

*Buzhardt  
Butterfield: p 22*

Buzhardt Conversation with Woods:

Buzhardt had a conversation with Woods concerning the erasure, which was part of conversation concerning Woods improving on the writings of a subpoenaed conversation which she had previously typed. Buzhardt believes this conversation would of had to occur after Woods completed transcribing all the conversations subpoenaed. Buzhardt does not have an independent recollection of when this conversation took place. Buzhardt cannot say if it was a matter of days or a week after Woods had transcribed all the tapes. Buzhardt may even be mistaken about Woods having completed the transcription before the conversation took place. Buzhardt recalls that Woods did not have the tapes in her possession at the time of the conversation. (1557-1558)

Buzhardt does not inform White House counsel:

(Even though Buzhardt had conversation with Woods about erasure around time of inception of these hearings), Buzhardt did not advise anyone in the White House counsel staff until after November 14 or on November 14. Buzhardt does not recall advising anyone else aside from White House counsel staff. (1558-1559)

Buzhardt conversation with Woods:

Buzhardt does not recall which transcript he was bringing for Woods to improve upon. The transcript had many places where the word inaudible or similar word was. Buzhardt recalls nothing else about this particular transcript. Buzhardt did not know that Woods could have improved upon the tape if it said inaudible. Buzhardt brought the tape to Woods with the understanding that she would listen to the tape. Buzhardt thinks it unlikely that this could have been the June 20 conversation between Nixon and staff at the EOB. Woods said something about if Buzhardt wished to hear a tape. Buzhardt does not know if she was referring to the June 20 tape or to the one which the transcript was from. (1559-1560)

Buzhardt does not remember how the subject came up - Woods asked Buzhardt or he told her - but during the conversation it came up that Woods knew that Nixon had told Buzhardt that Woods had made a mistake and erased a segment of a conversation, or she had an accident or something to that effect. This was a very short remark without much detail. Buzhardt thinks Woods indicated that she pushed the record button and reached over and indicated the record button on the machine. Buzhardt told Woods that he didn't want to listen and was in a hurry. (1560-1561)

Review of transcripts and tapes:

Buzhardt reviewed the transcript before Buzhardt had the opportunity to listen to any of the conversation along with the

transcript. Powers and Buzhardt listened independently to the tapes to determine the accuracy of the statements made in the analysis and index which was submitted to Court on Monday, and did not rely on Woods' transcript. (1561)

Conversation with Woods on 15th:

Buzhardt had a conversation with Woods on the evening of the 15th in the office located between Nixon's office and Woods' office. This meeting occurred either just before or just after Buzhardt had spoken to Nixon. It took place before Buzhardt found Haldeman's notes. Powers was also present and someone else, possibly Haig but Buzhardt is unsure. There was very little substance to the conversation. Some mention was made of the problem when Woods came into the office; she went next door and brought in her tape recorder. Buzhardt doesn't believe she ever put the recorder down. Probably Powers asked to see the recorder. Woods showed Powers the recorder, indicated that she pushed the record button and left. Woods was probably in the room for only a minute or so. Preceding the request to bring in the recorder, there may have been some conversation, but Buzhardt does not recall any. It may have been that Buzhardt was not listening since he was working on the index and analysis. There could have been some conversation between Haig, Powers, and Woods, but Buzhardt cannot recall any. Powers, Woods, Haig, and Buzhardt were in the same room at this time.

At <sup>the</sup> time Woods came into the room, Powers, Haig, and Buzhardt were commenting on the problem of the erasure of the tape. Buzhardt does not recall a thing about this discussion since there was nothing much said about the erasure. (1561-1564)

Buzhardt does not remember asking Woods about how it was that there was 18 minutes obliterated and that she remembers making only a five minute erasure. Buzhardt does not remember this being said on this occasion although the entire matter was on Buzhardt's mind. Buzhardt does not recall anyone asking Woods for an explanation of this matter at any time in Buzhardt's presence. (1564-1566)

Meeting of Haig, Powers, and Buzhardt on 15th:

Late in afternoon of 15th, prior to conversation with Woods, Buzhardt had a conversation with Haig and Powers in the office between Nixon's and Woods' in West Wing. Haig told Buzhardt that Woods recalled the erasure but that she erased four to five minutes of the conversation. Haig did not in-

dicade that he had spoken to Woods about this, Haig indicated that Woods had talked to Nixon about it and Buzhardt was under the impression that Haig heard this ~~and~~ from Nixon and not from Woods directly. Buzhardt concluded after he spoke to Haig, that Haig spoke to Nixon, and Nixon spoke to Woods about this incident and Nixon reported back to Haig. Buzhardt is unsure whether or not Haig indicated that Haig was not present when Nixon had this conversation with Woods. Buzhardt does not specifically recall Haig telling Buzhardt that Nixon asked Woods how there could be this discrepancy between four and five minutes and eighteen minutes. Buzhardt has the impression that this was the case. (1566-1569)

Buzhardt explained to Haig the entirety of the problem in the morning. Buzhardt is unsure if Buzhardt reiterated this to Haig in the afternoon. Buzhardt talked to Haig two to four times that evening. At some point, Haig and Buzhardt discussed the problem of the length of the erasure and the fact that they would have to get Haldeman's notes. They also discussed whether or not it was a subpoenaed conversation. The subject of Haldeman's notes was discussed by Buzhardt and Haig before they went in to see Nixon and then they discussed it with Nixon. (1569-1570) Some time before seeing Nixon, Buzhardt had the conversation with Haig. The fact that Haldeman's notes would be helpful was discussed. After seeing Nixon, Buzhardt went with Higby to get the Haldeman notes because Higby couldn't be found until after Haig and Buzhardt met with Nixon. (1570-71)

The entire time Buzhardt had this conversation or conversations with Haig, Buzhardt did not ask Haig whether Woods would be available to be interviewed. Haig did not try to provide Buzhardt with an explanation of the 18 minute erasure. Haig provided Buzhardt with the substance of what Woods told Nixon which didn't satisfy Buzhardt. Buzhardt cannot recall anything else occurring in series of conversations with Haig prior to time Buzhardt met with Nixon. (1570-71)

Evening of 15th: Buzhardt, Haig, Powers, and Woods

Buzhardt did not remove Woods' tape recorder at time she brought it in to show (Buzhardt, Haig, and Powers). Woods brought the recorder in, and left with it without pulling it down. The purpose was for Buzhardt or

Powers to see the recorder since Powers had not seen it. The recorder was a Uher, with Universal on the front of it. There were not attachments on it and Buzhardt did not notice a serial number on it. (1571-72)

Buzhardt, Haig, Nixon Meeting of the 15th of November

Buzhardt met with Haig and Nixon on the 15th in the evening after dark. At this time we (sic) had sent for Higby. Buzhardt does not know for sure that Higby had worked for Haig. There was no particular reason that Powers did not attend this meeting. Powers was available and was informed as to the context of this problem. Buzhardt explained to Nixon about the length of the conversation which was not intelligible. Buzhardt explained to Nixon after referring to the memo filed by Prosecutor's office on August 11th, that we (sic) had concluded that it would be proper to supply the conversation between Nixon and Haldeman to the Court, that we had therefore reviewed it, that we had discovered that there was an erasure not for four and a half minutes, but for 18 minutes, and 15 seconds. Buzhardt explained to Nixon the character of the noise that was on the tape. Buzhardt told Nixon that Buzhardt and (Haig) were in the process of getting Haldeman's notes. Nixon said that Nixon had no idea what the conversation on the tape was. Nixon asked Buzhardt if Buzhardt had an explanation of how it occurred and Buzhardt told Nixon that he didn't. Buzhardt thinks Nixon said that he was baffled by it. Buzhardt was asked if he was sure that this conversation was covered by the subpoena. It was discussed that Buzhardt had previously said that it was (only) one conversation that was covered by the subpoena. It was a brief meeting, lasting only about 7 minutes. (1572-1575) Nixon may have made a remark at this meeting as to something Woods has said to Nixon earlier, but Buzhardt does not recall. (1575-1576)

Nixon had already known that instead of the four minutes, there was an 18 minute erasure, via Haig. But Buzhardt went over this with Nixon anyway. (1576)

I here was some discussion with Nixon about the fact that Woods could recall only erasing four to five minutes and that the tape had 18 minutes erased. Buzhardt explained that there were two different and distinct audible tones on the tape. Buzhardt explained the character and length of tones to Nixon. Nixon did not suggest any explanation according to Nixon's conversation with Woods for the 18 minutes. Nixon said he was baffled by it. (1576)

Nixon did not disagree with Buzhardt that the Haldeman conversation would ve to be turned over. Nixon did not indicate a complete understanding of the circumstances. Nixon did not understand why the subpoena said a conversation and that conversations at two meetings should be furnished. Buzhardt explained to Nixon the circumstances of that. Nixon then did not say he agreed or disagreed with the turning over of the Haldeman conversation. Buzhardt assumed since Nixon did not disagree, to go ahead and to turn over the conversation. Nixon did not suggest that the Haldeman conversation should be turned over. (1576-1678)

Buzhardt cannot recall if there was anything discussed about these hearings with Nixon. Buzhardt may have told Nixon that we (sic) were in the process of preparing the index and analysis for the Court and that the Haldeman conversation would be included. Buzhardt does not believe that on this eveing, he indicated to Nixon that if the d~~i~~teration were disclosed, it would probably mean the reopening of these hearings. There was not a discussion with Nixon about asking for an adjournment on the time<sup>tole</sup> for providing the index and analysis. At this time we (sic) thought we would be able to complete the analysis by Tuesday. It was after Powers became ill on Sunday morning that it became apparent that the index and analysis could not be completed. (1578-1579)

Conversation with Haig on November 16 re Rosenbloom

Buzhardt probably had a conversation with Haig on the phone and gave Haig the substance of what he found out from Rosenbloom on the morning of the 16th. Buzhardt had advised Haig that he was going to consult with Rosenbloom. Haig was interested in the information Buzhardt would find out from Rosenbloom. Buzhardt thought Rosenbloom would be qualified to give him some indication of whether or not material on the tape could be recovered. (1579-1580)

Rosenbloom had met with WSPF in connection with trying to assemble a panel of experts to analyze the tapes. (1580)

Buzhardt did not ask Haig for permission to let Rosenbloom in on a secret. Buzhardt discussed with Haig whether or not there was an erasure, (at this time Buzhardt was assuming that there had been an erasure by the impression of a recording head on a tape) and to find out from Rosenbloom if such an incident occurred, whether it was possible to recover the conversation. This was the only question discussed with Haig. (1580-1581)

Buzhardt Meets With Rosenbloom and Powers

Buzhardt met with Rosenbloom with Powers present. They asked Rosenbloom the hypothetical question of could a conversation be recovered after it had been erased. They discussed the types of tape and possible types of recording heads. Buzhardt did not indicate that the type of tape would be the type used in White House system. Buzhardt did not discuss the Sony or Uher recorder. Rosenbloom said it would be a very remote chance of recovering conversation. (1582-1583)

Buzhardt passed on the information from Rosenbloom to Haig. Buzhardt cannot recall Haig saying anything in response. (1583)

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Buzhardt did not then meet with Nixon. (1583)

The 16th

Buzhardt did not talk to Woods on the 16th.

No one reported to Buzhardt further about any conversation with Woods on the 16th.

Buzhardt did not speak to Rosenbloom again on the 16th.

Buzhardt did not discuss the matter further with Haig on the 16th. Nixon and Haig left around noon for Florida.

Buzhardt did not play any portion of the tape for Rosenbloom on the 16th, nor for anyone else. Buzhardt does not believe he played the tape for himself again.

Buzhardt does not believe he discussed with anyone making a disclosure to the Court immediately about what had been found. (1583-1585)

Night of 15th: Conversation with Haig

After finding the Haldeman notes on the night of the 15th, Buzhardt reported this to Haig. Buzhardt thinks he showed Haig the notes and told Haig that the obliterated conversation was one in which Watergate was discussed.

Buzhardt does not recall what Haig said in response. One purpose of advising Haig was for Haig to transmit this information to Nixon. (1585-1586)

The 17th

Buzhardt does not recall talking to Haig on the 17th, but he may have.

Buzhardt did not talk to Woods who went with Nixon to Florida on Friday about noon.

No one reported to Buzhardt anything that Woods had said on the 17th.

Buzhardt did not speak to Nixon on the 17th.

