back from Haldeman all that he gave him (344), and returning them to the Secret Service (345). Haldeman had the tapes approximately one day. Bull has no recollection of the Secret Service's checking out the tapes to him on more than one day (346).

The next occasion Bull had to obtain tapes was on June 4 (347). Haig told Bull that Nixon wanted to review certain tapes. Bull got the tapes from either Zumwalt or Sims (348). Bull first looked for the specific conversations which the President had in mind (348). He did this in his office, but then moved to the Executive Office Building, in a room separate from Nixon's (348). He would find the specific conversation the President wanted, bring it into the President on the recorder, and then leave (349). Bull was seeking to find about 20 conversations (349), but was not successful in finding all of them (349). He couldn't find about two or three, but can't remember which ones. Bull did not make any investigation

as to why those conversations were missing (350). The listening procedure took about 10-12 hours, and lasted until about 10 at night.

The next occasion when was Bull made arrangements over the phone for Buzhardt to listen to a tape (350). Bull did this at Haig's request (351). Bull telephoned Sims or Zumwalt and asked him to make available to Buzhardt ~~xxxxxxx~~ a tape which Bull now believes, with his recollection refreshed by recent newspaper accounts, was of a March 20 conversation (351). Bull was interviewed by the Senate Select Committee earlier this year, and hazarded a guess that the tape might have been of a conversation around April 15, but he repeatedly qualified that answer before the Committee and said that he really didn't know what the date was (352). Bull called Buzhardt the night that Buzhardt got the tape and asked if everything was O.K. Buzhardt said yes (352).

Shortly after Nixon returned from San Clemente in the middle of July, Bull got some tapes for Haldeman (352). Haldeman asked for them (353), saying that he was ready to review the tapes of certain conversations, and would he (Bull) check with the President to see if it would be O.K. (353). More than one tape was involved, but Bull does not remember the dates (354). Bull delivered half to Haldeman on one day and half on another (354). One delivery was made in the guest office of the EOB and the other was made to Larry Higby's home. The tapes were returned two days later (354).

The next occasion that Bull had access to the tapes was on September 28, when Haig asked him to get certain tapes which had been subpoenaed. Bull discussed this with John Bennett, who provided boxes containing the tapes (355). Bull did not listen to the tapes, but instead carried them to Camp David, where the President and the President's personal secretary conducted a review of the tapes (356). The review occurred on September 29. Bull was then told that the telephone call conversation was not recorded. He was told this by "ultimately, the President," by which he meant the President and no one else (356-7). Bull made no effort to determine if this conversation might have been on any other tape (357). Bull was also told that the April 15 conversation was not recorded (357). Bull made efforts to see whether this conversation might be on another tape (357). He asked Bennett if there might be another tape containing that conversation, and Bennett furnished him with additional boxes, but they did not contain the conversation (357-8). As to the telephone conversation, Nixon said at the time that it was held on a telephone which did not have a recording device (358). Nixon said the phone call had been made from the West Hall in the living quarters of the White House (359). As to the April 15 conversation, Bull surmised that the conversation had not been recorded because the tape had run out, there having been an inordinate amount of activity in the EOB office on that weekend (360). No one told him this, he just hypothesized it himself on September 29, because the April 15 tape ran out in mid-sentence (360). The President had no comment on Bull's hypothesis (361). The phone call from Bull to Sims about Buzhardt's hearing the tape occurred about June 27 (362).

Bull is shown exhibits 5 and 6 and identifies "part 1" on one of the boxes as having been written by him (362). He placed this notation on the box on September 29 (363), thinking that since the tape ran out in mid-sentence that

there was a part 2 (363). Bull never discovered a part 2 (363). Bull did not make the "(i)" on exhibit 6, but thinks it was made by John Bennett, perhaps on September 28 (364). The exhibits on which the "(i)" appears corresponds to the "(i)" part of the subpoena duces tecum issued by the grand jury for the tapes (365).

Bull spoke to Bushardt about two weeks ago about the absence of certain conversations (366). Bull thereafter assisted Bushardt in determining the existence of these conversations (367). He and Bushardt worked with the President's daily log and determined where the Mitchell June 20 phonecall would have appeared on the tape had it been taped (368). Exhibits 5 and 6 were also examined (368) to try to figure out what happened with the April 15 tape (368). Bull discussed with the Secret Service on September 29 what might have happened (368-9). Bull talked with Zumwalt, but can't remember anything about the conversation other than that it contributed to his hypothesis (370).

#### TETSIMONY OF BULL -- CROSS-EXAMINATION

Bull talked with White House counsel Thursday evening, November 1 (371), and Friday morning. Bull did not consult any documents to refresh his recollection in the past few days.

Butterfield told Bull that he (Bull) would be responsible for the tapes (372), and turned him over to Sims (373). Butterfield indicated that sometime the quality of the recordings from the cabinet room was not good. Butterfield said it was a "limited recording capability" because sometimes words would be inaudible (374). Bull then changes his story somewhat and says that Butterfield only said that he was once looking for a specific conversation and couldn't find it, which could mean either a poor audio system or a poor retrieval system (375). Bull does not recall any comments by Butterfield about the poor quality of tapes from elsewhere than the Cabinet Room. (376). The Secret Service discussed ways in which to improve the quality of the system in the Cabinet Room.

Bull has listened to portions of the tapes in an effort to cue them up for the President (377).

The first request of Bull for tapes came on April 22, 1973 or thereabouts (378). To Bull's knowledge, this was the first time since Bull took over that anyone asked that a tape be removed from the storage area. Bull is not sure how he approximated the April 22 date (379), but he recalls it was about a week before Haldeman's resignation (379). Haldeman asked for certain tapes, but Bull has no recollection of how specific Haldeman's request was (379). About 20 tapes were involved (380). Bull has no documentation relating to this question. During the June 4 request for tapes, Bull did make some notations on a piece of paper as to the conversations he found (380). Bull left the paper with the President. (381). The conversations which Bull could not find on June 4 probably would not have had checkmarks next to them (381). On April 22 Haldeman also asked for some sort of listening device (381). After talking with Haldeman, Bull probably called Zumwalt or Sims and requested the tapes and a recorder (382). Bull doesn't recall whether he physically gave Zumwalt or Sims a list of the requested conversations (382). Bull didn't tell them on whose authority he wanted the tapes (383), and they did not question his authority.

When Sims or Zumwalt delivered the tapes to Bull in Bull's office, Bull probably checked the tape boxes against Haldeman's request (383). Bull says it is fair to assume that this checking process occurred on paper and not in his head (384), but it is not his best recollection that he had a list (384). He did not give Zumwalt or Sims a receipt. Bull doesn't know if there is a log like exhibit 7 which shows the ins and outs of the tapes since July 18. (Parker believes there is such a list and promises to produce it. Bushardt says there is such a list and he will bring it Tuesday morning).

Bull delivered the tapes in a briefcase to Haldeman (392). The tapes had arrived in Bull's office in a briefcase. Bull doesn't specifically remember looking in the briefcase when he received it and making an inventory (393--this seems inconsistent with his earlier testimony). Bull delivered the tapes and the machine to Haldeman directly, in Haldeman's office (394). Bull does not remember if he or Haldeman counted the tapes at the time of delivery or if Haldeman looked inside the briefcase (394). Haldeman indicated he was going to review the tapes. Bull recalls that the tapes were returned within a day or two, and he returned them to the Secret Service (395). Bull picked up the stuff in Haldeman's office (395). Bull does not recall exactly when this happened but is sure that Haldeman at least had the tapes overnight. Bull has no recollection of having given the tapes to Haldeman and then getting them back four hours later, events which exhibit 7 shows (396). Bull doesn't recall two deliveries and two returns of the same tapes (396-7). Bull believes he returned the tapes either to Zumwalt or Sims (397), but it might have been to some other person who worked for them, whose name Bull does not recall. Bull can't describe him (398), but it might or might not have been Baker (398). Bull can't be sure that the tapes he got back from Haldeman were the same tapes he delivered to Haldeman (399), but he "has no reason to believe that they were not the same." Not having listened to the tapes, he can't say they were the same, though. Bull can't even say he received the same number of tapes back from Haldeman that he gave him (399). Bull would not have questioned Haldeman, but would have assumed that Haldeman would return what he was given (400).

Bull has no knowledge of any withdrawal of tapes between the time he mentioned and June 4th. On June 4th Haig called Bull and said the President would like to go through the exercise or would like to review the tapes; he would like to review a series of conversations and Bull should work with the President in that review. Bull doesn't recall going into the President for instructions at that time because Bull was in the WJ and the President had moved to the EOB, but at some point Bull was given a sheet of paper that listed a series of conversations. Haig probably gave the paper to Bull. It could have been from Zeigler. It was a typewritten list. (400-401) Bull probably received the list a half hour or an hour after Haig told Bull the President wanted to hear some tapes. (402)

Regarding the April 23rd delivery, Bull doesn't recall ever telling anyone he had received only 5 or 6 tapes then and delivered only 5 or 6 to Waldeman. Bull recalls a large number, about 20. (402)

Bull remembers the date June 4th in connection with that incident because of a Time article that said Bull contradicted the President. Bull was told the date was June 4th, but he checked no independent documentation. (402-404)

On that occasion Bull had a list of conversations. He went through the list and made check marks or wrote NA for not available if he couldn't find the conversation. Bull doesn't recall how many conversations the President reviewed but it was quite a few. (405) Bull must have called Zumwalt or Sims and read the list of tapes by date and location. (406) There probably were 20 tapes. They were delivered to Bull around 9 or 9:30 a.m. Bull began trying to find the specific conversations. (407) Bull cued up a conversation on the recorder then took the recorder across the street to the President where he placed the recorder on the table in the President's office in the EOB. Bull indicated which conversation the President was about to hear. He moved his operation to the President's outer office to avoid walking back and forth across the street. Bull ended up working with 4 machines outside. (408) The President buzzed Bull when it was time to come in with the next conversation. They started going down the list chronologically. The President recalled the substance of certain conversations and found it unnecessary to review them, or Bull might be having some difficulty in obtaining a conversation and the President would say "Well, let's go on to the next one." Bull doesn't think they slipped around too much. (409) This took close to 12 hours. Bull would rewind the tapes and then put them back in their boxes. He probably checked each off on his list. Bull doesn't recall which date he started skipping, but was probably told to skip when he reported to the President he was having difficulty finding some conversation. (410) Bull didn't make any note other than marking NA. This probably happened on 2 or 3 occasions. (411) None stand out in Bull's mind.