No one relayed any message to Buzhardt from Nixon on the 17th, nor did Buzhardt speak to Rosenbloom on the 17th. (1587)

Buzhardt may have discussed the obliterated tape with Powers on the 17th, as they worked together all that day again reviewing the other conversations. Buzhardt <sup>discussed</sup> ~~discussed~~ ~~one else~~ he discussed the matter with <sup>that day.</sup> (1587)

Buzhardt probably talked to Haig on the phone on the 18th. Buzhardt doesn't remember whether they talked about Watergate, even in the broad sense, or about other matters. Buzhardt worked that day from 8:30 a.m. to 8:00 p.m. in the office, attempting to complete the index and analysis. He and Powers had completed the <sup>RE</sup>view of all the tapes late on the evening of the 17th and had started writing. Powers called in sick early on the 18th, and Buzhardt started writing at that point, not having written any part of the analysis down before then, including analysis and summary of the June 20 hum. (1587-88) Buzhardt spoke to neither Nixon nor Woods on the 18th. (1588) Buzhardt discussed the problem of Woods' explanation with Powers and Garment on the 17th, and probably with Parker and perhaps Garment on the 18th. The problem of the index and analysis generally, was definitely part of the discussion. (1588-89) Garment, who had been a participant in the hearing from the beginning, along with Parker, first learned of the Woods erasure on the 17th. (1589) Buzhardt didn't speak with Rosenbloom on the 18th. (1589)

Buzhardt reported fairly early the morning of the 19th by phone to Haig, who was still out of town, that Buzhardt hadn't completed the index and analysis, that he had run into some problems, probably wouldn't be able to complete it, and intended to ask the Court for a continuance. (1589-90) Subsequently on the 19th, Buzhardt told Haig that Buzhardt had gotten a continuance, but that Buzhardt thought they must disclose the problem with the one tape, not in the analysis but separately. Haig agreed and said Haig would so report to Nixon. (1590) Buzhardt doesn't think there was a response from Nixon. (1590) Buzhardt didn't report it to the Court on the 19th or 20th, but didn't receive word back telling him not to, nor was he waiting instructions as to when he could. (1590-1591)

Buzhardt didn't report it on the 19th because he undertook an investigation to determine what facts he could; he undertook to do a number of experiments with the machine on the 20th, intending to write up such explanation as he could and report it on the 20th. (1591) On the 20th Buzhardt had only a very brief discussion with Woods when he and Garment went to her office to borrow her machine. Buzhardt asked for her machine to experiment with; she said she wanted a replacement for it, and Buzhardt said he'd send one over, which he did. (1591) Buzhardt didn't interrogate Woods. She commented about the erasure, saying something like she'd pushed the record key, but although



other things were definitely said (which Buzhardt can't recall), Buzhardt did not ask her questions to elicit her statement about the record key, nor did he ask if she knew the explanation for the 4 and one-half vs. 18 minutes discrepancy. (1592) No one, including Nixon and Haig, implied directly or indirectly that Buzhardt shouldn't talk to Woods. (1593) The machine Buzhardt got from Woods looked like the one he'd seen the previous week, but he couldn't testify it was the same one. (1593) Buzhardt told Woods he wanted to test and experiment with the machine, indicating it was in connection with her mistake. She asked for a replacement and said she had pushed the record button. (1593)

At that point, Buzhardt was most puzzled by how the machine could have created the sound on the tape, and also puzzled about the time discrepancy. (1594) Buzhardt didn't know whether Woods was transcribing another original tape at that time, nor precisely what she was transcribing. (1594)

Buzhardt didn't give Woods another original tape which Jaworski had requested, but on the 22nd Buzhardt was told Nixon wanted Woods to review a tape. Buzhardt suggested it would be much better for Woods not to work with the original, and as a consequence of this, he went into the office, took a marked original which Woods had, and with two Secret Service technicians made a copy and gave it to Woods. Buzhardt doesn't recall the specific tape, but it was one requested by Jaworski. (1595)

Buzhardt didn't have an understanding that the WSPF's representative would be present when any tapes were copied, although there has been some discussion about that since then. The nine subpoenaed tapes were copied Wednesday, November 14, by Rosenbloom at NSA with WSPF representatives present. (1596) Buzhardt advised no one from WSPF that Buzhardt was having the Secret Service copy the tape in question. DeGrandes of the Technical Security Division copied, with Buzhardt and another agent, whose name Buzhardt doesn't recall, watching. (1596-97) DeGrandes recorded it using two Sony 800-B recorders with a view meter, which Buzhardt watched. They recorded all pertinent information on the back of the box of the copy. Buzhardt could find out what conversation it was from extensive notes DeGrandes made at the time. Buzhardt made none. (1597)

Buzhardt doesn't know when Woods was supposed to be working on this conversation. Buzhardt had both tapes in his safe the night of the 22nd. He delivered them to Woods on the 23rd, but had no conversation with her about the erasure, didn't give her instructions about what to transcribe, just delivered them to her office. (1598) Haig had told Buzhardt, a little after noon on the 22nd, that Woods was reviewing some tapes for Nixon. Someone, Buzhardt doesn't know who, had already given Woods the original tape without Buzhardt's knowledge. When Buzhardt found out, he told Haig he didn't think it wise that Woods have an original. (1598-1600)

Buzhardt gave Woods the two tapes when he took them out of his safe, including the original because presumably she was signed out with it. (1600) Buzhardt didn't give it to her with the understanding she give it right back to someone, but he had recommended to Haig it be returned to the vault, and he subsequently had Bennett check Bennett's inventory and ascertained from Bennett that all originals were in the vault. (1600) Buzhardt doesn't know when the original that Woods had was brought back, nor whether Bennett's inventory shows she had it. (1600)

(Ben-Veniste asks for up-to-date logs on tapes vault. After recess, Bennett produces them, and they are marked Exhibits 100-105 and received. Bennett is asked to leave the courtroom.)

Buzhardt now is able to say that the tape he got from Woods and copied on the afternoon of the 22nd, and returned to her on the 23rd, was the one that includes either January 3, 1973, or January 4, 1973 in the EOB, probably the January 4 one. (1602) On the afternoon of the 22nd, Buzhardt didn't know whether Woods had any other tapes in her possession. He doesn't recall anyone telling him. Buzhardt had, however, provided information to Bennett, about tapes requested by WSPF, which led Buzhardt to believe Woods may have had other tapes. (1602-03) Buzhardt gives another description of events of the 22nd, but is slightly unclear as to whether he learned on that day that Woods had only one original as testified to earlier, or that she had more than one original. (1603-04)

Buzhardt thinks that subsequent to copying on the 22nd an original tape that Woods had, he learned from Haig, he doesn't recall when, that Woods had some other tapes. (1604) Buzhardt was not aware that, as of the 26th, according to Bennett's records, Woods had nine original tapes in her possession. (1604-05) Buzhardt doesn't know why no one told him this, but Bennett told him, it must have been subsequent to that date, that all originals were back in the vault. Bennett didn't tell him Woods had had all these tapes out. Buzhardt knew she had one, and was sure she had others, but didn't know for how long and certainly didn't know that many. But these weren't subpoenaed tapes, rather they were ones requested by WSPF. (1605)

There came a time when Buzhardt concluded, from the information he then had, that there was no innocent explanation for the 18-minute hum. (1605-1606)

#### Bench Session

(At this time Rhyne approaches the bench.) Rhyne wants to question Buzhardt as to the capacity in which Buzhardt appeared and who he represented, when Buzhardt said, on November 21 in Sirica's office, the erasure couldn't have been accidental. Sirica says such questioning by Rhyne will be in open court, and Sirica doesn't want to interrupt the government now for such questioning. Rhyne agrees but doesn't want anyone telling Buzhardt he will be so

questioning him. Sirica says he will forbid Buzhardt from talking to anyone, specifically Garment, during lunch. Garment accepts this injunction. Ben-Veniste objects to the cross-examination of a witness by an attorney who represents a witness that has already testified, and who himself is not a party to the case. Sirica will allow it because this is an investigative proceeding. Rhyne won't tell Garment the purpose of the inquiry.

Sirica thinks that those present at the November 15th meeting, Haig, Powers, Woods, Higby, should testify, to get all the evidence possible and for them to have a chance to respond to damaging publicity. Rhyne's position is that his client is being tried. Sirica says if Rhyne isn't worried about bringing it out, he doesn't see why anyone else should. Rhyne says Rhyne is the one who walked out with the tapes in his hand. Sirica says Haig should be heard from, and maybe Powers. Garment can notify Haig rather than subpoenaing him. It is agreed to substitute Exhibit 59. (End of Bench Session) (1606-11)

On November 20th, Buzhardt had no explanation of how the 18-minute erasure could have been done accidentally, but at the same time was aware there was a lot he didn't know about it. (1611-12) Buzhardt held that conclusion on the 21st, but not the 22nd, as some of his questions were resolved the night of the 21st. (1612-13)

On the 20th, after talking to Woods, Buzhardt asked Bennett to have her machine brought to Buzhardt and to get her another. When Buzhardt got her machine he noted the serial numbers on both machines. Two of the keys were locked in an inoperative position, Buzhardt doesn't know why. He inquired, but doesn't remember when. He asked the Secret Service for a maintenance man, who took fifteen minutes to unlock the keys, a simple procedure. (1613-14)

Buzhardt doesn't believe he spoke to Nixon on the 20th. Buzhardt talked to Haig several times on the phone that day, and in person that evening, with Garment present. Early that morning, Buzhardt told Haig Buzhardt would proceed to provide the Court such explanation as he could that day, and would also conduct certain experiments with the machine to see if he could provide a better explanation to the Court. Haig said fine and to let him know how it came out. Buzhardt later told Haig the results of those experiments and told him he wanted to try some experiments on the actual machine. That evening he told Haig the total results, that they still had no clear understanding of the noise on the tape, that they ought to not delay longer in bringing in experts, and that he would fill in the Court and WSPF the next morning. (1614-15) On the 20th, Buzhardt told Haig Buzhardt had no innocent explanation, but there was much they didn't understand about the machines, the biggest problem being they hadn't found how the noise could be created. (1615)

Buzhardt doesn't think that when he substituted a machine with Woods, the Secret Service technician locked the keys in the substituted machine. (1616)

On the 20th, when Buzhardt informed Haig about having no innocent explanation, Haig probably knew Woods had the nine original tapes in her possession. (1616)

Buzhardt didn't speak to Rosenbloom nor Nixon on the 20th. (1616) Buzhardt performed tests on the 20th with Garment and Parker. Using a Uher Machine, then Woods' Uher Machine, and using a blank tape, they tried different combinations of buttons to try to recreate the sound on the tape. (1616-17)

On the morning of the 21st, Buzhardt made disclosures to WSPF and the Court. He didn't speak to Rosenbloom until that evening. (1617)

There was no time when Buzhardt discussed with Nixon Haldeman's notes, that they related to the obliterated conversation, nor did Haig relate to Buzhardt Nixon's reaction to Buzhardt's correlation of the notes to the tape. (1618)

Buzhardt thinks he has related in Court on the 28th and 29th all the conversations he has had with Woods from the 14th until the 21st. He helped her carry luggage into the office on the 19th and had a casual conversation with her, but said nothing about the erasure. She didn't have a tape recorder among her bags. (1618)

On the night of the 21st, Buzhardt performed some tests with Rosenbloom. Buzhardt knew, as of the date Buzhardt first listened to the June 20th conversation, that a panel of experts was being assembled to analyze the subpoenaed tapes as to tampering. Buzhardt knew that on the 18th these experts met with representatives of the White House Counsel's Office and WSPF, and thought this was to decide who was to be recommended and to have preliminary discussions about tests to be run. Buzhardt didn't think of advising the experts on the 18th about the obliteration, nor did he know then that the machine would not create the noise. Buzhardt also knew that, when appointed, the panel would make the tests and report back to the Court. He also knew that White House Counsel Staff members attended the meeting and learned all tests available for detection of alteration of tapes, yet did not disclose in any way facts he had in his possession at the time. He was not directed by anyone not to do so. (1618-20)

On the night of the 21st, Buzhardt spoke on the phone to Rosenbloom and asked him to come into Buzhardt's office, which he did. Buzhardt told him the problem of a conversation that had been erased or obscured, that there was a tone Buzhardt hadn't been able to recreate. Rosenbloom mentioned this must have been what Buzhardt was asking him about earlier, and Buzhardt said it was. Buzhardt isn't sure whether Rosenbloom expressed any reluctance, as an NSA employee, to assist in these tests in any way. Buzhardt asked him for information but didn't ask him to conduct any tests whatsoever.