Bull was at Camp David listening to the April 15th conversation when it trailed off in the middle. He speculated that there must be another tape. He probably didn't write part 1 until he found out there was another tape box that had dates encompassing this period. Bull doesn't recall whether

He was asked on June 4th to find the April 15th tape or whether he heard the conversation run out on June 4th. (412)

Bull believes the WH recording system was in place on June 4th when the President was listening to the tapes. Ben-Veniste suggested that the June 4th tape might be helpful. Ex. 7 shows that the April 15th tape was included in the batch checked out on June 4th (Ex. 22 and 23 on Ex. 7). (414) Buzhardt has no authority to hand over additional tapes. The tape of June 4th was not among the 9 subpoenaed tapes. (415)

After Bull finished on June 4th, he returned to the President the list of tapes. Bull recalls no conversation with the President about the tapes marked WA. (416) Bull doesn't know if the list still exists. Bull didn't follow up on the conversations he couldn't find. (417)

On June 25th Haig, who was in California, called Bull and asked if there was a courier flight available that could bring a tape recorder. Bull found out that there was no plane going out on official business. Haig called back and told Bull to arrange with the TDS to have Buzhardt listen to certain conversations. (417-418) Bull didn't ask Sims to arrange to have it flown to California. Bull isn't sure if he talked with Sims or with Zumwalt. That is the first time Buzhardt had access to the tapes. (419) Bull has no recollection what tape Buzhardt listened to. 2 days ago Bull saw a transcript of a WH press briefing. It related to a report that Bull told the Senate that Buzhardt listened to the April 15th tape when pressed to give a date. (421) Bull has no recollection which tape Buzhardt listened to, but Bull has been told it was the tape of March 20th. (422) Bull told the Senate staff in a secret session that he guessed Buzhardt listened to the April 15th tape. (424) There was no reporter, but Lenzner and Armstrong might have been taking notes. Bull's recollection on August 1st probably was better than his present recollection. (426)

Bull's involvement ended with making the arrangements for Buzhardt to hear the tapes and didn't include reporting on the contents. Bull doesn't know the urgency for the arrangements. (427)

[Upon adjournment Bull was instructed not to discuss his testimony with anyone. (429)]

At a bench conference Ben-Veniste explained that he wasn't demanding production of the June 4th tape but simply suggesting that it might be helpful. (430)

Tuesday, November 6, 1973 - Morning Session

*Bull  
Nesbitt: p. 10  
Bennett: p. 11*

Ben-Veniste clarified the dates of the subpoena duces tecum, indicating that it was not served on July 26 as had been previously stated, but rather was served on July 23. The show cause order was issued on July 26, and according to Nesbitt's testimony, the memo to him asking for some revisions in the President's log was on July 25. Parker agreed to Ben-Veniste's corrections. (433)

CROSS-EXAMINATION OF STEPHEN BULL BY BEN-VENISTE (resumed)

Bull is reasonably certain that he did not give the tapes to anyone other than Haldeman on April 25, and there is no question in his mind about it. Aside from his personal knowledge, Bull does not believe he heard that anyone other than Haldeman heard, saw or handled the tapes on that occasion. (434)

The logs indicate that on April 25, 22 tapes were delivered to Bull at 1:45 p.m. and returned on April 25 at 5:28 p.m., and that the same 22 tapes were delivered to Bull on April 26 at 11:00 a.m. and returned by him on May 2. While Bull accepts what the logs indicate, he stands by his previous recollection of one delivery which was returned by Haldeman the next day. (435-436)

Bull began working with Buzhardt on the unrecorded conversation last Tuesday (October 30). Bull recalls testifying on Friday (November 2) that he discussed the unrecorded conversation with Buzhardt approximately two weeks previous to November 2 but thought he was now being asked about actually working with Buzhardt in an effort to find the missing conversation. (436-437)

Bull's talking to Buzhardt about the missing conversations which approximately two weeks before November 2 came about because of a prior conversation with Haig which occurred either on the same day as the talk with Buzhardt or a day or so before and in either Haig's or Bull's office. Bull initiated the conversation with Haig because of Bull's continuing concern over the matter of two missing tapes and not in preparation for any tapes disclosure or Court proceeding. Bull told Haig something to the effect that he had familiarity with the mechanical procedures which were followed when the President reviewed tapes on September 29 and might thus be of assistance to Buzhardt. Haig indicated that Bull should contact Buzhardt. (438-440)

Bull contacted Buzhardt but what ensued was more a monologue than a conversation. Bull had asked Buzhardt whether he was familiar with the reasons which Bull could offer as to why the two conversations might not have been recorded, and Buzhardt had indicated that he was. Bull's interpretation was that Buzhardt knew that Bull had been unable to find the two conversations, but at that time neither Buzhardt nor anyone else was assured that the conversations were unequivocally unavailable. At that time Buzhardt had said nothing about looking further for the tapes. (440-442)



The next discussion Bull had with Buzhardt about the missing conversations occurred last Tuesday morning (October 30), in John Bennett's office on the first floor of the White House West Wing. Bull had three tapes: Exhibits 5 and 6, and a tape of phone conversations covering approximately the period around June 1972. Bull ran through the tapes, occasionally listening for a word to establish the chronology of the conversations, and when he came to a portion where a conversation should be, marked it and let Buzhardt listen. Both Bull and Buzhardt at that time heard the April 15 tape where the conversation trailed off, and also tried to find both the 6-minute Mitchell phone call and the bracketing calls, in order to prove that the call to Mitchell had been made from a phone not connected to a recorder. Bull used the President's logs in trying to find the bracketing calls. Both Bull and Buzhardt had used earphones, and although Bull is sure there was a conversation afterwards, he does not recall it precisely. (442-455)

*between Bull and Buzhardt*

Bull has seen no logs relating to tapes, and has had no conversations with anyone about what the pre-July access logs might reflect. (445-456)

Bull says as part of his official duties he was in Key Biscayne over this weekend (November 3-5) with the President. Regarding any discussion about the tapes since testifying Friday, Bull indicated to someone in his family his dismay over the news accounts reflecting his court statements as contrary to what he thought he had said. (At the Bench, Parker says he had a brief phone conversation with Bull about the family locator device this weekend, and that Bull may not feel such is considered within Ben-Veniste's question.) Bull also saw Garment and Buzhardt on Saturday and asked if he could review his Friday transcript, but they said he could not do so. Bull also called Parker to ask whether he could obtain a transcript and/or (after responding to a question by Ben-Veniste) had a discussion about the locator system. (446-449)

Bull went to Camp David with tapes on September 28-29 after receiving instructions from Haig on the 28th. (Exhibit 28 marked: the logs of removal and return of tapes from July 18 to at least the start of the hearings (450).) Either Haig or Bennett told Bull which specific tapes he was to take to Camp David, and approximately a dozen tapes were made available to Bull by Bennett who also gave him a list of tapes. This list was a copy of the Cox and Senate subpoenas, and there was a tape corresponding to each of the subpoena entries. Bull was not present when any inventory was made with respect to the tape removal and does not know if such were made. Bull returned to Bennett approximately 4 or 5 of the dozen tapes on perhaps the Monday after the weekend at Camp David. The remainder were retained by Rosemary Woods, and the last time Bull saw them was about two weeks afterwards in Woods' White House office. Bull does not know when or if these tapes were returned to Bennett. (450-456)

While at Camp David, Bull saw Woods typing after listening to

portions of the tapes, but he is unwilling to assume she was making a transcript. During the next two weeks. Bull saw Woods from time to time typing after listening to tapes but never saw the product of her typing. (456-457) (The Court indicates that Woods will be called as a witness. (457)) Bull arrived with Woods at Camp David at about 9:30 a.m., and Bull had the tapes and tape recorders with him. The President arrived at around 11:00 a.m., and no one else was there except CD personnel. (457, 461). (Bull also indicates that others were at CD but not in the area around Woods' cabin where Nixon and Woods were working. (460)) Haig had indicated that the President wished to begin to review some requested tapes and that Bull was to assist. Woods told Bull she would be working with the President in a review, but Bull does not recall whether she said she was going to transcribe the tapes or not, or whether she asked him about the tapes' quality. At some point, either the day she started or the day before, Bull discussed the quality of some of the tapes with Woods. (458-459) Bull was with Woods, while the tapes were being played, from 9:30 a.m. until 5:30 or 6:00 p.m., and he spent 2 days at Camp David. While the President was there, Bull stayed in the other room continuing to find conversations on tapes, and during the brief period when Bull came into the room while Nixon was there, Woods was not typing. (462) Woods did not ask Bull for assistance other than locating tapes, and Bull did not see any of Woods' finished typewritten work. (462-463)