Rosenbloom was present during the tests, but didn't assist except for giving advice and answering questions. This was an informal request to Rosenbloom, purely for Buzhardt's information. Buzhardt set up, using copy number 1 of the tape, where the sound came through and asked if Rosenbloom could identify it. Buzhardt tried to reach Ruth that night to tell him about the tests and the results, was unable to, and called him early on the 23rd. (1621-22)

Buzhardt performed no further tests on the 22nd, nor did he talk to Nixon on that day. Buzhardt spoke to Haig on the 22nd, may have told him about the test results that morning, but probably had told him the night before. (1622)

The tests on the night of the 21st were performed in Woods' office. She was advised of this the next morning. (1623) They were able to get sounds on the tape that approximated each level of the signal on the 18-minute space. (1623) They did this by depressing simultaneously the start and record buttons of a Uher machine; Buzhardt doesn't recall which input selector they used, but they experimented with all three. Then they turned on the lamp and typewriter (the ones marked here for evidence, from Woods' office), then turned off the typewriter, leaving the lamp on. The recorder was on the right part of the small table, the typewriter was on the left of the recorder, both setting slightly on an incline, with the lamp pulled up close behind. They didn't use the footpedal, although there was no reason why they didn't, nor did they use a microphone. (1624) Buzhardt thinks that in addition to using the forward and record buttons, or the footpedal and record button, the machine will record in the dictate position with a footpedal or mike.

The first sound was approximated by depressing the record and start buttons with the typewriter and lamp on, very close together. After turning off the typewriter, they got a sound which very closely resembled the remainder, the longer sound. They got (similar sounds) to both hums, but couldn't tell if they were the same without a signal generator. No more tests were done that night. Buzhardt did some that weekend and as late as the 28th. (1625)

Sirica warns Buzhardt not to discuss his testimony at lunch, and Court is recessed.

Thursday, November 29 (Afternoon Session):

BUZHARDT

On Tuesday, (November 30) Buzhardt personally conducted a test on Woods' machine using the foot pedal. (1630)

During the Wednesday evening (November 21) test, which Buzhardt and Rosenbloom performed, the foot pedal was not used. Buzhardt had been trying to produce a specific noise or find out if certain conditions would produce that noise,

and he produced that noise before he had gotten to try (making the machine record) with a foot pedal. (1630-31)

The machine Buzhardt received and used on Tuesday was (Woods') machine and had her foot pedal attached, but Buzhardt simply did not use the attached pedal when he did this test. Buzhardt kept this pedal in his office until he sent the machine back to Woods' office sometime later. The machine used on Wednesday night was not this (original) machine, and it had a Uher foot-pedal. On Wednesday, the original machine was in Buzhardt's office, and Buzhardt did his tests in Woods' office where there was another machine. Buzhardt did not bring the original machine from his office to Woods' office because he was primarily interested in the tensor lamp and typewriter, and he felt that for this non-scientific test one Uher machine would be as good as any other. (1631-33)

Buzhardt performed no tests on Thursday or Friday, although on Friday he called (WSPF office) and related his Wednesday tests. (1633)

In Buzhardt's Tuesday afternoon test, which was done in his office, he had tried the machine in every position to see what sound was created: with each selector position down, with and without the foot pedal. (1633)

Thus, up until Friday, (November 23) Buzhardt had not recreated the conditions in Woods' office (On Oct. 1) with the same equipment, and Buzhardt never attempted to do this. (1533-34)

Buzhardt was present for a few moments when another experiment was made with the machines and the full set of equipment, but he did not participate. This occurred in

Woods' office, probably on Saturday evening, (Nov. 24)\* and Ray Warren, Judge Sullivan, Houser and perhaps someone else were there. (1634) (Buzhardt later says they were not in Woods' office. (1641)

Ray Warren is an RCA technical expert, and Buzhardt does not know where he is from other than from out of the Washington area. Buzhardt believes either Sullivan or Shephard told Buzhardt that he had made the arrangements and/or contacted Warren. Buzhardt believes that Warren was recommended to (the White House) but does not know by whom. (1634-1636) Buzhardt had been told in advance that Warren was coming (on November 24) by either Shephard or Houser. (1639)

Jeffrey Shephard is a member of the White House staff whose title Buzhardt does not know. Buzhardt does not know who suggested that Shephard assist (in the tests.) (1636) Either Judge Sullivan or Buzhardt had actually asked Shephard to assist them in the problem. (1637-38)

Buzhardt suggests that Rosenbloom had given (WH counsel) a list of names (apparently technical experts) from which Shephard had called an individual from RCA, who had in turn recommended Warren. Buzhardt could be mistaken about the sequence of events. (1637)

Judge Sullivan is on the Illinois Supreme Court, and is a legal consultant and advisor to the WH. Prior to (November 24th weekend) Sullivan had not been active on "this matter specifically." Buzhardt does not know who suggested that Sullivan be brought in, and Buzhardt does not recall whether he requested Sullivan to assist or if Buzhardt found Sullivan there (on Nov. 24). Buzhardt frequently consults Sullivan. (1938-39)

Buzhardt does not recall anyone other than himself, Sullivan, Shephard, Warren and possible Houser being present (on Nov. 24), but there may have been someone else. Buzhardt believes the machine was tested in various modes with a piece of tape in it, but Buzhardt was not present for the entire period. A copy of the June 20 tape was not made available, but (the buzz) had been played for Warren in Buzhardt's office. The experiment results were reported to Buzhardt, probably by Sullivan, and the

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\*Buzhardt first says this probably occurred on Sunday (1634) but later says it occurred on Saturday. (1648)

report was that they had been unable to duplicate the sound. Buzhardt does not specifically recall seeing a foot pedal and does not know if one was used, since Buzhardt was not present "when they did it." Buzhardt believes the tape recorder used by Woods (Oct. 1) was the same tape recorder which was in his office (on Nov. 24), and Buzhardt would have to assume that the original foot pedal was also in the office. (1339-1341)

(Ben-Veniste suggests, and Buzhardt agrees, that up until that point WSPF had not received any portion of the (June 20) tape or any portion of any tape. As of Saturday night (Nov. 24) Buzhardt had not provided any portion of the June 20 tape to anyone else.) (1640)

Buzhardt did not assume that, during the tests which were unable to duplicate the sound, every possible configuration had been used. (1644)

Ben-Veniste observes that he does not see how the test could establish anything if there was no attempt to duplicate the October 1 situation. (Garment objects that this test is not being offered to proof of any fact. Ben-Veniste indicated the purpose of his questions as stressing that the original equipment was not used in these tests, and as background material.) (1644-45)

(The Court indicates that, in view of the 18 minute gap, the status quo of the reel should have been maintained by the WH, and WSPF should have been informed so that the experts could have been brought in.) (1646-47)

Buzhardt did not inform WSPF of the test conducted on Saturday evening (November 24). (1648)



Buzhardt, Sims, and the on-duty Secret Service man made a copy of the (June 20) tape on Sunday (November 25). Buzhardt supplied this copy to Woods through a messenger and he had been requested to do so by Rhyne directly. Buzhardt checked with Haig who may have also requested that Buzhardt send Woods the tape, and Haig said to make the copy available to Woods. Haig did not indicate whether this was also the President's decision or was Haig's sole decision. (1648-1649) The tape was sent to Woods' office by an attorney in Buzhardt's office. (1650)

Buzhardt had returned the (original) tape recorder to Woods' office probably on Friday (November 23) but possibly on Saturday. Probably on Friday, WDPF had requested that Woods' tape recorder should be produced in court on Monday (November 26), and on Sunday night WSPF had reiterated this request to Buzhardt. Rhyne had requested to Buzhardt that Woods be allowed to bring the recorder to court, and Buzhardt does not recall whether he told Rhyne of the WSPF request. (1650-1653)

Buzhardt prepared the analysis and index over a period of time, probably beginning a week ago Sunday and finishing on Sunday (November 25) or Monday (26th). (1652) Buzhardt does not recall precisely when he wrote the explanation of the hum. (1653)

Buzhardt does not know when the last time was that Woods returned tapes in her possession to Bennett. (1653) (Exhibit 103 shows such was November 26 at 8:25 a.m., when Woods returned nine tapes to Bennett.) Buzhardt recalls Bennett coming to his office (presumably on November 25) but Buzhardt does not know that Bennett had any tapes with him. Buzhardt had requested Bennett to get the sealed box out of the vault. Buzhardt had also requested Bennett to return the machine which Woods had in her office prior to the time that Buzhardt had run his tests. (1653-1654) Buzhardt does not recall asking Bennett to check the machine's capability to record, and does not recall Bennett reporting such information. Bennett did provide Buzhardt with the name of the machine, its model number and its serial number, all written down on a small slip of paper which Buzhardt may still have on his desk. (1654-1655)

Buzhardt saw some transcripts of some phone conversations which Woods had typed, relating to the nine tapes (returned

on November 26) Buzhardt neither knows when Woods concluded her work on these transcripts nor when he saw them. Buzhardt thinks it may have been during the weekend. The transcript had been handed to Buzhardt by Bennett, and Buzhardt glanced at them without reading any before placing them in his safe. (1655-1656) Buzhardt does not know how many transcripts there were and thinks but is unsure whether they related to Jaworski's requests for certain Nixon-Colson conversations. Buzhardt does not know who had requested Woods to transcribe what conversations. (1656) Buzhardt wrote to WSPF, on Friday (November 23) or Sunday, indicating which of the conversations requested by WSPF Buzhardt thought would be located. Buzhardt does not recall, at the point he wrote this letter, whether he had been advised of Woods' transcribing of the taped conversations. (1657)

Bench Conference called:

Sirica feels questioning is running into collateral matters by speaking of tapes, i.e., Colson tape, id. which not involved in this hearing. (1657-58)

Ben-Veniste says it is relevant because involves entrusting to Woods of tapes and later it will be crucial to know who gave Woods instructions, who was moving them and who was responsible for them. (1658-1659)

Garment feels Ben-Veniste has exhausted knowledge of witness and questions area matter for Bennett. (1659-60)

Rhynne does not object and wants everything brought out fully. (1660)

Course of rest of day's testimony discussed. End of Bench conference. (1660-1661)

Testimony Resumes:

Buzhardt does not know what Woods was asked to transcribe and does not know who requested her to return the nine tapes on Monday (November 26, 1973) before she testified. Buzhardt does not know whether Woods did not have tapes in her possession or Monday would relate to Woods being able to testify. (1662-1663)

Buzhardt is sure he never told Woods Nixon Haldeman call of June 20th lasted 55 minutes but it said 55 minutes on the log so Buzhardt was aware of it. Buzhardt does not know whether anyone else from White House Counsel staff told her that. Buzhardt did not tell Woods there was an 18 minute two-tone hum. Buzhardt does not know if anyone else from the counsel staff did. (1663)

Ben-Veniste refers to analysis filed by Buzhardt on 26th. Buzhardt writes that it is believed hum was caused by depression of record button. (1663-64)

By it is believed, Buzhardt meant Buzhardt believed. Buzhardt could not corroborated that belief with the fact Woods said she pressed record for four or five minutes. (1664)

Buzhardt recalls he had a conversation with Nixon on November 15th. (Ben-Veniste reads from p.1499 of Buzhardt's testimony where Buzhardt testifies about how he first learned of erasure from Nixon around 15th). Buzhardt recalls giving this testimony. (1665-1667)

Buzhardt does not recall if four or five minute erasure is alluded to in Buzhardt's written analysis or not. (1667)

Buzhardt has his own hypotheses as to what caused the hum. Buzhardt's hypothesis is not that Woods caused eighteen minute obliteration. (1667-68) Buzhardt analysis of November 26 (about erasure) is from belief and checking, not certainty. (1669)

Buzhardt does not believe that Roy Warren tests which did not produce the same hum duplicated the same situations (that Woods had) as Buzhardt's earlier tests did. At the time Warren made his tests, Buzhardt did not know what Warren had done wrong (in not duplicating situation). (1668)

Buzhardt says in analysis that erasure was detected and reported to Nixon shortly after it was made and shortly thereafter reported to Buzhardt. This was based on what Buzhardt had been informed by people (including Nixon) subsequently and partly on my recollection that at some point [as opposed to wording shortly thereafter] Buzhardt was informed. (1669)

Buzhardt cannot remember whether he learned about erasure before or after he learned about the two missing tapes. (1669-1670)

On p. 1110, Buzhardt testified that Buzhardt did not learn about missing tapes until mid-October. (1670)

Buzhardt does not have any independent recollection of the date of Haig's call (as opposed to recollection refreshed by Haig's logs that it was in earlier October), in which Haig asked Buzhardt what was the subject of the subpoena. Buzhardt has an independent recollection of having talked to Haig on that subject, but not when or what time of day. (1670-71)

Buzhardt says it is correct that Buzhardt testified in answering Haig's question about the subpoena, that Buzhardt consulted no documents but the subpoena itself. Buzhardt may have previously consulted Nixon's log but not at that moment. (1671)

Buzhardt says the conversation with Haig certainly did come after memo on tapes (which is in evidence) of August 23rd was written. (1671-72)

Buzhardt does not recall if August 23rd memo was the first legal argument supplied by the legal counsel's office as to the tapes. Wright was working on tape matter. (1672)

Buzhardt is excused. 15 minute recess. (1672)

J. Fred Buzhardt  
(cross by Rhyne)

Buzhardt's position vis a vis White House and White House staff in case:

From September 29, 1973 until now, Buzhardt has been Chief Counsel for the White House in Watergate matters. (1681)

During this time, Buzhardt has not represented all persons employed by the White House in connection with matters before this Court. (1681)

Buzhardt's contact with Woods pre Woods' November 8 testimony:

Buzhardt had talked to Woods sometime prior to Woods' testimony of November 8, 1973. Buzhardt was in the room briefly while Garment and Powers were talking to Woods about testimony she was going to give this Court. Buzhardt did not participate in discussions prior to Woods' testimony. Buzhardt was aware Buzhardt would be a witness in the case and had already been notified that he would not be present when she testified. (1681-82)

Question of who, if anyone, represented Woods on November 8th:

Rhyne asks Buzhardt if it is Buzhardt's testimony that Buzhardt was not one of Counsel for Woods on November 8. (1682)

Garment objects because Rhyne's question assumes either Garment and/or Powers were counsel for Woods at that time. Garment says Woods is a witness not a party to the case. (1682) Rhyne says he would like Garment sworn in and called to the stand. Sirica says Court cannot call Garment because he is representing Nixon or White House. (1682)

Garment says Woods was not represented on November 8 because she was a witness without counsel brought at request of the Special Prosecutor. Garment et. al. were representing Nixon, the White House, but not Woods. (1682-1683)

Rhyne says he does not accept that because as Rhyne understands it, Powers questioned Woods on behalf of Woods and Garment and Powers spent hours rehearsing Woods before she came to Court. Garment objects to characterization of the discussion with Woods as rehearsing testimony. Sirica strikes Rhyne's rehearsing remark. (1683)

Garment does not think this is an issue of fact. Other White House witnesses have appeared without establishing an attorney/client relationship between them and White House attorneys. (1683) At this point a bench conference is called which is ordered sealed by the Court. (1683-4)

Alexander Porter Butterfield  
(direct by Ben-Veniste)

Present employment:

Since March 15, 1973, Butterfield has been employed as a presidential employee serving as Administrator of FAA. (1685)

Butterfield's White House position:

From January 21, 1969 until March 14, 1973, Butterfield was Deputy Assistant to Nixon. As such, Butterfield was a member of the senior White House staff. Butterfield's office adjoined Nixon's. Butterfield was responsible chiefly for smooth running of Nixon's official day and all administration at the White House. The office of Staff Secretary was part of Butterfield's office and Butterfield served as secretary to the Cabinet as an additional duty. (1686)

Higby's request to set up recording system:

In February 1971, Butterfield had a conversation with the Chief of the Technical Services Division of Secret Service about installing a recording system in Nixon's offices and telephones. (1686-87) Before this, Higby came to Butterfield's office relaying a message from Haldeman which had come from Nixon that Nixon wanted a recording system set up in the Oval Office and the Cabinet Room, that the Secret Service was to do it and not the White House Communications Agency, that it was to be done as soon as possible and that absolutely no one was to know about it except those Secret Service agents who would have to. (1687-1688)

There was no discussion with Higby about the competence of the recording equipment. (1688)

Why Secret Service used to set up recording system:

Butterfield thinks the principal reason Higby's instruction was not to use the White House Communication Agency was that members of the Agency are members of Armed Forces and more frequently transferred from White House whereas Secret Service personnel are more permanently assigned. Haldeman's problem with White House communications people may have had some bearing on the decision to use Secret Service. Generally Haldeman chose not to go through the signal switchboard, the White House Communication Agency switchboard. (1688-1689)

Butterfield asks Wong to set up recording system:

Within a few hours after talking to Higby, Butterfield contacted Al Wong, then Chief of Technical Security Division. Butterfield asked Wong to his office and told Wong essentially

what Higby had told Butterfield - that system was to be set up in Oval Office and Cabinet Room and perhaps included Oval Office telephone. Butterfield asked Wong if it could be done and Wong said yes. Wong said he was reluctant to have the Secret Service get involved in this. Butterfield did not instruct Wong to purchase any equipment. (1689-90)

Second meeting with Wong, Zumwalt, and unidentified:

A day or two after Butterfield's initial conversation with Wong, Wong brought over to Butterfield's office the expert in this field, Zumwalt, and one other person Butterfield cannot remember. They discussed more details and possibly what kind of equipment might pick up conversation, that there was some voice activated equipment on the market. Butterfield understands they did buy equipment eventually. They intimated they would obtain the best equipment for the job. They were not sure how they would install it. (169091)

Third meeting with Wong (Zumwalt and unidentified), after equipment installed:

Soon after the three came in to tell Butterfield the equipment was installed, how it worked, and how they had installed it, they indicated to Butterfield the equipment would pick up absolutely all conversation in the room, the Oval Office. They told Butterfield it would pick up low tones. They assured Butterfield it would pick up very well in the Oval Office where Nixon did all his business at either his desk, in front of service flags to left of desk, or in one of the yellow chairs near the fireplace. Butterfield remembers them telling him they had installed microphones hidden throughout the desk and in the mantle of the fireplace. They may have said under, over, or above the mantel or in lamps above the mantel. Butterfield recalls they said installed microphones behind Nixon's yellow chair around the fireplace. (1691-1693)

Butterfield never told about timer to switch tapes:

Butterfield does not recall at any time Wong, Zumwalt, and other person's telling about a timer which would switch from one tape recorder to another. (1693)

Procedure Butterfield used to check out tapes:

Shortly after equipment installed, Butterfield listened to tapes periodically to check the ability of the equipment to pick up. Butterfield asked them (Technical Services) for a tape recorder which they signed out to him and Butterfield kept in his desk drawer. Butterfield used this carrying case set that plugs into wall two or three times and listened to the tapes. Butterfield called Wong during a slow period when there were very few tapes and asked Wong to bring some tapes. Butterfield either said for Wong to bring him a tape, or bring Oval Office

tape, or bring a tape of a certain day. Butterfield did not sign any voucher to obtain tapes. They brought tape spools over in boxes marked Oval Office or Cabinet Room with the date. Butterfield never kept the tapes for more than one night. (1693-1695)

Butterfield had no knowledge check out system:

Butterfield was not aware of any procedure for logging tapes in or out. At this time, it could not be foreseen anyone was going to be logging tapes in and out. (1694)

Conversations Butterfield listened to:

Butterfield listened to a conversation between Nixon and Connally and another between Nixon and Kendall, Chairman of the Board of Texaco. The quality of these tapes was very good. (1695)

Ben-Veniste points out there is no record of these two tapes ever having been removed so far as documentation presented in the course of this hearing reflects. (1695)

Secret Service's checking of equipment:

Butterfield never gave specific instructions to Secret Service Technical Service personnel about servicing the equipment. Butterfield cannot recall whether he told Secret Service to or Secret Service told him, but Secret Service did check the equipment which was installed in wing of White House daily. Butterfield does not recall weekends being the exception. Saturday is a regular work day for 25 to 30 percent of the White House staff. They did not check it daily when Nixon was out of the city. Butterfield's understanding is that they not only checked daily but removed tape every day Nixon spent time in Oval Office. Butterfield does not know what checking procedure was once equipment was installed in EOB. (1695-1696)

Where Nixon worked:

On weekends, if Nixon remained in Washington it would be very unusual for Nixon to work in Oval Office unless he had some appointments with people other than staff personnel. It was Nixon's habit, if he had free time to go to EOB. (Before 1972) Nixon did not use the EOB office much and it was not in existence for the first few months. In 1972, Nixon used EOB office frequently during almost all periods of free time in excess of two or three hours on the weekends and during the week. It was a well known fact Nixon worked on weekends when he was in Washington on weekends (and he would work in EOB office). From 1972 on, Nixon used EOB office almost exclusively, but would use the Oval Office, Lincoln sitting room, for seeing people from the outside.



Taping equipment at Camp David:

Taping apparatus was installed on the telephone at Camp David about the same time equipment was installed in EOB and other telephone equipment was installed. The mechanism for recording conversation in Nixon's study at Camp David was installed long after the telephone device when in February or March 1972, Butterfield took it upon himself and told the Secret Service to install it. (1698) The Secret Service did not accompany Nixon to Camp David to service the tape equipment. Butterfield does not know how they serviced the equipment at Camp David. There would always be Technical Security Division people at Camp David when Nixon was there in addition to the protective division people. There would always have been people on duty throughout the weekend at Camp David and the White House. (1699)

Access to tapes: (Butterfield, Nixon, Haldeman, Higby's)

Butterfield had access to the tapes and if he requested a particular tape from Wong or his successor Sims, they would not question it. (1699-1700) Presumably, Nixon might have done the same thing but that would have been extremely irregular. Definitely, Haldeman also had authority to make such a request which would not have been questioned by Technical Services. Technical Services would have also responded to a request by Higby because it was clearly understood throughout all support units that Higby spoke with Haldeman's voice. (1700)

Storage of tapes:

Butterfield knows that completed reels were always stored in EOB. Initially, they were stored in some place within the office suites assigned to Technical Service Division. Storage soon became a great problem and Technical Services people came to Butterfield on several occasions about the volume of tapes and what might be done to free up more storage space. Probably in summer of 1972, near the end of the first term, they finally found a place in a closet in the center hall of the first floor of EOB. They went through GSA people and took over the closets. (1700-01)

Bull takes over supervision of taping:

When Butterfield anticipated leaving the White House (before he left in March 1973), Butterfield had a conversation with Haldeman of turning over Butterfield's job of supervision of taping operation to someone else. In that Steve Bull was going to occupy Butterfield's office he was the obvious one to do it. (1701)

No conversations before Senate Testimony re: disclosure taping system:

Butterfield did not have any discussion with respect to disclosure of the taping system prior to interview before Senate Select. No one suggested Butterfield not reveal it. Butterfield had no conversation with Higby about it. (1701-02)

Conversation with Higby before Senate Testimony:

Butterfield did have a conversation with Higby before Butterfield's testimony and interview with Senate Select. In April 1973, about the time Strachan was interviewing or testifying before Senate Select, Higby called Butterfield and said if Butterfield went before Senate or any panel, be sure to tell the complete truth. Butterfield somewhat resented his saying this but realized Higby was passing something from Haldeman and this was the only contact Butterfield had. Butterfield thought it was needless for Haldeman to say this, but did not see anything cryptic in Haldeman's instruction. (1702)

Ben-Veniste has no further questions. Garment has no cross. Court adjourned until 10 a.m. Friday.

TAPE HEARINGS BEFORE JUDGE SIRICA  
DECEMBER 4, 1973

Higby  
Bennett: p. 14  
Powers: p. 22

Lawrence M. Higby

Questions by Volner (direct)

Higby presently works at OMB. He was formerly an aide and deputy to Haldeman from January 1969 - April 30, 1973. (1705)

Although basically familiar with Haldeman's file set-up, Higby would not say he is very familiar with the files. He does not know what type of notes Haldeman kept. (1706)

Higby has recently gone through portions of Haldeman's files. He never made a similar search before Haldeman's resignation, but did occasionally look for something specific. (1706)

Higby first went through the files (since Haldeman's resignation) on November 15, 1973. (1706)

In the same room with Haldeman's files are Higby's files and other of Haldeman's office files. The personal files of Haldeman and Higby are in separate drawers; Haldeman's occupy 30-40 drawers, Higby's occupy 10-12 drawers. Some office files contain documents from numerous individuals, e.g. budget file would contain more than one person's notes. Haldeman's notes with Nixon are in a separate file. (1707-1708)

Higby cannot recall ever looking through his own files in Room 522 and seeing Haldeman's files at the same time. (1708)

Higby went to the file room on November 15 upon Haldeman's request and by inference - Haig's. (1708) At about 6:00 p.m., Haldeman called from California. He gave Higby the combination to the file where his notes were kept and asked that Higby get the notes which Haig had requested. Higby was to call Haldeman and review the notes over the phone. (1709)

Higby's impression was that Haig had talked with Haldeman, but it could have been Buzhardt. Higby did not think the request came from Nixon. He finally says his best recollection was that it was Haig who called Haldeman. (1710)

Higby found out precisely what he was looking for when he got to Buzhardt's office. It was a series of documents as opposed to one document. (1711)

Haldeman told Higby to see Haig first. Haldeman indicated that the document needed was notes of a June 20, 1972 meeting between Nixon, Ehrlichman and Haldeman from 12:30-2:00 in the Oval Office. Haldeman did not describe the substance of the meeting, but was aware that Haldeman's notes would be on yellow note pads. (1711-1712)