Bull did not at Camp David listen to any of the taped conversations, other than the end of the April 15 tape where it ran off. (462)

The President was present while Bull was trying to find the April 15 Dean-Nixon conversation and the tape trailed off in mid-sentence. Bull then told Woods, in substance, that he did not have the conversation yet but would continue to look for it. Bull thinks the President was present when he said this to Woods, and Bull at that time offered a partial explanation of why the conversation was not on the particular reel of tape. (464-467)

At some point afterwards, Bull phoned Bennett to tell him that Bull did not have the April 15 conversation and to request Bennett to attempt to find another box. Bennett phoned Bull and said he had found another box which he would personally carry to Camp David. Bull received this other box around 8:00 p.m., and he believes this was Exhibit 5. Bull put the tape on a play back device, and recognized that it did not pick up where the first tape trailed off. Bull reported this to Woods and also phoned Haig, who was in Washington, informing Haig that he was unable to find recordings of the April 15 Dean conversation and the Mitchell phone conversation. Bull does not recall what Haig said to him in response, or whether Haig at that point asked for an explanation. Although the President was at this time still at Camp David, Bull does not believe he personally informed him of the missing conversation and assumed Haig did so. Bull did not see Nixon at Camp David after calling Haig. (467-470)

Bull does not believe he has ever seen any document in Exhibit 28 and cannot authenticate whether it is accurate in all cases, although he says it appears to be accurate and he does not know it to be inaccurate. (470-472)

Although Exhibit 28 lists a tape EOB, 4-12-73 to 4-16-73 which the date markings on Exhibits 5, 6, and 7 do not appear to match, the starting dates on E 5, 6 and 7 may be the dates on which TSD put a new reel onto the recorder and not the dates the tape actually started recording. (472-475)

Bull acknowledges that on Exhibit 28, the tape which was returned October 1 is not identified with any more particularity than 15 April. (476)

Bull's impression is that Woods was the only secretary or person who had anything to do with (summarizing or transcribing) the tapes, and he has heard nothing to the contrary. (476-477)

Bull has never heard of James D. Barzee. (477)

The tape delivery around July 10 to Haldeman:

After the President had returned from California, Bull spoke with Haldeman over the phone. Haldeman either indicated he was ready to review some taped conversations or was requesting to do so, and Bull recalls that he was to reconfirm with the President whether Haldeman could or should proceed. These were about half a dozen tapes which, by Bull's reconstruction, Haldeman must have specified to Bull but which Bull cannot now recall. Bull does not recall what the President said but he would have given his approval or Bull would not have proceeded. Bull does not recall if Nixon indicated any tapes other than those specified which Haldeman should listen to. (477-480)

Bull does recall that the President gave Bull an admonition to be passed on to Haldeman, that Haldeman should testify before the Senate Select Committee based upon his own recollections and personal notes and not upon his listening to the tapes. (481-482)

Bull recalls passing along the President's admonition to Haldeman but does not specifically recall anything else which transpired. Bull recalls that there were two deliveries and was probably told by Haldeman that he only needed certain tapes on one day. Bull does not recall whether the delivery to Higby's home was before or after the delivery to the EOB guest office. Bull was presumably told to split up the delivery sometime after he had requested the tapes from Sims or Zumwalt although he recalls no specific instructions. He recalls leaving the rest of the tapes in the desk

drawer of his office. (481-485) Bull does not know whether Haldeman removed the tapes from the EOB office on the day they were delivered there by Bull, and Bull does not recall whether Haldeman told him where he listened to them. (485-486) Bull recalls that all the tapes were delivered to him from Higby's EOB office. (486) Bull does not recall a specific conversation about bringing the tapes to Higby's house although he must have received some such instructions. At Higby's house Bull delivered the tapes to Haldeman in a briefcase along with a tape recorder. Higby and his wife were there but Bull does not know if they knew what the briefcase contained. (486-487)

TAPES TO HALDEMAN

Bull does not recall if Haldeman retained the tape recorder after Bull had first given it to Haldeman. Bull probably only delivered a tape recorder once to Haldeman. (501)

BULL KNOWLEDGE OF HIGBY

Bull knows Higby. Bull knows that Higby is Deputy Assistant to President but working in OMB. Bull does not believe Higby was an aid to Haldeman. (502)

HALDEMAN RETURNS TAPES TO BULL

Bull was told to pick up package of tapes in Higby's office. in EOB the second or third day. Haldeman or Higby telephoned and said tapes were ready. (502)

NO DISCUSSION WITH NIXON ABOUT REMOVAL OF TAPES

Bull doesn't recall any conversation with Nixon over whether the tapes might be removed from White House when Nixon authorized Haldeman to listen to tapes. Bull assumed it was all right to remove tapes. (502-503)

BULL LOCKS 2 TAPES IN DESK

Bull believes Haldeman asked for only half the tapes. Bull locked the two tapes which were not delivered to Haldeman in Bull's desk overnight. (503)

Bull asked for a number of tapes and Bull only delivered a portion of the six or so tapes that Bull received from Zimmerman. Bull locked some of these tapes in a drawer of Bull's desk and later delivered them to Haldeman. (503)

EXHIBIT 7

Re exhibit 7 which indicates that three tapes were removed on July 10 and given to Bull; that on July 11 six tapes were removed and given to Bull - Bull does not recollect that there were two deliveries, not one, by Secret Service to Bull, one of three and one of six tapes. Bull cannot explain this discrepancy. Bull would only give Haldeman the tapes Nixon had authorized. (Sirica: Bull can only give his best recollection and not vouch for accuracy of logs which were written by someone else.) (504-506)

DATES OF TAPES HALDEMAN RECEIVED

Bull would of had to receive the dates but does not recall the dates Haldeman may have indicated regarding the conversations Haldeman was interested in listening to. Haldeman never indicated to Bull that Haldeman had listened to a tape of a conversation of Nixon and Dean on April 15. It never came to Bull's attention

that Haldeman listened to the April 15 tape. Haldeman said that Haldeman only listened to tapes in which Haldeman was a participant. Bull recalls Haldeman making a comment about a September 15 meeting. (506-508)

HALDEMAN-BULL CONVERSATION

When either Bull made the delivery of the second batch of tapes or when Bull picked up all the tapes when Haldeman returned the tapes, Bull had a conversation with Haldeman re the fact that Haldeman told Bull Haldeman would not listen to tapes because they didn't involve Haldeman as a participant. When Bull picked up the tapes in Higby's office, or delivered the second batch, Haldeman was present and this conversation occurred. Bull did not ask Haldeman why Haldeman would not listen to tapes of conversations in which Haldeman was not a participant in view of the fact that in mid-April or late April 1973, Haldeman had received 22 different tapes from Bull. Bull had no direct knowledge that Haldeman listened to any of the tapes at that date even though Haldeman had access to them. (508-509)

ACCESS TO TAPES

Bull has no knowledge about what was done with tapes or who heard them during the period in April. Bull has no knowledge of anyone other than Haldeman, Butterfield, Woods, Bennett, Buzhardt, Zumwalt, Baker, and Nixon having access to or possession of or listened to any tape or any transcript of any tape. Presumably Higby did not know what was in the sealed package when Bull delivered and picked up the tapes from Higby's office. (509-510)

BULL LISTENS TO TAPE OF MARCH 14

Bull listened to a tape of a March 14 conversation between Nixon, Moore, and Dean in EOB office. Bull listened to this tape during the period of June 4th when Nixon was attempting to review a number of different conversations. Apparently this was a rather insignificant tape and that was why Nixon asked Bull to listen to it. Bull listened to tape in outer office of EOB. Nixon did not indicate to Bull what to look for in the way of significance. Bull took notes on generally what was on the tape. When Bull related to Nixon what was on the tape, Nixon asked Bull to move ahead until Bull reached a certain portion which seemed of interest

to Nixon. Then Nixon asked more questions about this portion than other portions. Nixon did not listen to the tape itself. This discussion with Nixon took place in Nixon's EOB office. (510-512)

REEL SIZE

Bull does not know for certain but believes that all the reels of tape that Bull came into contact with during this time were of the same size. Bull does not recall testifying before Senate Select or anywhere else that the reels were 7-inch reels. (513)

REVIEWING TESTIMONY

Bull did not during weekend review anyone else's testimony or have a discussion about anyone else's testimony concerning the tape question. Bull did not have a conversation with anybody or review any portion of Haldeman's Senate testimony. Bull is familiar with a couple portions of Haldeman's Senate testimony from Bull's own recollection of watching it. (513-514)

TAPES TO KEY BISCAZYNE

On October 4th or 5th, Bull carried about 7 or 8 tapes along with playing device to Key Biscayne in an effort to assist Woods and Nixon who were continuing the review of the tapes. Bull got these tapes which were in Woods' possession. These were some of the same tapes, not all of them, which were at Camp David. Bull did not testify a little while ago that Bull did not see the tapes which were at Camp David again. Bull said that up until a couple of weeks afterwards it was about the last point that Bull saw the tapes. (514-515)