Higby had no reason to know about this particular meeting, but did know of Haldeman's general practice of taking notes and how the files were set up. (1712)

Haldeman said the notes would be in a pouch, either in a straight chronological file or in the Watergate related file, marked April, 1973. Higby does not draw the conclusion from this instruction that the meeting related to Watergate. (1713-1714)

Haldeman asked Higby to follow his instructions precisely. If there was a deviation, Higby was to call Haldeman. (1714-1715)

Haig sent Higby to Buzhardt for a precise listing of what was needed. Haig may have mentioned the June 20 notes, but not the entire list. Higby worked from the list that Buzhardt provided. (1715-1716)

The list from Buzhardt had seven items on it with participants, time, date and location of the meeting. Haldeman's notes for each meeting he participated in were needed, but June 20 was the highest priority. (1717)

Higby has a copy of this list and will provide it. (1718)

*Higby was in the White House gym when Haldeman called him. (1718)*

Higby's impression was that Haldeman and Haig had already agreed on the procedure so Higby did not explain his instructions. (1718-1719)

The list from Buzhardt was handwritten on a White House note pad. This was the first time that Buzhardt had ever asked Higby to search the files. (1719)

No other person on the White House staff had ever asked Higby to go through his or anyone else's notes before. (1720)

Buzhardt called Sims and asked that Sims meet Higby at the file room. No one else was present in Buzhardt's office, nor Haig's, when Higby was there. (1721)

Sims met Higby and opened the file room for him. Some other Secret Service person was with Sims, but Higby did not know him. (1722)

A log for Room 522 is marked Exhibit 106. (1722)

Buzhardt came into the room later and although Haig came up, he did not enter the room. There is a phone in Room 522, but Higby cannot recall if he called Buzhardt. (1723)

Higby took out one or two envelopes and took them to a desk to look through in order to find the June 20 notes. Higby cannot remember if he found them in the April, May, June 1972 file or the April 1973 Watergate file. (1724-1725)

The logs indicate that the January-March 1973 file was also looked at. Sims or his agent, Tersh Norton, made the entries in the log. (1725-1726)

Even though the log shows Higby and Buzhardt entering the room together, Higby recalls that Buzhardt came in later. (1726)

Higby is not sure why Buzhardt or Haig came to the room, but speculates that there was pressure to get the notes. (1727)

Higby recalls that Buzhardt was at the other end of the room when Higby called Haldeman to review the notes. One of the Secret Service agents was near enough to overhear the conversation. (1728)

Buzhardt was told about Haldeman's instruction to review the notes by phone before turning them over and did not object. (1729)

#### Notes

Higby is positive that notes that Higby talked to Haldeman about over the phone were the notes that were listed as Item 1 on the list given to Higby by Buzhardt. (1730)

#### Higby Conversation with Haldeman

Higby went through about three or four sets of notes with Haldeman on the phone during that two-day span. Higby thinks that this set of notes was the one that has now been published in the paper re PR counter offensive on Watergate. Haldeman said "hum" or something like that when Higby went through that particular section and Haldeman indicated that is not a problem. Higby does not characterize Haldeman's reaction as one of disgust but rather as one of thinking that a big deal would be made of the notes.

Haldeman's only instruction to Higby was to go ahead and turn the original notes over to Buzhardt and to make sure a xerox is put back in the file in the same place. Haldeman gave no other instructions. (1730-1731)

Buzhardt was in the other end of the room during the phone call to Haldeman. Prior to the phone call, Higby indicated to Buzhardt that Higby had found the notes. Buzhardt indicated that Buzhardt wanted the originals. (1731)

#### After Haldeman Call

After talking to Haldeman, Higby put everything else back in its place. Higby either gave the notes to Buzhardt or Sims. Higby put all the envelopes back and locked up the safe and they all left the room together. (1731-1732)

#### Removal of June 20 Notes

Higby removed only the June 20 notes. Higby saw the other notes as he flipped through to find the June 20

notes. Higby had a list of seven notes he was looking for, but only took the June 20 notes because they (sic) indicated to Higby that the June 20 was all they wanted and Higby could get the rest of the notes the next day.

Higby is unsure if he knew at the time he removed the June 20 notes that the June 20 tape had been obliterated. (1732-1733)

#### Higby Learns of June 20 Tape Erasure From Haldeman

Higby learned of the obliteration of the June 20 tape from Haldeman over the phone. Higby cannot remember if the call was before Higby's removal of the June 20 notes. Higby thinks Haldeman told him of the erasure the day before Higby went up to the files. Haldeman told Higby that Haldeman understood that apparently a portion of one of the tapes had been erased. Higby doesn't believe Haldeman told Higby the date of the tape. Higby received the call in his office at (Higby guesses) noon. Higby thinks this was a routine phone call since Higby tries to call Haldeman once or twice a week. The reason that Higby can pin down the date of this conversation is that Higby recalls next hearing of this fact, Friday morning in Higby's office. Wednesday would have been the phone call with Haldeman and Friday, Higby was in Haig's office. (1733-1735)

#### Friday Conversation with Haig

Thursday night, Haig and Higby went into Buzhardt's office after they got one set of notes. Haig had mentioned to Higby on the way to Buzhardt's office, that Haig needed the combination; that it was Haig's understanding that Nixon had the combination, but that wasn't the case. That night, Higby called Haldeman and Haldeman wanted Haig to call him directly on this matter.

Higby guesses Haig called Haldeman because on Friday morning, Higby talked to Haldeman who asked Higby to take the combination to Haig.

On Friday Higby took the combination to Haig who was talking to Harlow. Harlow was mentioning the problem (of the erasure). (1735-1736)

When Higby Learned of Erasure

Higby learned of the erasure one time before (he heard it from Harlow) from Haldeman. Before that Higby heard it from Haig.

Higby heard rumor there was a gap in one of the tapes from Haldeman. Haldeman either told this to Higby before or the night when Higby called Haldeman from Higby's residence on the 15th at about 9:30. This was after Higby left the White House, after Haig indicated to Higby to have Haldeman call Haig to give Haig the combination and Higby relayed the request for the combination to Haldeman.

It was either Wednesday before the 15th or Thursday evening that Higby knew that the tape was erased. On both occasions Higby called Haldeman. Higby called Haldeman from Higby's office on the 14th at about noon. Higby doesn't think he talked to Haldeman at any other time on the 14th.

On the 15th, Higby talked to Haldeman at about 5:45 when Haldeman called Higby. Then Higby talked to Haldeman again from Room 522 on the 15th, again from Higby's residence at 9:30.

Higby talked to Haldeman again on the 16th. (1736-1738)

Haldeman mentioned the problem of the gap to Higby on the 14th, but it may have been in the evening of the 15th. Higby is not positive. (1738)

Haldeman Tells Higby of the Gap

Haldeman said there is apparently a gap in one of the tapes without indicating the date. Haldeman did not indicate the subject matter which had been erased and did not indicate how long the gap was. Higby is unsure if Haldeman used the expression "gap" or "erasure." Higby thinks Haldeman said that the gap had been caused by Woods. Higby has the impression that Haldeman heard from Haig that Woods caused the gap. Higby does not take notes and doesn't recall any documents which might refresh his memory about when this conversation with Haldeman took place.



Higby was referring to the calendar in earlier testimony as to what could help Higby reconstruct the sequence of events. Higby has no telephone log except which indicate calls when Higby is out of his office. Higby's secretary keeps records of phone calls when Higby is out of the office and Higby saves these notes. Higby clearly recalls in the evening and, (Higby believes), the day before at noon, Higby called Haldeman and the secretary would not have records of these calls. Higby will check to see. (1738-1740)

#### The 15th

Higby does not recall whether he made any attempt to find the other six dates when he was looking particularly for the June 20th tape on the 15th.

Higby on the next day looked for the other documents and couldn't find any notes on (Higby thinks) three of the seven occasions that Buzhardt had put down on the list. Buzhardt had indicated to Higby the night before, or that morning, that there may not be notes of all the meetings because Haldeman may not have been in all of them. Higby made some jottings to himself on that list of seven dates, and dictated which ones he could not find. (1740-1742)

#### Leaving Room with June 20 Notes

Either Buzhardt, Sims, or Higby had the document and were leaving the room to xerox it. They went down to Buzhardt's office. Higby chatted with Haig a few minutes. Higby wasn't in the room when they made the xerox. Higby saw the xerox copy. Higby thinks Buzhardt maintained custody of the original and Higby was given a Xerox. (1742-1743)

#### Re Exhibit 61

Exhibit 61 appears to be the original notes that Higby removed on the 15th of November from Room 522.

Higby was given a Xerox and Higby took that back to Room 522 with Sims. Buzhardt and Haig didn't go. Higby and Sims opened the file and placed the Xerox back in the file in what Higby thought was the same position as they originally had been removed from. There were no more phone calls at this time. Higby said to Sims when Sims was filling out the log that Higby couldn't verify that only one copy was made and Higby noted that on the log.

Higby doesn't know where Buzhardt and Haig had gone. They did not indicate where they were going and did not indicate that they were taking the notes to Nixon. Haig and Buzhardt have not subsequently told Higby that they had taken the notes to Nixon.

Higby assumes Buzhardt was going to turn the notes over to WSPF. Higby was under the impression that the contents of the notes needed to be relayed quickly to Nixon. Higby had this impression because Haig and Buzhardt were hurrying and wanted Higby to get the notes. Haig came up and mentioned something about Nixon being back in 20 minutes.

Buzhardt mentioned that he had to have the original and (Higby thinks) Buzhardt mentioned the notes were subpoenaed.

Higby cannot recollect that the notes had been subpoenaed. (1743-1745)

#### The 15th and 16th

There was no secretary with Higby when Higby undertook the search on the 15th and 16th.

On the 19th, a secretary did go with Higby on a search.

Higby did not know what the contents of the notes were before he found them on the 15th. Higby had not discussed their substance with anyone.

Higby had the general impression that the notes must have something to do with the Watergate affair, but not specifically to the hearing concerning the 18 minute obliteration. (1743-1746)

#### June 20 Notes and Obliterated portion

Higby didn't know of the relationship between the obliterated 18 minutes and June 20th notes when he talked to Haldeman on the 15th in Room 522. Higby learned of the relationship when he talked to Haldeman that evening from his residence. Higby isn't sure whether he learned

of the obliterated portions the day before or learned it that evening (of the 15th).

Higby's Search for Remaining Items on the 16th.

The next day Higby made a search for the remaining six items listed and found three of those six, which his notes will reflect. Regarding the three he found, he remembers the dates March 13 and March 21. Looking at the log (Exhibit 106, offered and received in evidence), refreshes his recollection as to what he found. It indicates in general the days in question that he found material for. It doesn't indicate the specific meetings involved, which the list he will provide does, but does indicate that, on the 16th, Haldeman notes dated 3/22, one page of 1973 files, was taken by Higby and sent to Buzhardt's office for copying. 1973 files does not indicate Watergate files. (It does indicate) one or the other, and Higby looked through both. Higby looked through the Watergate file for one item he thinks refers to one of the 1972 dates and when he went back was able to find something in the regular chronologic file Haldeman kept. The notes dated 3/22 are similar in form to Exhibit 61. The three things here labeled Haldeman notes were on yellow paper, similar to what is here. That was Haldeman's specific format; he kept it on specific size paper, and marked and handled them in a specific way. The log indicates also Haldeman notes labeled 6/30, one page, 1972 file and Haldeman notes labeled 9/15, three pages, 1973 file, both of which were on the list and were found by Higby.

There is also an item in the log indicated as brown envelope labeled 3/21 log, tape log, and the 3/21 has no slash marks in it and is in quotation marks. Higby thinks the slash mark is an omission. He thinks that would refer to the tape of March 21. It also says tape log, notes consisting of 20 pages, 1973 file; Higby doesn't know precisely what this means. The similar procedure was followed with regard to these materials as with the June 20th notes. After reviewing them or after pulling them out, Higby called Haldeman once again, and reviewed them over the phone and said, does Buzhardt want this 3/21 tape log, and Haldeman

said, I don't know, or I think he already has another one and may want that one, take it down. Higby took it down and Buzhardt indicated he didn't want it, and Higby notes that in subsequent entry no copy was made of that particular series of documents. It was the date, on the list Buzhardt gave Higby, which indicated Higby was to remove it from the file at all.

The brown envelope contains, as clearly indicated, 20 pages of yellow handwritten notes. Higby speculates not having examined the notes page by page, that the entry 3/21 log, take log, refers to a tape Haldeman had listened to and made notations on. Higby took the materials out of the envelope, looked to see that they were all yellow pages similar to Exhibit 61, and put them back in without reading them. There was nothing in the envelope but 20 pages of notes in blue felt tip rather than the ballpoint of Exhibit 61.