BULL CONVERSATION WITH WOODS

Bull had a conversation with Woods about where these tapes had been in the interim from the time Bull saw the tapes at Camp David until October 4th or 5th. The conversation related to cueing up the tape for Woods. The review process continued beyond the Camp David weekend. It went into the next week after Camp David, which was about the 1st of October, and was continuing through the time that Nixon went to Key Biscayne, which was around October 4th or 5th. Bull knew the precautions for the security of the tapes in

the interim which consisted of the tapes being locked in a safe in Woods' office. Bull discussed the appropriate means of safeguarding the tapes after Bull returned from Camp David. (516)

Bull and Woods took the tapes to Key Biscayne November 3-4. They were in a safe and guarded 24 hours a day by the Secret Service. The agents did not know what they were guarding. Bull, Woods and one technician had access to the safe's combination. (517)

While in Key Biscayne Bull cued up the recorder and lent technical assistance to Woods. Nixon was not present while Woods was working. (517) Bull will not say whether transcripts were being typed. He knew it was a review, but supposed it was not his business to know if a verbatim transcript was being made. (518)

Bull did not discuss the review with Nixon and does not know if Woods did. (519)

Bull thinks 7 or 8 tapes were in Key Biscayne. There were 9 or 10 conversations that were the subject of the subpoenas. Bull says these were the same tapes he had taken to Camp David. Bull doesn't know whether Woods had been working on them since they had been at Camp David. (519)

Sirica asks if these tapes were the subject of the subpoena and Bull says he believes they are. (520)

Bull does not know if these tapes have been returned to Bennett. (520)

Bull is aware of a White House press statement to the effect that the tapes were under the President's personal control. He interprets securing the tapes in Woods' office would be consistent with the statement. (520)

Bull feels there was adequate security at both San Clemente and Key Biscayne. The tapes were taken to the following places: Camp David, Key Biscayne, the EOB, Higby's house and Bennett's office. They were in Bennett's office for Buzhardt's review on last Tuesday [October 30]. To Bull's knowledge, they were not taken any other place. (521)

No other technicians reviewed the tapes for any purpose. They were not taken to any home besides that of Higby's. (521)



Tape Hearings before Sirica November 6, 1973Afternoon SessionJohn Nesbitt (recalled)Questions by Parker - redirect

(532) Nesbitt recalls testifying about a revision of Nixon's daily diary for April 15, 1973. A file copy of the back-up data for the revision is marked for identification and offered in evidence as Exhibit 29.

(533) Nesbitt also recalls receiving a call from a secretary in Buzhardt's office which prompted further investigation of April 15 events. The original of a memorandum to the files concerning this call dated July 24 is marked Exhibit 30 and offered in evidence.

Nesbitt explains the four differences between the original diary page and the revised.

1. The revision is clearly labelled - "revised 7.26.73"
- (534) 2. No one at any time ever ordered any additions or subtractions from this memo [contrary to what follows!]
3. A meeting between Nixon and Ehrlichman in the oval office in the morning is added.
4. A very lengthy meeting and overlapping meeting is split into 3 separate meetings.

(534) The President's location or times of phone calls is not changed. The time shown in meetings in the EOB office is shortened by about 1/2 hour. No changes were made with respect to the meeting between Nixon and Dean. All changes on the 2nd page occurred between 1:11 and 5:25 in the afternoon.

Questions by Volner (recross)

(537) Nesbitt says the President's projected activities schedule is not attached normally, but his office usually receives a copy. For the Saturday and Sunday in question, a press dinner and church services are the only things scheduled. He knows because he just called his office to check on it.

(538) Nesbitt's first contact concerning revising the log was July 24 when Buzhardt's office called. He doesn't recall why the memorandum of the call would contain a reference to Buzhardt's saying the accuracy of the logs was very important. His recollection of the call is that Ehrlichman specifically remembered meeting with the President alone and the log did not reflect this.

(539) Nesbitt does not recall any other similar calls from Buzhardt's office but he did get such calls from others occasionally. He evaded the question as to whether it was within Buzhardt's normal

duties to check the logs and said merely that any prudent person would double check rather than just accept the logs at face value.

(541) The revision of the logs preceded Nixon's request that certain visits not be recorded in his daily diary. About a week and a half or two weeks later, Nixon asked Sanchez, his valet, what he (Sanchez) was writing down. Nesbitt doesn't adequately explain what the result of this event was and cannot remember the time frame.

(542) Nesbitt was not originally provided with any back-up documents to indicate where the meeting with Ehrlichman had been. Nesbitt's research assistant, Susan Howell, checked people in the west wing of the White House who may have been around on Palm Sunday. She was directed to Tom Hart who remembered the Sunday and dictated a memo on July 24. Facts from this memo were used to make the revisions of July 26.

(543)

David Hoops, a staff assistant in the West Wing, received a copy of the log as initially prepared and one was sent to the files. Haldeman did not receive a copy.

An attempt is made to keep the logs for Nixon every day, even when travelling.

(544) Nesbitt's logs don't reflect which phone Nixon might be speaking from generally. Although Nixon may be geographically located when a call is made, Nesbitt doesn't think he would know what extension Nixon was using.

(545) John Charles Bennett

m Questions by Parker (direct)

(546) General Bennett is a Deputy Assistant to Nixon who has worked for Haig for 5 months. He was given custody of Nixon's tape recordings on July 18, 1973. He gave the Secret Service a receipt for the tapes he received at that time. The receipt is marked for identification - Exhibit 31.

(547) Voir dire by Ben-Veniste

Only the signature on this receipt is Bennett's handwriting. The receipt was xeroxed in Bennett's presence a few days ago and a copy given to Parker. Bennett always kept the original with the tapes. He did not provide a copy to Sims.

(548)

The receipt is received in evidence.

Questions by Parker

Exhibits 23, 24, 25, and 26 are xerox copies of 31 and therefore refresh Bennett's recollection as to giving Sims a copy.

- (549) Bennett made notes of what happened to the tapes while he was in charge of them. The notes were made privately and were for the purpose of giving accurate sworn testimony on what happened to the tapes. These notes are marked Exhibits 32 and 32a-g. An inventory was also made on September 28, which is marked Exhibit 33. All the exhibits are in Bennett's handwriting and have been in Bennett's possession or custody since he produced them.

Voir dire by Ben-Veniste

- (551) On November 3, Bennett supervised the xeroxing of 2 copies of his notes and the inventory and gave these copies to Parker. The inventory was kept with the tapes and the notes were sealed in an envelope and put in Bennett's safe. He resealed the notes in a fresh envelope each time a note was added to make sure his secretary did not tamper with them. The notes were all made within an hour or two after the transaction was completed. The inventory was made and completed before Bennett left the vault on September 29.
- (552)
- (553) Exhibits 32 and 33 are for refreshing Bennett's recollection and represent all that exists in his possession that would help in determining the removal and return of tapes since July 18.

- (554) Exhibits 32 and 33 are received in Evidence.

Questions by Parker

- (555) Exhibit 32 indicates that on July 18 at 10:15, Bennett met with Haig, Buzhardt, Garment, Price, and Kehrli. Bennett was instructed to supervise change of security, though not location and keep records and keep the combination to the safes in his or Haig's custody.
- (556) At 10:25, Bennett secured the premises with Kehrli and Sims. At 4:30, Bennett went to the vault and was told the inventory process would be completed in about two hours. The boxes were being wrapped and marked with the location and dates.
- (557) At 4:40 Bennett called Buzhardt to say take over and security were complete. At 9:00 sign-over was completed and the combinations reset. At 10:30 Bennett called Haig to say he had complete charge of security and at 8:10 the next morning turned over the keys to the door and the combinations to Haig. Bennett then called Sims to change the access list. Nixon's name was the only one on the list.
- (558) Exhibit 32a represents the events of July 29. At 1:20 p.m. Bennett met with Haig and Ziegler. Haig gave Bennett back the keys and combinations and said a list of requested tapes would be furnished. Steve Bull was to arrange for the set-up. Bennett was to stand by for the list, but no tapes changed hands.

(559) Exhibit 32(b) shows events of September 28. At 2:15 p.m. Haig instructed Bennett to pick up a list from Buzhardt (the subpoenaed tapes) and bring these tapes to Haig's office for the purpose of Bull and Rosemary Woods taking them to Camp David for transcription.

(560) At 2:20 Bennett called Buzhardt and Buzhardt immediately brought over the list. At 2:30 Bennett went to the vault and by 3:45 brought all the proper tapes to his office in a briefcase. He and Bull doubled-checked the list. One tape was identified by Bull as one he would not need so it was sealed in a separate envelope and kept in Bennett's safe. The other twelve tapes were put in a briefcase and placed in Bennett's safe. Bull was given the combination so he could leave early the next morning.

(561) On the next day, Saturday, September 29 at 6:15 Bull called from Camp David and said there was an additional tape for April 15. Bennett went to the White House and went through the tapes again and found one marked April 15. Bennett can't remember if it was marked April 15 or just included that date. Bennett drove to Camp David with this tape and gave it to Bull at 8:00.

(562) Exhibit 32(c) is the paper used to keep track of tapes taken out the 28th. Originally, 13 were taken out. One was put in Bennett's safe and the other twelve went with Bull to Camp David.

On Monday morning, October 1, Bull returned 5 tapes and Bennett put them in his safe, thus making 6 tapes in his safe.

(563) On some day [no date because typing is garbled] at 9:15, Bennett met Buzhardt in Haig's office and as a result Buzhardt, Sims, Zumwalt, and Bennett went to the vault. Bennett carried the 6 tapes from his safe with them. Three tapes of EOB office conversations around April 15 were taken back to Bennett's office and played by Bull and Buzhardt until 11:30. They passed the earphones back and forth and commented on the contents. It was (564) clear to Bennett that Buzhardt personally wanted to confirm that one conversation was missing.

Of the 3 tapes taken back to his office, one was a telephone tape for 5-25-72 and two of 4-11-73 through 4-16-73.

(565) 6-20-72 through 6-29-72, 2-28-73 through 3-22-73, and 3-28-72 (566) remained in the vault.

(567) Exhibit 32(e) reflects a transaction for November 1. At 7:45 a.m. Buzhardt called and then went to the vault with Bennett, Sims, Zumwalt and another secret service man. Zumwalt copied in pencil what was on 2 of the boxes onto other boxes and replaced the originals.

On November 3, at Buzhardt's request, Bennett went to Buzhardt's office. Buzhardt said Parker needed to see Bennett's notes and inventories so Bennett went to the vault and took them out. They were then xeroxed in Parker's office.

- (568) Parker then asked Bennett to go to the vault and check whether any boxes of EOB conversations were written on the outside with "tape ran out" or "full reel". He found 16 boxes with "full reel" or some particular notation like that during 1972-1973. Bennett turned over notes to this effect to Parker.
- (569) Exhibit 32-g reflects events of November 5. At 1:40 Bennett received a call from Key Biscayne from Haig. Rosemary Woods was on the line with Bennett. Haig's instructions were to get the tape on Monday, April 16 and Woods was to transcribe the conversation between Nixon and Dean. Wood's logs didn't show location but just events, so Bennett got every possible tape which might include a conversation between Nixon and Dean which amounted to 6 tapes - 5 oval office and 1 EOB. Bennett delivered them to Woods at 2:45.
- (570) Woods now has 8 of the original 13 tapes taken out on September 28, plus 6 tapes from November 5, 14 in all.
- (571) Exhibits 5 and 6 are the original tape boxes removed by Bennett on November 1. They are the same boxes referred to in Exhibit 32-D.
- (572) Exhibit 34 was prepared by Bennett to show differences in his identifying the boxes. This was requested by Parker between 9:00 - 10:00 this morning. It is offered in evidence.
- (573-5)

Short Recess

Questions by Ben-Veniste (cross)

- (611) Bennett made notes with respect to various tape boxes of conversations which occurred in the EOB at the suggestion of Doug Parker or perhaps just inferred that the EOB should be the only one checked. Bennett says it's possible that Tapes of oval office conversations also indicate "tape ran out" or "full-removed".
- (612) Notes of search for box markings of "tape ran out" etc. is marked and offered as Exhibit 35. Bennett says there is one "full reel - ran out" and 12 "full-removed."
- (613) Bennett's original instructions upon taking custody was to take complete control, not change the location and make a record of what was turned over. There were no instructions as to who would have access to the tapes except Nixon. No instructions were given about keeping a record of any tapes which might leave the storage area after Bennett took over.
- (614) Bennett feels it was implicit, though that he was accountable if the tapes were removed.

(614) At 10:35 on July 18 (Exhibit 32), Bennett broke the news to Sims. Bennett explains that Sims was instructed to remove all recording devices by Buzhardt in Bennett's presence.

(615) The first half of Exhibit 32 is typed because Bennett dictated it to his secretary. Later on, he just made the notes in ink to himself.

(616) Bennett did not personally supervise the July 18 inventory, but visited from time to time. He signed the receipt on the first page, but not the last.

(617) Bennett does not know if James Barzee actually counted tapes during the inventory but thinks he was there for resetting the combinations to the safes.

(618) Bennett can not be certain that the inventory was accurate at that time, but trusted the Secret Service. Bennett admits seeing the steno pad used for a log by the Secret Service as well as brown bags, etc.

(619) Bennett doesn't specifically remember the loose notes and papers being appended to the steno pad but remembers that they were there.

Bennett says he did not review the steno pad, but after seeing the back page with his signature recalls that the entry was Barzee's and indicated that the combinations had been reset.

(620) Bennett cannot identify the room with the tapes by number.

(621) Ben-Veniste explains that this number is relevant because an alarm system recorded in a computer print-out is geared to room numbers. Parker inserts that it is code numbers not room numbers. The code for this room is 147.

(622) Without referring to his notes, Bennett can recall that he removed tapes from this room on November 28 and 29 [he means September] and on November 5.

On July 29, after being told that instructions would be received about removing tapes, nothing happened. Bennett had the impression that Nixon was going to review them. Bennett did not receive an explanation about the change in plans.

(623) On September 28, Haig told Bennett that Buzhardt would bring a list to Bennett of tapes needed. The list was the subpoena. Haig told Bennett that Woods and Bull were going to Camp David to transcribe the tapes. Bennett double-checked the tapes with the subpoena with Bull, then locked them in a briefcase in Bennett's safe.

(624)

(625) At this time, 3 inventories were actually made. The subpoena was checked off, the subject paragraph was put in parenthesis on each box, and the inventory list (Exhibit 33) was made.

(626) Exhibit 33 was the back page of the steno book, Exhibit 7. It was torn out only after taking out the steno book to show the Secret Service log. The torn page was left in the vault until 2 days ago. No one instructed Bennett to tear out the page but Buzhardt was present.

(627) The steno book was used only because no other paper was available. The inventory did not relate to the log entries so Bennett did not think a marker noting the torn page was necessary. No other pages were torn from the book.

TAPE HEARINGS BEFORE SIRICA - SUMMARY

Tuesday, November 6, 1973 - Morning Session

*Bull  
Nesbitt: p. 10  
Bennett: p. 11*

Ben-Veniste clarified the dates of the subpoena duces tecum, indicating that it was not served on July 26 as had been previously stated, but rather was served on July 23. The show cause order was issued on July 26, and according to Nesbitt's testimony, the memo to him asking for some revisions in the President's log was on July 25. Parker agreed to Ben-Veniste's corrections. (433)

CROSS-EXAMINATION OF STEPHEN BULL BY BEN-VENISTE (resumed)

Bull is reasonably certain that he did not give the tapes to anyone other than Haldeman on April 25, and there is no question in his mind about it. Aside from his personal knowledge, Bull does not believe he heard that anyone other than Haldeman heard, saw or handled the tapes on that occasion. (434)

The logs indicate that on April 25, 22 tapes were delivered to Bull at 1:45 p.m. and returned on April 25 at 5:28 p.m., and that the same 22 tapes were delivered to Bull on April 26 at 11:00 a.m. and returned by him on May 2. While Bull accepts what the logs indicate, he stands by his previous recollection of one delivery which was returned by Haldeman the next day. (435-436)

Bull began working with Buzhardt on the unrecorded conversation last Tuesday (October 30). Bull recalls testifying on Friday (November 2) that he discussed the unrecorded conversation with Buzhardt approximately two weeks previous to November 2 but thought he was now being asked about actually working with Buzhardt in an effort to find the missing conversation. (436-437)

Bull's talking to Buzhardt about the missing conversations which approximately two weeks before November 2 came about because of a prior conversation with Haig which occurred either on the same day as the talk with Buzhardt or a day or so before and in either Haig's or Bull's office. Bull initiated the conversation with Haig because of Bull's continuing concern over the matter of two missing tapes and not in preparation for any tapes disclosure or Court proceeding. Bull told Haig something to the effect that he had familiarity with the mechanical procedures which were followed when the President reviewed tapes on September 29 and might thus be of assistance to Buzhardt. Haig indicated that Bull should contact Buzhardt. (438-440)

Bull contacted Buzhardt but what ensued was more a monologue than a conversation. Bull had asked Buzhardt whether he was familiar with the reasons which Bull could offer as to why the two conversations might not have been recorded, and Buzhardt had indicated that he was. Bull's interpretation was that Buzhardt knew that Bull had been unable to find the two conversations, but at that time neither Buzhardt nor anyone else was assured that the conversations were unequivocally unavailable. At that time Buzhardt had said nothing about looking further for the tapes. (440-442)



The next discussion Bull had with Buzhardt about the missing conversations occurred last Tuesday morning (October 30), in John Bennett's office on the first floor of the White House West Wing. Bull had three tapes: Exhibits 5 and 6, and a tape of phone conversations covering approximately the period around June 1972. Bull ran through the tapes, occasionally listening for a word to establish the chronology of the conversations, and when he came to a portion where a conversation should be, marked it and let Buzhardt listen. Both Bull and Buzhardt at that time heard the April 15 tape where the conversation trailed off, and also tried to find both the 6-minute Mitchell phone call and the bracketing calls, in order to prove that the call to Mitchell had been made from a phone not connected to a recorder. Bull used the President's logs in trying to find the bracketing calls. Both Bull and Buzhardt had used earphones, and although Bull is sure there was a conversation afterwards, he does not recall it precisely. (442-455)

*between Bull and Buzhardt*

Bull has seen no logs relating to tapes, and has had no conversations with anyone about what the pre-July access logs might reflect. (445-456)

Bull says as part of his official duties he was in Key Biscayne over this weekend (November 3-5) with the President. Regarding any discussion about the tapes since testifying Friday, Bull indicated to someone in his family his dismay over the news accounts reflecting his court statements as contrary to what he thought he had said. (At the Bench, Parker says he had a brief phone conversation with Bull about the family locator device this weekend, and that Bull may not feel such is considered within Ben-Veniste's question.) Bull also saw Garment and Buzhardt on Saturday and asked if he could review his Friday transcript, but they said he could not do so. Bull also called Parker to ask whether he could obtain a transcript and/or (after responding to a question by Ben-Veniste) had a discussion about the locator system. (446-449)