Higby's Search of Haldeman's Room 522 Files on the 19th

On the 19th at 2:55 p.m. according to the log, Higby again looked through Haldeman's Room 522 files. Higby thinks Buzhardt instructed him to look for the two talking papers, although Higby didn't keep a record of this. After Buzhardt's request, Higby spoke to Haldeman, who told him to follow the same procedure as before - go find them and check with him. Higby never found precisely what was requested here, although they looked through a lot of files trying to find the materials. There is no difference between something marked safe and something marked cabinet. They are all in effect safes with independent combination locks.

Higby thinks Buzhardt was aware that Higby was clearing Buzhardt's orders with Haldeman. Haig was also probably aware. Higby was acting as a messenger between the parties. Haldeman's original instruction that the original copy of the notes be put back in the file was overridden by Haig and Buzhardt but approved by Haldeman. (1753)

On the 19th, Higby again search the files at Buzhardt's request with Haldeman approval. He was looking for two talking papers. He doesn't recall which dates, but does know they were prepared by Strachan. (1754)

Strachan occasionally prepared talking papers for Haldeman's meetings. (1754)

One of the talking papers in question involved John Mitchell but Higby doesn't know if it was the April 4, 1972 meeting. One paper could have been from December 17. (1754-1755)

Higby did look through some political matters memoranda while looking for the papers, because one of the papers may have been attached. Diana Gwin also looked through numerous files so Higby cannot be sure who looked at which file. (1755-1756)

Higby says it appears that he must have been looking for an April 1972 and December 1971 talking paper.

The log reflects several other items also looked through.. One is a meeting between HRH and AG 6/30/71.

Recess for 20 minutes.

Higby (questioning by Volner, after recess, 11:50 a.m.)

December 4, 1973

Records of Phone Calls

Volner requested Higby to produce immediately after leaving the witness stand any notes that anyone kept regarding records of phone calls for entire month of November, plus the list regarding the seven items which Buzhardt gave Higby to keep, plus Higby's dictabelts or memos typed up from the dicta belts. (1771-2)

Dec. and March-April  
Talking Papers

On November 19, Higby discovered one of two documents that he had been requested to find, a December 1971 talking paper, but could find nothing related to a late March-early April 1972 talking paper. Higby understood that Buzhardt, who told Higby that such a document as the latter might exist, knew of the paper through the Special Prosecutor's office, or probably that Strachan had indicated its existence to Sirica. Buzhardt indicated to Higby that this had been subpoenaed. (1772-4)

Haldeman's Knowledge  
of Documents

Higby did not talk to Haldeman about having seen this particular document which Higby couldn't find. Higby did not know from Haldeman that this document did exist at some time. (1773-4)

Higby indicated to Haldeman that he couldn't find both of the documents. (sic) Haldeman did not indicate the existence or nonexistence of that particular document, and was ~~surprised~~ surprised to learn Higby was up there looking. Haldeman showed no knowledge about the prior existence of those documents. (1774).

Buzhardt's list

Referring to the log, Higby recalls looking for only two documents. However, Buzhardt listed for Higby exactly what he wanted. Higby returned this list to Buzhardt at the end of Higby's attempted search. Neither Higby nor Miss Gwin has notes or memos to refresh his memory but it's possible that the HRH-AG (Mitchell) of June 30, 1971, could also have been requested. Miss Gwin does not have such a list as far as Higby knows (1775-76)

File on Jan 31, 1972  
meeting

That day Higby also took out a file that contained Haldeman's talking points that he wanted to deliver to (Mitchell) for a meeting on January 31, 1972. Higby doesn't recall specifically what was in the file. but on Nov. 19 he saw a talking paper in that file plus other materials backing it up, including political memos. Higby cannot recall why he would have looked at this file (1776-78).

Higby does not recall if the January 31, 1972 file related to any meetings in (Mitchell's) office. These were all Strachan documents, ideas for Haldeman to raise. Higby doesn't think that they were reports from (Mitchell). Higby added that Strachan kept his first drafts of talking papers scattered throughout the files, so that is why we (sic) had to go through all these files (1778-9).

Xeroxing documents

Higby does not recall xeroxing any of these materials. None of that was removed from the room, and there was no Xerox machine in the room. The check marks only indicate that the papers were returned. (1779) Higby did not remove the December paper because he went over all the materials on the phone with Buzhardt, and Buzhardt said he did not want any (1780).

Notes on Campaign

Higby went over the notes about the campaign w/Haldeman. The only thing that Higby specifically recalls on these papers was the mention about need to set up separate accounts involving various funds, including some money from the dairy or milk producers (1780).

Bennett (Questions by Ben-Veniste - direct)

Bennett learning about Gap

Bennett first heard about an obliterated portion of any tape no more than 10 days prior to the statement made public on (Nov) 21st. Bennett overheard this, probably from either Buzhardt or Haig. At this time noone was hiding the substance of the conversation from Bennett, and Bennett did not know what tape was being referred to (1781-1784).

Woods-Bennett Conversation

Bennett did not know that Woods had some connection to this missing portion until the public announcement. However, on one occasion prior to the time Bennett gave Woods the sixth tape on Nov. 8, Bennett made a brief stop

in Wood's office and she told him that there was a gap in the tapes. Woods did not say which tape, but seemed concerned and puzzled. Bennett did not ask her any questions and only told her to do the best she could, and he did not report this to anyone. (1784-87)

Nov. 13.

Woods returned all of the fifteen tapes to Bennett on Nov. 13. Bennett then returned 3 tapes to the vault and took the other 12 out to NSA. Because Bennett's notes are unclear in showing where all these tapes were on this day, Bennett traced his steps of Nov. 13, referring to Ex 105.

Summarizing this, Bennett had 15 tapes from Woods and one tape from his safe, the 4/11/73. Then Bennett took from the vault the White House telephone tape of 5/25/72, totalling 17 tapes. He deposited 5 in the vault, leaving 12 tapes. Bennett then had no more tapes in his safe.

That one tape had been in his safe since Nov. 7. Bennett referred to some notes to refresh his memory. (1788-1793).

The next time that a tape was removed from the vault after (Nov) 13th deposit and removal was on the morning of the 14th.

(RECESS)



Afternoon Session

John Bennett resumed stand, examined by Ben-Veniste.

On November 14, Buzhardt asked Bennett to locate any tapes which would overlap March 26, 1971 (sic) and bring them to his office. Refers to Exhibit 105. Bennett believes Buzhardt specified the Oval Office but such is not reflected in his notes. Bennett has checked and discovered that the inventory for March 21 shows no recordings taken in the EOB office. Bennett gave Buzhardt tapes identified: Office 3/23/71 and Office 3/19/71 Friday. There is a receipt which Buzhardt signed for the tapes on the 4th (presumably actually the 14th of November). 1794-1795

On November 19 Bennett removed nine tapes for delivery to Woods. No other tapes were removed in the interim (between 11/14 tapes removed for Buzhardt and 11/19). 1795-1796

Bennett has always had key to vault room except during Thanksgiving (November 22, 23, 24 and 25) when the keys were in a sealed envelope in possession of Douglas Parker. Bennett knows of two keys to the vault. 1796

On November 19 Buzhardt returned the two tapes (overlapping March 21) which he borrowed on November 14. Bennett does not know, but speculates that Buzhardt kept tapes in his safe. Bennett does not know whether Buzhardt gave tapes to Rose Mary Woods or anyone else during this period. 1796-1797

On November 19 Bennett received a call from Haig in Key Biscayne. Haig asked Bennett to get a list from Buzhardt and procure tapes to have them ready to give Woods who was returning from Key Biscayne. Haig remarked that Woods would prepare highlights from the tapes. Bennett recalls no discussion of the use of the word highlights rather than transcripts. Bennett recalls no discussion of anything else. 1797-1798

Ten ~~in~~ minutes after his conversation with Haig, Bennett received a phone call from Buzhardt. Bennett then went over to Buzhardt's office where Buzhardt returned the two tapes (which overlap March 21, 1971). Then Buzhardt gave Bennett a copy of Jaworski's letter. There

was no other conversation. Bennett does not recall asking Buzhardt why Buzhardt was giving him the letter. Buzhardt may have said, this is the letter that is the basis for the tapes that are needed. Bennett recalls no discussion about the fact that tapes were to be given to Woods. Bennett's understanding was that Bennett was to use the Jaworski letter as a basis for removing certain tapes from the vault which in turn would be turned over to Woods. 1798-99

Haig did not instruct Bennett, directly or indirectly, direct or implied that he was not to advise Buzhardt of purpose of receiving this letter or of removing the tapes.

After talking to Buzhardt Bennett went back and read (Jaworski's) letter to determine what tapes would satisfy the request in the letter. After ~~Buzhardt~~ Bennett felt he had it straight he went to the vault and removed nine boxes of tapes. 1800

The Jaworski letter referred to is a letter dated November 15, 1973, to Buzhardt from Jaworski. That letter requests the tape recording of a number of conversations. 1800

After removing the nine tapes, Bennett closed the vault and went to Buzhardt's office to copy the legends on the outside of the box. He did not see Buzhardt. Bennett used Buzhardt's machine because it is flat. After xeroxing the box, Bennett returned to his office, made up the receipt, attached copies to it and went back to work until 5:00 when Woods returned. 1800-1801

About 5:00 someone, probably one of Woods' assistants, notified Bennett that Woods was back. Bennett believes he may have left word at her office to call. Bennett went to Woods' office, went through the receipt and read the boxes off. He gave Woods the tapes and she signed the receipt. Bennett had no conversation with Woods about what she was supposed to do with the tapes. Bennett does not believe he left Jaworski's letter with her. Bennett has no personal knowledge that anyone gave her instructions on which conversations to work on.

Bennett was working on basis she had received instructions before leaving Key Biscayne. Woods received no instructions from Bennett. Woods receipt appended to Exhibit 104. 1801-02

Bennett did not notice what tape recorder Woods had in her office at the time. He thinks she had one but didn't specifically look at it. Bennett denies he was requested to look at Woods machine and did so. Looking at notes he remembers he did look at her machine and pushed the red button to be sure it was inoperative. The machine was on a table beside Woods' desk. Bennett did this on his own, no one asked him. 1802-03

The reason Bennett checked Woods tape recorder was that a few days before he had spoken to Steve Bull about fixing recorder so it cannot erase. Bull said he was doing it, had already decided to do it. So Bennett, when he saw the machine in Woods' office, reached over and pushed the red button. It did not operate. 1803

Bennett does not know specific day he spoke to Bull about machine and does not know whether Woods had tapes at that time. He anticipated that Woods would get some more tapes. 1803-04

After first denying, Bennett says he probably knew there had been a mistake and a portion of the tapes erased when he inspected Woods' tape recorder but that that was not the reason he checked the recorder. 1804-05

Bennett looked at the tape recorder, saw the red button-record-as he recalls pushed it and it was inoperative, would not push down. He recalls the button was red. He is not sure what kind of machine it was. He thinks it was grey or beige. He did not report this test to anyone but recorded it in his notes. 1805

Bennett's notes say "gave identification to FB in Harlow's office at 5:20." Someone (Bennett has no note who) had asked Bennett to look at machine and record its serial number for Buzhardt. This conversation either took place when Bennett went to pick up letter from Buzhardt or when Buzhardt called Bennett. 1805-06

After Woods had signed for tapes Bennett said he wanted to get the number of her machine. He didn't realize (previously) that it was the same occasion. Both Woods and Bennett looked at machine to find the serial number. Bennett noticed what type of machine it was because he wrote it down. 1806-07

Bennett does not believe he had a conversation with Buzhardt where in substance he said Woods now has her tapes or I pulled out tapes for Woods. 1806

Bennett referred to a note he had made on November 20th when he looked at the same machine. 1807

Bennett gives documents for introduction into evidence. Bennett requests that his summary also be accepted as evidence. 1807-08

Exhibit 107 for 20 November 1973  
Exhibit 108 for 29 November 1973  
Exhibit 109 for 30 November 1973  
Exhibit 110 for 1 December 1973  
Exhibit 111 for 3 December 1973  
Exhibit 112 and 113 for summaries  
1808-09

Exhibit 107 is a note of 20 November 1973 indicating that Bennett received call from Buzhardt when Bennett was in exercise room at 2:30. At 2:35 Bennett went to Buzhardt's office and reported the serial number of the tape recorder. Bennett's notes indicate that he gave identification number of Woods machine to Buzhardt on the 19th.