Bull went to Camp David with tapes on September 28-29 after receiving instructions from Haig on the 28th. (Exhibit 28 marked: the logs of removal and return of tapes from July 18 to at least the start of the hearings. (450).) Either Haig or Bennett told Bull which specific tapes he was to take to Camp David, and approximately a dozen tapes were made available to Bull by Bennett who also gave him a list of tapes. This list was a copy of the Cox and Senate subpoenas, and there was a tape corresponding to each of the subpoena entries. Bull was not present when any inventory was made with respect to the tape removal and does not know if such were made. Bull returned to Bennett approximately 4 or 5 of the dozen tapes on perhaps the Monday after the weekend at Camp David. The remainder were retained by Rosemary Woods, and the last time Bull saw them was about two weeks afterwards in Woods' White House office. Bull does not know when or if these tapes were returned to Bennett. (450-456)

While at Camp David, Bull saw Woods typing after listening to

portions of the tapes, but he is unwilling to assume she was making a transcript. During the next two weeks. Bull saw Woods from time to time typing after listening to tapes but never saw the product of her typing. (456-457) (The Court indicates that Woods will be called as a witness. (457)) Bull arrived with Woods at Camp David at about 9:30 a.m., and Bull had the tapes and tape recorders with him. The President arrived at around 11:00 a.m., and no one else was there except CD personnel. (457, 461). (Bull also indicates that others were at CD but not in the area around Woods' cabin where Nixon and Woods were working. (460)) Haig had indicated that the President wished to begin to review some requested tapes and that Bull was to assist. Woods told Bull she would be working with the President in a review, but Bull does not recall whether she said she was going to transcribe the tapes or not, or whether she asked him about the tapes' quality. At some point, either the day she started or the day before, Bull discussed the quality of some of the tapes with Woods. (458-459) Bull was with Woods, while the tapes were being played, from 9:30 a.m. until 5:30 or 6:00 p.m., and he spent 2 days at Camp David. While the President was there, Bull stayed in the other room continuing to find conversations on tapes, and during the brief period when Bull came into the room while Nixon was there, Woods was not typing. (462) Woods did not ask Bull for assistance other than locating tapes, and Bull did not see any of Woods' finished typewritten work. (462-463)

Bull did not at Camp David listen to any of the taped conversations, other than the end of the April 15 tape where it ran off. (462)

The President was present while Bull was trying to find the April 15 Dean-Nixon conversation and the tape trailed off in mid-sentence. Bull then told Woods, in substance, that he did not have the conversation yet but would continue to look for it. Bull thinks the President was present when he said this to Woods, and Bull at that time offered a partial explanation of why the conversation was not on the particular reel of tape. (464-467)

At some point afterwards, Bull phoned Bennett to tell him that Bull did not have the April 15 conversation and to request Bennett to attempt to find another box. Bennett phoned Bull and said he had found another box which he would personally carry to Camp David. Bull received this other box around 8:00 p.m., and he believes this was Exhibit 5. Bull put the tape on a play back device, and recognized that it did not pick up where the first tape trailed off. Bull reported this to Woods and also phoned Haig, who was in Washington, informing Haig that he was unable to find recordings of the April 15 Dean conversation and the Mitchell phone conversation. Bull does not recall what Haig said to him in response, or whether Haig at that point asked for an explanation. Although the President was at this time still at Camp David, Bull does not believe he personally informed him of the missing conversation and assumed Haig did so. Bull did not see Nixon at Camp David after calling Haig. (467-470)

Bull does not believe he has ever seen any document in Exhibit 28 and cannot authenticate whether it is accurate in all cases, although he says it appears to be accurate and he does not know it to be inaccurate. (470-472)

Although Exhibit 28 lists a tape EOB, 4-12-73 to 4-16-73 which the date markings on Exhibits 5, 6, and 7 do not appear to match, the starting dates on E 5, 6 and 7 may be the dates on which TSD put a new reel onto the recorder and not the dates the tape actually started recording. (472-475)

Bull acknowledges that on Exhibit 28, the tape which was returned October 1 is not identified with any more particularity than 15 April. (476)

Bull's impression is that Woods was the only secretary or person who had anything to do with (summarizing or transcribing) the tapes, and he has heard nothing to the contrary. (476-477)

Bull has never heard of James D. Barzee. (477)

The tape delivery around July 10 to Haldeman:

After the President had returned from California, Bull spoke with Haldeman over the phone. Haldeman either indicated he was ready to review some taped conversations or was requesting to do so, and Bull recalls that he was to reconfirm with the President whether Haldeman could or should proceed. These were about half a dozen tapes which, by Bull's reconstruction, Haldeman must have specified to Bull but which Bull cannot now recall. Bull does not recall what the President said but he would have given his approval or Bull would not have proceeded. Bull does not recall if Nixon indicated any tapes other than those specified which Haldeman should listen to. (477-480)

Bull does recall that the President gave Bull an admonition to be passed on to Haldeman, that Haldeman should testify before the Senate Select Committee based upon his own recollections and personal notes and not upon his listening to the tapes. (481-482)

Bull recalls passing along the President's admonition to Haldeman but does not specifically recall anything else which transpired. Bull recalls that there were two deliveries and was probably told by Haldeman that he only needed certain tapes on one day. Bull does not recall whether the delivery to Higby's home was before or after the delivery to the EOB guest office. Bull was presumably told to split up the delivery sometime after he had requested the tapes from Sims or Zumwalt although he recalls no specific instructions. He recalls leaving the rest of the tapes in the desk

drawer of his office. (481-485) Bull does not know whether Haldeman removed the tapes from the EOB office on the day they were delivered there by Bull, and Bull does not recall whether Haldeman told him where he listened to them. (485-486) Bull recalls that all the tapes were delivered to him from Higby's EOB office. (486) Bull does not recall a specific conversation about bringing the tapes to Higby's house although he must have received some such instructions. At Higby's house Bull delivered the tapes to Haldeman in a briefcase along with a tape recorder. Higby and his wife were there but Bull does not know if they knew what the briefcase contained. (486-487)

TAPES TO HALDEMAN

Bull does not recall if Haldeman retained the tape recorder after Bull had first given it to Haldeman. Bull probably only delivered a tape recorder once to Haldeman. (501)

BULL KNOWLEDGE OF HIGBY

Bull knows Higby. Bull knows that Higby is Deputy Assistant to President but working in OMB. Bull does not believe Higby was an aid to Haldeman. (502)

HALDEMAN RETURNS TAPES TO BULL

Bull was told to pick up package of tapes in Higby's office. in EOB the second or third day. Haldeman or Higby telephoned and said tapes were ready. (502)

NO DISCUSSION WITH NIXON ABOUT REMOVAL OF TAPES

Bull doesn't recall any conversation with Nixon over whether the tapes might be removed from White House when Nixon authorized Haldeman to listen to tapes. Bull assumed it was all right to remove tapes. (502-503)

BULL LOCKS 2 TAPES IN DESK

Bull believes Haldeman asked for only half the tapes. Bull locked the two tapes which were not delivered to Haldeman in Bull's desk overnight. (503)

Bull asked for a number of tapes and Bull only delivered a portion of the six or so tapes that Bull received from Zimmerman. Bull locked some of these tapes in a drawer of Bull's desk and later delivered them to Haldeman. (503)

EXHIBIT 7

Re exhibit 7 which indicates that three tapes were removed on July 10 and given to Bull; that on July 11 six tapes were removed and given to Bull - Bull does not recollect that there were two deliveries, not one, by Secret Service to Bull, one of three and one of six tapes. Bull cannot explain this discrepancy. Bull would only give Haldeman the tapes Nixon had authorized. (Sirica: Bull can only give his best recollection and not vouch for accuracy of logs which were written by someone else.) (504-506)

DATES OF TAPES HALDEMAN RECEIVED

Bull would of had to receive the dates but does not recall the dates Haldeman may have indicated regarding the conversations Haldeman was interested in listening to. Haldeman never indicated to Bull that Haldeman had listened to a tape of a conversation of Nixon and Dean on April 15. It never came to Bull's attention

that Haldeman listened to the April 15 tape. Haldeman said that Haldeman only listened to tapes in which Haldeman was a participant. Bull recalls Haldeman making a comment about a September 15 meeting. (506-508)

HALDEMAN-BULL CONVERSATION

When either Bull made the delivery of the second batch of tapes or when Bull picked up all the tapes when Haldeman returned the tapes, Bull had a conversation with Haldeman re the fact that Haldeman told Bull Haldeman would not listen to tapes because they didn't involve Haldeman as a participant. When Bull picked up the tapes in Higby's office, or delivered the second batch, Haldeman was present and this conversation occurred. Bull did not ask Haldeman why Haldeman would not listen to tapes of conversations in which Haldeman was not a participant in view of the fact that in mid-April or late April 1973, Haldeman had received 22 different tapes from Bull. Bull had no direct knowledge that Haldeman listened to any of the tapes at that date even though Haldeman had access to them. (508-509)

ACCESS TO TAPES

Bull has no knowledge about what was done with tapes or who heard them during the period in April. Bull has no knowledge of anyone other than Haldeman, Butterfield, Woods, Bennett, Buzhardt, Zumwalt, Baker, and Nixon having access to or possession of or listened to any tape or any transcript of any tape. Presumably Higby did not know what was in the sealed package when Bull delivered and picked up the tapes from Higby's office. (509-510)

BULL LISTENS TO TAPE OF MARCH 14

Bull listened to a tape of a March 14 conversation between Nixon, Moore, and Dean in EOB office. Bull listened to this tape during the period of June 4th when Nixon was attempting to review a number of different conversations. Apparently this was a rather insignificant tape and that was why Nixon asked Bull to listen to it. Bull listened to tape in outer office of EOB. Nixon did not indicate to Bull what to look for in the way of significance. Bull took notes on generally what was on the tape. When Bull related to Nixon what was on the tape, Nixon asked Bull to move ahead until Bull reached a certain portion which seemed of interest

to Nixon. Then Nixon asked more questions about this portion than other portions. Nixon did not listen to the tape itself. This discussion with Nixon took place in Nixon's EOB office. (510-512)

#### REEL SIZE

Bull does not know for certain but believes that all the reels of tape that Bull came into contact with during this time were of the same size. Bull does not recall testifying before Senate Select or anywhere else that the reels were 7-inch reels. (513)

#### REVIEWING TESTIMONY

Bull did not during weekend review anyone else's testimony or have a discussion about anyone else's testimony concerning the tape question. Bull did not have a conversation with anybody or review any portion of Haldeman's Senate testimony. Bull is familiar with a couple portions of Haldeman's Senate testimony from Bull's own recollection of watching it. (513-514)

#### TAPES TO KEY BISCAVNE

On October 4th or 5th, Bull carried about 7 or 8 tapes along with playing device to Key Biscayne in an effort to assist Woods and Nixon who were continuing the review of the tapes. Bull got these tapes which were in Woods' possession. These were some of the same tapes, not all of them, which were at Camp David. Bull did not testify a little while ago that Bull did not see the tapes which were at Camp David again. Bull said that up until a couple of weeks afterwards it was about the last point that Bull saw the tapes. (514-515)

#### BULL CONVERSATION WITH WOODS

Bull had a conversation with Woods about where these tapes had been in the interim from the time Bull saw the tapes at Camp David until October 4th or 5th. The conversation related to cueing up the tape for Woods. The review process continued beyond the Camp David weekend. It went into the next week after Camp David, which was about the 1st of October, and was continuing through the time that Nixon went to Key Biscayne, which was around October 4th or 5th. Bull knew the precautions for the security of the tapes in

the interim which consisted of the tapes being locked in a safe in Woods' office. Bull discussed the appropriate means of safeguarding the tapes after Bull returned from Camp David. (516)

Bull and Woods took the tapes to Key Biscayne November 3-4. They were in a safe and guarded 24 hours a day by the Secret Service. The agents did not know what they were guarding. Bull, Woods and one technician had access to the safe's combination. (517)

While in Key Biscayne Bull cued up the recorder and lent technical assistance to Woods. Nixon was not present while Woods was working. (517) Bull will not say whether transcripts were being typed. He knew it was a review, but supposed it was not his business to know if a verbatim transcript was being made. (518)

Bull did not discuss the review with Nixon and does not know if Woods did. (519)

Bull thinks 7 or 8 tapes were in Key Biscayne. There were 9 or 10 conversations that were the subject of the subpoenas. Bull says these were the same tapes he had taken to Camp David. Bull doesn't know whether Woods had been working on them since they had been at Camp David. (519)

Sirica asks if these tapes were the subject of the subpoena and Bull says he believes they are. (520)

Bull does not know if these tapes have been returned to Bennett. (520)

Bull is aware of a White House press statement to the effect that the tapes were under the President's personal control. He interprets securing the tapes in Woods' office would be consistent with the statement. (520)

Bull feels there was adequate security at both San Clemente and Key Biscayne. The tapes were taken to the following places: Camp David, Key Biscayne, the EOB, Higby's house and Bennett's office. They were in Bennett's office for Buzhardt's review on last Tuesday [October 30]. To Bull's knowledge, they were not taken any other place. (521)

No other technicians reviewed the tapes for any purpose. They were not taken to any home besides that of Higby's. (521)



Tape Hearings before Sirica November 6, 1973Afternoon SessionJohn Nesbitt (recalled)Questions by Parker - redirect

(532) Nesbitt recalls testifying about a revision of Nixon's daily diary for April 15, 1973. A file copy of the back-up data for the revision is marked for identification and offered in evidence as Exhibit 29.

(533) Nesbitt also recalls receiving a call from a secretary in Buzhardt's office which prompted further investigation of April 15 events. The original of a memorandum to the files concerning this call dated July 24 is marked Exhibit 50 and offered in evidence.

Nesbitt explains the four differences between the original diary page and the revised.

1. The revision is clearly labelled - "revised 7.26.73"
- (535) 2. No one at any time ever ordered any additions or subtractions from this memo [contrary to what follows!]
3. A meeting between Nixon and Ehrlichman in the oval office in the morning is added.
4. A very lengthy meeting and overlapping meeting is split into 3 separate meetings.

(536) The President's location or times of phone calls is not changed. The time shown in meetings in the EOB office is shortened by about 1/2 hour. No changes were made with respect to the meeting between Nixon and Dean. All changes on the 2nd page occurred between 1:11 and 5:25 in the afternoon.

Questions by Volner (recross)

(537) Nesbitt says the President's projected activities schedule is not attached normally, but his office usually receives a copy. For the Saturday and Sunday in question, a press dinner and church services are the only things scheduled. He knows because he just called his office to check on it.

(538) Nesbitt's first contact concerning revising the log was July 24 when Buzhardt's office called. He doesn't recall why the memorandum of the call would contain a reference to Buzhardt's saying the accuracy of the logs was very important. His recollection of the call is that Ehrlichman specifically remembered meeting with the President alone and the log did not reflect this.

(540) Nesbitt does not recall any other similar calls from Buzhardt's office but he did get such calls from others occasionally. He evaded the question as to whether it was within Buzhardt's normal

duties to check the logs and said merely that any prudent person would double check rather than just accept the logs at face value.

(541) The revision of the logs preceded Nixon's request that certain visits not be recorded in his daily diary. About a week and a half or two weeks later, Nixon asked Sanchez, his valet, what he (Sanchez) was writing down. Nesbitt doesn't adequately explain what the result of this event was and cannot remember the time frame.

(542) Nesbitt was not originally provided with any back-up documents to indicate where the meeting with Ehrlichman had been. Nesbitt's research assistant, Susan Howell, checked people in the west wing of the White House who may have been around on Palm Sunday. She was directed to Tom Hart who remembered the Sunday and dictated a memo on July 24. Facts from this memo were used to make the revisions of July 26.

(543)

David Hoops, a staff assistant in the West Wing, received a copy of the log as initially prepared and one was sent to the files. Haldeman did not receive a copy.

An attempt is made to keep the logs for Nixon every day, even when travelling.

(544) Nesbitt's logs don't reflect which phone Nixon might be speaking from generally. Although Nixon may be geographically located when a call is made, Nesbitt doesn't think he would know what extension Nixon was using.

(545) John Charles Bennett

m Questions by Parker (direct)

(546) General Bennett is a Deputy Assistant to Nixon who has worked for Haig for 5 months. He was given custody of Nixon's tape recordings on July 18, 1973. He gave the Secret Service a receipt for the tapes he received at that time. The receipt is marked for identification - Exhibit 31.

(547) Voir dire by Ben-Veniste

Only the signature on this receipt is Bennett's handwriting. The receipt was xeroxed in Bennett's presence a few days ago and a copy given to Parker. Bennett always kept the original with the tapes. He did not provide a copy to Sims.

(548)

The receipt is received in evidence.

Questions by Parker

Exhibits 23, 24, 25, and 26 are xerox copies of 31 and therefore refresh Bennett's recollection as to giving Sims a copy.

- (549) Bennett made notes of what happened to the tapes while he was in charge of them. The notes were made privately and were for the purpose of giving accurate sworn testimony on what happened to the tapes. These notes are marked Exhibits 32 and 32a-g. An inventory was also made on September 28, which is marked Exhibit 33. All the exhibits are in Bennett's handwriting and have been in Bennett's possession or custody since he produced them.

Voir dire by Ben-Veniste

- (551) On November 3, Bennett supervised the xeroxing of 2 copies of his notes and the inventory and gave these copies to Parker. The inventory was kept with the tapes and the notes were sealed in an envelope and put in Bennett's safe. He resealed the notes in a fresh envelope each time a note was added to make sure his secretary did not tamper with them. The notes were all made within an hour or two after the transaction was completed. The inventory was made and completed before Bennett left the vault on September 29.
- (552)
- (553) Exhibits 32 and 33 are for refreshing Bennett's recollection, and represent all that exists in his possession that would help in determining the removal and return of tapes since July 18.

554)

Exhibits 32 and 33 are received in Evidence.

Questions by Parker

- (555) Exhibit 32 indicates that on July 18 at 10:15, Bennett met with Haig, Buzhardt, Garment, Price, and Kehrli. Bennett was instructed to supervise change of security, though not location and keep records and keep the combination to the safes in his or Haig's custody.
- (556) At 10:25, Bennett secured the premises with Kehrli and Sims. At 4:30, Bennett went to the vault and was told the inventory process would be completed in about two hours. The boxes were being wrapped and marked with the location and dates.
- (557) At 4:40 Bennett called Buzhardt to say take over and security were complete. At 9:00 sign-over was completed and the combinations reset. At 10:30 Bennett called Haig to say he had complete charge of security and at 8:10 the next morning turned over the keys to the door and the combinations to Haig. Bennett then called Sims to change the access list. Nixon's name was the only one on the list.
- (558) Exhibit 32a represents the events of July 29. At 1:20 p.m. Bennett met with Haig and Ziegler. Haig gave Bennett back the keys and combinations and said a list of requested tapes would be furnished. Steve Bull was to arrange for the set-up. Bennett was to stand by for the list, but no tapes changed hands.