On the 20th Bennett was called and went to Buzhardt's office. Buzhardt had a recorder and foot pedal. Bennett and Buzhardt recorded the serial number of that recorder. Bennett presumes the recorder in Buzhardt's office is not the recorder he saw in Woods' office on the 19th. 1810

Bennett took the recorder from Buzhardt's office and exchanged it for Woods' on the 20th. 1810

Bennett and Buzhardt recorded the serial number of the tape recorder and foot pedal in Buzhardt's office. Buzhardt then told Bennett to take this to Woods' office, put this in her office and bring back the machine and foot pedal that are in her office. Bennett did that. 1811

Exhibit 107 is a note reflecting the serial numbers of the two tape recorders. Bennett neglected to note what kind of machine the one received from Miss Woods was. Bennett does not know, did not check whether the record capability was still inoperative on the machine received from Woods. Bennett just took the machine

and foot pedal and left them with Buzhardt. Bennett did not describe the foot pedal to anyone. He does not know what brand the foot pedal was. He thinks one foot pedal was slightly different than the other. One was a little larger. He noticed nothing else about it. He cannot say that one had two little circular desks. He did not examine the foot pedals. He only learned from the newspaper that foot pedals have two buttons. Bennett has impression that foot pedals were the same in some respects, shape or something. Bennett can't tell whether one was depressed with a lever and one with a knob. 1811-13

The purpose of the note (11/20) was to record what Bennett gave to and received from Woods. 1813

Bennett had no discussion with Buzhardt about the erasure of any portion of a tape at that time or about the fact that Woods was working on tapes at that time. Buzhardt never told Bennett prior to this Monday that he was going to have a copy made of the tapes because he didn't want Woods working with an original. Bennett had no conversations at any time with Buzhardt as to whether the machine Bennett gave Woods while taking hers had a record capability. Bennett does not know if the tape recorder given Woods has a record capability. As far as he knows it did, he didn't check. 1813-14

Bennett had no conversation with Woods when he took the one from her office other than to say, Rose, I am going to exchange these machines. Bennett does not know whether there was a tape on Woods' machine. Woods certainly wasn't listening to a tape when Bennett went into the office. 1814

Bennett is almost sure he had no conversation with Buzhardt prior to November 26 in which they discussed the fact that Woods was transcribing or working from tapes. The fact that Woods had nine original tapes in her possession never came up between Buzhardt and Bennett from the time Haig called from Key Biscayne until November 26. 1815

Bennett has had no other conversation with Woods concerning the tapes or the case. He has greeted her in the hall. The question of a gap or erasure has only come up in conversation once. 1815-16

Part of Exhibit 104 is a receipt dated November 19 that Bennett received from Woods. Woods was not nervous at the time. As far as Bennett knows it is her normal signature on the receipt. Bennett does not know if something spelled on the receipt, how the smudge occurred. 1816

Bennett acknowledged he assumed 1/4/72 was <sup>typo</sup> typed for 1/4/73, that tapes were filed chronologically, that 1/4/72 tape was in order of 1/4/73, that it was the nearest Bennett could get for those dates. 1817

Bennett never observed Woods working with the tapes after he delivered them to her. Bennett does not know if she had some screening procedures for telephone calls or anybody outside her office. Bennett has no idea how Woods office works. 1818

On November 26 either a phone call or someone asked Bennett to see Woods. Bennett does not recall whether it was on instructions from Buzhardt or Haig or someone outside or someone in Woods office. Bennett thinks one of Woods assistants said Woods would like to see you and he went across the hall. Bennett went into her office and Woods said she wanted to return the tapes and made out the receipt. 1818-19

No one, aside from Woods, told Bennett she was going to return the tapes that day. Bennett did not know Woods was going to testify. 1819

Bennett knew at least as of the 21st that Woods was linked to the erasure. Bennett knew exactly what was in the press. Bennett knew Woods had the nine original tapes on the date of the announcement of the erasure. Bennett had no conversation with anyone about the fact that Woods had original tapes and a tape recorder with a record capability as far as he knew at that time. 1819-20

Bennett had no substantive discussion with Woods on the 26th when he received the tapes from her. They went over each box and read it off to make sure the receipt was accurate. Bennett had no capacity to check the tapes themselves, no way to ascertain whether the tape delivered on the 19th was the same tape received on the 26th. 1820

Bennett returned to his office (after receiving tapes) and put them back in the safe at 11:30. On the way Bennett went by Buzhardt's office and at his request took out the single box. 1821

Bennett does not know directly or indirectly if Woods had any other tapes aside from the nine tapes described in his receipt from 19 November until today. 1821

Exhibits 107-113 were received in evidence.

Garment Powers is called as a witness for Direct Examination by  
Government. 1822

Powers is an attorney for the President in this proceeding. He graduated from Loyola College, Baltimore, Catholic University, Law School. He is a member of the Florida and D.C. Bar and the ABA, a fellow of the American Bar Foundation, of the American College of Trial Lawyers, and of the American College of Probate Counsel, past president of the Dade County Bar. 1822

Powers was retained as the President's counsel on Monday, November 5 in Miami while President was at Key Biscayne. Powers was asked to attend a meeting at the White House on Tuesday the 11th (the 11th is actually Sunday - he may mean the 6<sup>th</sup> ~~2nd~~). Powers appeared before Judge Sirica that afternoon at 4:30 for a status conference. 1822-23

Powers first heard a Presidential tape recording on November 14 when he and Buzhardt were instructed to prepare an index and analysis required under the format set by the Court. Powers first learned there was a gap or erasure in a tape that afternoon. 1823

Buzhardt and Powers had only the tape of June 20th and the Woods summary and the cue sheet she had prepared to cue them into Erlichman's and Haldeman's conversations. They also had the appendix to the petition to the opinion of the Court of Appeals, a submission by the Prosecutor's Office as to the justification for the subpoena. 1823

At the beginning of listening to the June 20 tape, Buzhardt told Powers they had to listen carefully as he understood there was an erasure on three or four minutes either at the beginning of Erlichman and Haldeman. This was the first Powers knew of it. Powers thereafter heard the buzz or hum. 1823

Our(sic) understanding were to prepare this index and analysis of all the subpoenaed conversations to file by Tuesday the 20th. This was Wednesday the 14th and we (sic) were just working on a copy of the first tape.

The originals had been sent to NSA to be duplicated. We (sic) understood we would make this (gap/erasure) part of our analysis and present it to the Court and Prosecutor in camera as instructed on the 20th. 1824

Powers and Garment met with Woods on the morning of November 8, the first day of her testimony. There was no reference made in that conversation by anyone to any gap or erasure in any Presidential tape recording. 1825

Powers was temporarily forced to withdraw from participation in the proceeding due to viral pneumonia. It is his intention now to continue as counsel to the President. 1825



Samuel J. Powers

(Cross by Volner)

When Powers was hired (November 5) he was told his role would be to assist in the presentation of evidence in this hearing. Buzhardt and Garment filled him in on the fact that testimony was being taken regarding two subpoenaed conversations which could not be located. There was no discussion of issues, of additional missing documents, or of the 18 1/4 minute gap. Powers was asked to attend an 11:00 a.m. meeting at the White House on November 6 and to begin presenting evidence and witnesses. No one ever said he would be given full access to the documents; as far as he knew he was to prepare any witnesses he would put on the stand. (1826-1828)

Powers was introduced to Woods in the corridor at the White House on November 7 but did not get to see her until 8:30 a.m. on November 8 when he saw her in her office with Garment. Buzhardt was not there. Prior to meeting Woods on November 8 Powers had no conversation with Buzhardt regarding Woods' knowledge of the entire matter. Buzhardt had told Powers Wood-s had prepared summaries of the tapes at the direction of the President. Nothing was said about any erasure of any type by Buzhardt, Woods, Garment or anyone; there was no discussion about the 18 minute gap. (1826-1830)

At the 8:30 meeting there was no time to ask questions about custody, handling, etc. Woods was concerned about two points that had appeared in the press: that she was preparing a verbatim summary and that someone had told her to tell the truth. They calmed her down about those. Woods showed Powers her safe and the Uher tape recorder. Woods indicated that the Uher was the only recorder she had used since she returned from Camp David and that she had had trouble with the one at Camp David because it was manually operated without a foot pedal. Woods indicated the Uher was better although she had many interruptions at her office in Washington. Powers did not look at the foot pedal. Powers does not know if the tape recorder brought to court (which he didn't see) was the one he saw

that day. Woods mentioned that the Uher had a foot pedal. Woods said she kept the tapes in her safe, to which only she has the combination. Woods said she had not given the tapes to anyone and had not let her secretaries help with the transcription. Powers doesn't think he asked Woods that morning what precautions she had taken in handling the tapes. (1830-1833)

(At 8:30 meeting on November 8) Woods did not indicate she had talked to anyone, but Powers thinks she had talked to Garment the day before about the substance of her testimony. Powers doesn't think Woods had discussed her testimony with Buzhardt and doesn't know if she had talked to Haig. Woods did not indicate she had talked to Haig or Nixon about her testimony. (1833-1834)

To begin preparation of the index, on November 14 Powers and Buzhardt got the first dupe, which was the June 20, 1972 tape. Powers had heard no tapes prior to this. Powers and Buzhardt had agreed that Powers would go through the summaries first with a lead pencil and mark anything he thought might be privileged or should be brought to the Court's attention in camera. They had discussed criteria generally and had re-read the Court of Appeals opinion. Then Powers would give the pages to Buzhardt who, if he agreed with Powers' markings, would mark in red pencil and then they would run the tape to that point. They had a stop watch and would run the tape to the red point, mark the meter reading and the stop watch. (1836-1837)

Woods had given Powers and Buzhardt a que sheet with a meter reading as to where a conversation started. They put the tape on the machine, listened, and if it queued right on that number they started with that particular number. They did not listen from the beginning of the first number on the counter but ran the tape to the number where the conversation started and then started the stop watch and went down to wherever they intended to stop at a red mark. Sometimes there was a discrepancy in the que sheet. Woods had not indicated where a conversation ended on the meter number; they knew to stop listening when a conversation came to the end. Woods did not indicate other meter readings unless there was another conversation on the same tape. (1837-1839)

Woods had indicated a que number for Haldeman as well as Ehrlichman on the June 20 tape. Powers does not

recall the meter number for the June 20 tape nor whether the Woods numbers for the Haldeman conversation and Ehrlichman conversation were correct, but in most instances her meter reading numbers were correct. (1839)

Buzhardt told Powers about that meter, that he understood there was a three to four minute erasure on either Ehrlichman or Haldeman and they had to listen to it carefully. Buzhardt didn't say which erasure. Powers asked what happened and Buzhardt said Woods had told him she had pushed the record button by mistake and that is all he knew about it. This was Powers' first information concerning the tape. They began to listen to the tape to see if the gap existed, where it was, if it was in Ehrlichman or Haldeman. They discussed the appendix as to whether Haldeman's conversation was includable in the subpoena. Powers thought it was and Buzhardt agreed without questioning. Buzhardt did not say when Woods had told him about the gap and Powers did not ask. Powers had no knowledge that Buzhardt knew anything about the gap before Woods testified. Powers said they would have to listen to the tape very carefully. Buzhardt was listening to the tape with earphones and when it came to that point (the gap) he turned one of the earphones out so Powers could listen. (1839-1842)

Buzhardt and Powers were in Bull's former office on the west side of the Oval Office. When Buzhardt came to something he wanted Powers to hear Buzhardt would turn an earphone to Powers and sometimes he would take them off and Buzhardt would listen on one and Powers on other. They never used the speaker. Powers used both earphones sometimes. It became a rough job. (1842)

Buzhardt Informing Powers of Gap: Buzhardt said on this tape he understood there was a four to five minute erasure either in the Ehrlichman portion or the Haldeman part and we must listen for it and find it. Powers said o.k. and they started. They hadn't started to run the tape at that time. When Powers asked Buzhardt what happened Buzhardt said he understood Woods had accidentally pushed the record button and erased four to five minutes of one of those conversations. There were no additional conversations before they started to listen. Then they started to listen. (1842) Powers was not at all concerned about questions he had asked Woods on the stand and did not pursue this any further with Buzhardt before listening to the tape. (1843)

Buzhardt did not mention anything about the ~~tap~~ gap other than it was a 4-5 minute erasure and Woods may have pressed the record button. There was no other discussion except they were working under a lot of pressure to get the basic work they had to do completed so they could dictate this index and analysis on the weekend to file with the Court on Tuesday the 20th. (1843-44)