(559) Exhibit 32(b) shows events of September 28. At 2:15 p.m. Haig instructed Bennett to pick up a list from Buzhardt (the subpoenaed tapes) and bring these tapes to Haig's office for the purpose of Bull and Rosemary Woods taking them to Camp David for transcription.

(560) At 2:20 Bennett called Buzhardt and Buzhardt immediately brought over the list. At 2:30 Bennett went to the vault and by 3:45 brought all the proper tapes to his office in a briefcase. He and Bull doubled-checked the list. One tape was identified by Bull as one he would not need so it was sealed in a separate envelope and kept in Bennett's safe. The other twelve tapes were put in a briefcase and placed in Bennett's safe. Bull was given the combination so he could leave early the next morning.

(561) On the next day, Saturday, September 29 at 6:15 Bull called from Camp David and said there was an additional tape for April 15. Bennett went to the White House and went through the tapes again and found one marked April 15. Bennett can't remember if it was marked April 15 or just included that date. Bennett drove to Camp David with this tape and gave it to Bull at 8:00.

(562) Exhibit 32(c) is the paper used to keep track of tapes taken out the 28th. Originally, 13 were taken out. One was put in Bennett's safe and the other twelve went with Bull to Camp David.

On Monday morning, October 1, Bull returned 5 tapes and Bennett put them in his safe, thus making 6 tapes in his safe.

(563) On some day [no date because typing is garbled] at 9:15, Bennett met Buzhardt in Haig's office and as a result Buzhardt, Sims, Zumwalt, and Bennett went to the vault. Bennett carried the 6 tapes from his safe with them. Three tapes of EOB office conversations around April 15 were taken back to Bennett's office and played by Bull and Buzhardt until 11:30. They passed the earphones back and forth and commented on the contents. It was clear to Bennett that Buzhardt personally wanted to confirm that one conversation was missing.

(564) Of the 3 tapes taken back to his office, one was a telephone tape for 5-25-72 and two of 4-11-73 through 4-16-73.

(565) 6-20-72 through 6-29-72, 2-28-73 through 3-22-73, and 3-28-72  
(566) remained in the vault.

(567) Exhibit 32(e) reflects a transaction for November 1. At 7:45 a.m. Buzhardt called and then went to the vault with Bennett, Sims, Zumwalt and another secret service man. Zumwalt copied in pencil what was on 2 of the boxes onto other boxes and replaced the originals.

On November 3, at Buzhardt's request, Bennett went to Buzhardt's office. Buzhardt said Parker needed to see Bennett's notes and inventories so Bennett went to the vault and took them out. They were then xeroxed in Parker's office.

(568) Parker then asked Bennett to go to the vault and check whether any boxes of EOB conversations were written on the outside with "tape ran out" or "full reel". He found 16 boxes with "full reel" or some particular notation like that during 1972-1973. Bennett turned over notes to this effect to Parker.

(569) Exhibit 32-g reflects events of November 5. At 1:40 Bennett received a call from Key Biscayne from Haig. Rosemary Woods was on the line with Bennett. Haig's instructions were to get the tape on Monday, April 16 and Woods was to transcribe the conversation between Nixon and Dean. Wood's logs didn't show location but just events, so Bennett got every possible tape which might include a conversation between Nixon and Dean which amounted to 6 tapes - 5 oval office and 1 EOB. Bennett delivered them to Woods at 2:45.

(571) Woods now has 8 of the original 13 tapes taken out on September 28, plus 6 tapes from November 5, 14 in all.

(572) Exhibits 5 and 6 are the original tape boxes removed by Bennett on November 1. They are the same boxes referred to in Exhibit 32-D.

(573-5) Exhibit 34 was prepared by Bennett to show differences in his identifying the boxes. This was requested by Parker between 9:00 - 10:00 this morning. It is offered in evidence.

Short Recess

Questions by Ben-Veniste (cross)

(611) Bennett made notes with respect to various tape boxes of conversations which occurred in the EOB at the suggestion of Doug Parker or perhaps just inferred that the EOB should be the only one checked. Bennett says it's possible that Tapes of oval office conversations also indicate "tape ran out" or "full-removed".

(612) Notes of search for box markings of "tape ran out" etc. is marked and offered as Exhibit 35. Bennett says there is one "full reel - ran out" and 12 "full-removed."

(613) Bennett's original instructions upon taking custody was to take complete control, not change the location and make a record of what was turned over. There were no instructions as to who would have access to the tapes except Nixon. No instructions were given about keeping a record of any tapes which might leave the storage area after Bennett took over.

(614) Bennett feels it was implicit, though that he was accountable if the tapes were removed.

(614) At 10:35 on July 18 (Exhibit 32), Bennett broke the news to Sims. Bennett explains that Sims was instructed to remove all recording devices by Buzhardt in Bennett's presence.

(615) The first half of Exhibit 32 is typed because Bennett dictated it to his secretary. Later on, he just made the notes in ink to himself.

(616) Bennett did not personally supervise the July 18 inventory, but visited from time to time. He signed the receipt on the first page, but not the last.

(617) Bennett does not know if James Barzee actually counted tapes during the inventory but thinks he was there for resetting the combinations to the safes.

(618) Bennett can not be certain that the inventory was accurate at that time, but trusted the Secret Service. Bennett admits seeing the steno pad used for a log by the Secret Service as well as brown bags, etc.

(619) Bennett doesn't specifically remember the loose notes and papers being appended to the steno pad but remembers that they were there.

Bennett says he did not review the steno pad, but after seeing the back page with his signature recalls that the entry was Barzee's and indicated that the combinations had been reset.

(620) Bennett cannot identify the room with the tapes by number. Ben-Veniste explains that this number is relevant because an alarm system recorded in a computer print-out is geared to room numbers. Parker inserts that it is code numbers not room numbers. (621) The code for this room is 147.

(622) Without referring to his notes, Bennett can recall that he removed tapes from this room on November 28 and 29 [he means September] and on November 5.

On July 29, after being told that instructions would be received about removing tapes, nothing happened. Bennett had the impression that Nixon was going to review them. Bennett did not receive an explanation about the change in plans.

(623) On September 28, Haig told Bennett that Buzhardt would bring a list to Bennett of tapes needed. The list was the subpoena. Haig told Bennett that Woods and Bull were going to Camp David to transcribe the tapes. Bennett double-checked the tapes with the subpoena with Bull, then locked them in a briefcase in Bennett's (624) safe.

(625) At this time, 3 inventories were actually made. The subpoena was checked off, the subject paragraph was put in parenthesis on each box, and the inventory list (Exhibit 33) was made.

(626) Exhibit 33 was the back page of the steno book, Exhibit 7. It was torn out only after taking out the steno book to show the Secret Service log. The torn page was left in the vault until 2 days ago. No one instructed Bennett to tear out the page but Buzhardt was present.

(627) The steno book was used only because no other paper was available. The inventory did not relate to the log entries so Bennett did not think a marker noting the torn page was necessary. No other pages were torn from the book.

8-3-72 9:35 A to 10:45 A  
H-H-E

① IRS  
Justice

Investigation of us when  
we were out -

Ed Nixon - Oceanographic Fund

Use our power

Contributors

Larry O'Brien -

- better they drop  
him now  
because

ck McGovern IRS files

② Jas Coleman -

✓ edvc estab -  
1000%

Nothing to do w/ NEA  
Edven establishment -

Leave it open -

No Distinguished people who kick us -

Check him

IRS-I D-99 7127145

FOLDER TITLE: Jan 4 1972 - Aug 4, John D. Ehrlichman,  
Notes re: Meetings with the President

ROOM NUMBER: 84 CONTAINER NUMBER: 7



⑤ Sh-

- Must be political

- Give him an external tip

\*

eg Larry O'Brien

ck his returns

(X)

(the audit was on the 1961 Federal Income  
Tax Return of Richard M. & Patricia R. Nixon)

*Copy given  
to Rose Ziegler*

D-2

November 13, 1973

Rose Mary Woods  
The President's Secretary  
White House  
Washington, D. C. 20500

Dear Miss Woods:

I am writing this letter to you with the hope that you will have the President see the two attachments. My wife is a cousin of Edward Haakinson and many members of my family live in Sebring. I have been there many times over the past fifty years and am so proud that such a distinguished lady as you came from that town.

I retired from the Treasury Department as of 12/31/65. My position was "Super Supervisor" in charge of sensitive audits - one being you know who. I immediately took charge and verified the original audit as "No Change" and the case was sent back to Washington. Within a month it came back with a letter severely criticizing the N. C. Report and referring to articles in the newspapers and magazines. I sent the case back to Washington with this comment, "We don't work cases by what the news media and magazines say, we base our findings on facts." That settled the case. Three times it had been sent to L. A. from Washington.

Sincerely,

*William H. Turner*  
William H. Turner

WHT:nd

Enclosures (2)

W. H. TURNER  
16775 MacKenna's Gold Ave.  
Lancaster, Ca. 93534



Rose Mary Woods  
The President's Secretary  
White House  
Washington, D. C. 20500

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