Powers and Buzhardt went through Ehrlichman having conversation about what was privileged in the summary and also what was not right in the summary. Powers does not know of errors in the summaries besides an occasional wrong word. When they saw a place out of kilter they tried to straighten it out. (1844) After Buzhardt and Powers finished the Ehrlichman portion they started Haldeman. They had no summary on Haldeman because Woods had not typed one. Powers asked why and was advised that she had been instructed that she didn't have to, that part of it was not included in the subpoena. Buzhardt told Powers that. Powers does not know where Buzhardt learned this information nor does he know who told Woods it wasn't included in the subpoena. (1844-1845)

The Haldeman portion of the tape ran for three or four minutes with conversation and went into a hum. They had a stop watch running. The buzz didn't stop at the end of three or four minutes. When Buzhardt came to the end of it he stopped the watch at 18 minutes and 15 seconds. (1845)

At that point Powers said let's run it further and they picked up voices again and it ran out normally. They went back and retimed it. (1846) On Wednesday, November 14 Buzhardt was surprised as was Powers that the buzz was 18 1/4 minutes rather than the 3-4 minutes he understood it to be. (1846)

On November 8 Garment was the only other person present when Powers talked to Woods. No one indicated to Powers that an 18 minute gap had been discovered. Powers learned of the 18 minute gap on November 14. (1846-1847)

Powers talked to Woods on the 14th about the 18 minute gap to try to find out what happened. Woods said she had pushed the record button instead of the stop button. She was

convinced in her mind that it was for four or five minutes. Powers asked her about the discrepancy between the 4 or 5 minutes and the 18 minutes. Woods went out and got one of these newer recorders because they were working with a Sony. She brought the recorder in and just held it there and showed us the buttons and said she must have pushed the record button. (1847-1848)

Powers did not ask Woods anything like why didn't she tell him about this on the 8th of November. Powers was surprised he hadn't been told this matter had been discovered on November 8 rather than Nov. 14. Woods was surprised Powers wasn't told on November 8 rather than November 14. (1848)

On November 8 Woods was asked by Garment and/or Powers if there was anything else bothering her about her testimony that she was going to have to give about making the summaries of these tapes and she said no. (1848)

Buzhardt never told Powers he had learned before the 14th that there was a gap which lasted 18 1/4 minutes. The first time Powers knew it was November 14. (1848)

Buzhardt agreed with Powers on the 14th that the Haldeman portion (of tape) was included within the subpoena. Powers thinks they discussed that Buzhardt felt there was an ambiguity in the language of the subpoena and asked Powers judgment. Powers said it was true the subpoena read conversation up to 12 and in reality on the President's logs the conversation ran to 12:45 and that Buzhardt mentioned previously when the Prosecutor had subpoenaed separate conferences, they subpoenaed them separately. Powers said, regardless, he thought the Haldeman portion is includable. Powers reached that conclusion without having seen the clarification from the Special Prosecutor's office on the 13th. Buzhardt did not mention having seen the clarification. (1849)

When Buzhardt and Powers discovered the 18 1/4 minute gap both were surprised by its length. They did not discuss the differentiation in tones of buzz. Buzhardt and Powers discussed the time involved in the obliteration portion and if there would be technical or technological ways that it could be recovered if a record button had been pushed without an audio signal coming over it. (1850)

Powers also asked if Haldeman or the President had notes of the conference that we might use to fill that area. Buzhardt left the room and found out that Haldeman probably had notes. Powers does not know who Buzhardt contacted. They never left the room where the tapes were together. Powers thinks Buzhardt went to Haig's office. Buzhardt found out Haldeman's notes were there in a safe. Buzhardt did not have the combination but we would get it. Powers said we (sic) want those notes. (1840-1851)  
1850

Buzhardt hadn't seen Haldeman's notes and he wanted to see them. We (sic) felt they were covered by the subpoena because it covered the documentary evidence as well. Arrangements were made and Powers first saw the original (Haldeman) notes the morning of the 15th at 9. (1851)

(page 1852 missing)

Powers recalls that Haldeman's note contain something about the public relations related to Watergate. Other than that Powers remembers nothing in the notes about Watergate. (1853)

Haldeman's notes were gotten from his files which were in a safe either in the White House or EOB over night or early that morning. (of November 15) (1853)

Powers has no direct or indirect knowledge that Buzhardt ever gave anyone an opinion that the Haldeman portion of this tape was not included in the subpoena. Powers doesn't know who originated that opinion. (1853)

#### Bench Conference

Rule that witnesses are not to remain in court room after testifying. (1256)

Neither, Woods nor Buzhardt nor anyone ever told Powers why Woods listened to the Haldeman portion of the tape as she was preparing no summary or transcript. (1256)

After Buzhardt and Powrs first discovered the 18 1/4 minute buzz Buzhardt left Powers with the tape and went and reported it, Powers believes, to General Haig. This consumed a certain amount of time and it was after that that Woods *within an hour* came. She apparently had been notified. Buzhardt and Powers then discussed the gap with Woods in the former office of Steve Bull. (1257)

*or so of  
discovery*

Woods came in and was upset that this had been found. She said she must have pushed the record button on the tape recorder and she said she will get the one she was using and show you where the key is. She went and got the Uher model and brought it in and showed them the record button. She said I must have pushed this one when I was copying the tape. (1857-1858)

Buzhardt did not tell Powers that she(?) had already seen a demonstration of the Uher. Neither Woods nor Buzhardt said Woods offered to play the gap for Buzhardt prior to this particular occasion. Buzhardt did not indicate when he had first gotten knowledge of the existence of the gap. (1858)

Woods was to leave with the President for Key Biscayne, Macon and Disney World on the 16th and she wanted to know if they wanted her to stay and attempt to type up the Haldeman portion. Powers and Buzhardt discussed it and said that wouldn't be necessary. They knew she was needed on the trip. They were working with a duplicate anyway and Woods could do that when she got back. (1858-1859)

Woods didn't offer any explanation how the gap occurred. She didn't demonstrate how it happened except to show them the buttons on the machine. The record and stop buttons are pretty close. Powers is familiar with the Sony but not the Uher. Powers doesn't know which Model Uher was brought to court. Woods understanding was that she accidentally pushed the record button and that alone erased a portion of it, Woods did not tell Powers anything else, how she happened to push that, what she was doing. She did not illustrate her position. They did not go to her office, she brought the machine over. She didn't illustrate that, didn't have a foot pedal with her. She didn't say anything about the foot pedal. (1859-1860)

Powers believes Woods said she got a phone call and had a number of interruptions that day. As Powers recalls she had been at Camp David the weekend before and worked late into the morning trying to do this tape. After she came back to Washington she holed up in her office to try to finish it. It was at this time she felt this error or accident happened. (1860)

Powers recalls Woods saying that it probably happened when she had a telephone call and reached for the stop button and hit the record button. Woods did not tell Powers who the call was from. Woods did not tell Powers what she had done during the call. Woods did not tell Powers she immediately

reported this to the President or mention anything about reporting this to the President or to Buzhardt. Woods did not mention that perhaps she had done this more than once during any other interruption. Woods did not specifically say it happened only once that she hit the record button. Buzhardt and Powers did not ask Woods if she had hit record button only once. Buzhardt and Powers did not ask Woods how long the phone conversation lasted. Woods did not volunteer that information. (1861-1862)

Buzhardt and Powers told Woods that the gap was 18 1/4 minutes. Woods didn't believe it was that long. She felt it was a shorter interval. She was apparently under the impression that it was in the conversation not covered by the subpoena and therefore she hadn't mentioned it to me. Powers guessed she didn't say anything about it to other people. (1862)

Buzhardt and Powers did not question Woods in any great detail because they were trying to cover the rest of the tapes and they were going to put it in their analysis. (1862)

The originals of the tapes were sealed. Buzhardt and Powers went ahead to prepare the analysis by the deadline, Tuesday, November 20. Buzhardt was called off the job time and again. One example, the VESCO case in New York. Buzhardt could not stay with Powers constantly but they didn't want to work separately. On the Vesco matter was the matter of the tape and he had to bring that tape in. They played one part about 25 times to understand it. For those reasons they went ahead to prepare the analysis. (1862-1863)

Powers and Buzhardt discussed disclosing this to the Court, intended to disclose it in writing in the analysis and in detail. They didn't think it was necessary to bring it to court immediately as a separate item, since the original tapes were unsealed, the original tapes were in a safe and nothing else was going to happen to them. Also they didn't know if the hum was on the original as on the dupe. They had no reason to believe the original had no buzz. They discussed and felt immediate disclosure was unnecessary. Other than their discussion neither Buzhardt nor anyone gave Powers a reason for not disclosing immediately. They talked about possibility of recovering the conversation and Buzhardt called



Rosenbloom of NSA. Rosenbloom came to the office on Friday and they put the question to him hypothetically because they didn't want to disclose the information. Rosenbloom said if record button pushed over sound actuated tape it would cause erasure. (1864-1865)

Powers and Buzhardt couldn't explain the 13 minutes of erasure and did not at that time seek to reach any conclusion about it. (1866)

Besides what he has related, Powers has had no other conversations with Woods, because she left with the President. Since that time, to date, has had no conversation with her. (1866-1867)

Powers has gotten no information, either directly or indirectly, about the cause of the erasure from anyone other than Woods. Powers has gotten no explanation, either directly or indirectly, concerning this obliteration. (1867)

Bennett  
Powers

TAPE HEARINGS DECEMBER 5, 1973 BEFORE SIRICA

Woods: p. 5

Bennett Questioned by Garment

Haig: p. 8

The Red Button

Bennett's previous testimony insofar as he stated that he pressed a red record button was incorrect. There is no question in Bennett's mind that the button pressed at 5:00 on November 19 was a gray button. (1871-1874)

Questioned By Ben-Veniste

Several people reminded Bennett since last night's news telecast (Dec. 4) that all the buttons on a Uher are gray. Bennett received phone calls from several people.

Bennett just testified that he looked at his notes of November 20 and was able to discern that it was a Uher. The machine that the notes indicated is a Uher is the one Bennett brought to Woods, not the machine Woods had in her office at the time. Bennett testifies, though, that the two machines were identical brands. (1974-1876)

No one suggested to Bennett in yesterday's (Dec. 4) testimony in the course of questioning that the button was red or grey. (Ben-Veniste reads yesterday's transcript indicating Bennett testified four times that the button was red.)

The reason Bennett is positive that his recollection of the red button was inaccurate was that Bennett was pushing down on the button which cannot be done on the other machine which has a red button. The following day, the card on which that evening Bennett recorded this (sic) was in Buzhardt's office and Bennett knows it was the identical machine. (1876-77)

Powers questioned by Ben-Veniste

Powers Meets with Nixon: Nov. 16

On November 16 at 11:46 a.m., Powers met with Nixon alone. Ziegler came into the room at the end of the meeting. It was arranged that Powers would meet with

Nixon just before Nixon left for Key Biscayne. Haig arranged the meeting. There was no reason why Buzhardt was not present. At this time Powers was acting as Nixon's attorney. (1878-79)

There was no discussion of the June 20 tape of Woods nor of making anything known to this Court with respect to what (Powers) had found two days prior. (1881)

Nixon asked Powers if Powers had heard the tapes and Powers told Nixon that they had just gotten started and had not heard any more than the beginning of the first tape since they were interrupted by the Vesco matter. Nixon and Powers did not discuss the 18 minute buzz on the first tape. There was no other discussion about the tapes. There was no discussion about any kind of disclosure to the Court of the obliteration. (1881-82)

Prior to Meeting With Nixon

Prior to meeting with Nixon (on the 16th) no one suggested to Powers not to discuss the obliteration with Nixon. No one indicated to Powers what Nixon's feelings about the 18 minutes were. (1882-83)

Conversation with Nixon

Powers didn't mention the gap to Nixon because it just never came up. Powers has never spoken to Nixon before or after the (Nov. 16) conversation. (1883)

Conversation with Haig

(On the 16th) Powers spoke to Haig only in the hallway with a crowd of people present. The only thing said was Haig's request for Powers to meet with Nixon that morning. (1883)

Powers recalls no conversation with Haig on the 15th. (1884)

The day they first heard the hum on the tape, the 14th, Powers discussed this with Haig after dinner.

They (Powers) told Haig on the 14th what they had found in timing out the tape. (1883-84)

Search for Notes

Powers is not sure who put the search for Haldeman's notes in motion except that Buzhardt didn't. Buzhardt left Powers with the tapes and went off to start that (the search?). (1884-85)

Conversations with Buzhardt

Powers recalls no conversation with Buzhardt in which Buzhardt discussed a conversation between him and Haig on the 15th. (1885)

Buzhardt told Powers that Buzhardt had met with Nixon on the 15th but Buzhardt did not tell Powers the substance of that meeting. Powers did not ask Buzhardt for the substance of that meeting. Powers did not have any understanding and did not draw any conclusions about the Buzhardt-Nixon meeting because Powers had not been in other conferences with Nixon. Buzhardt did not indicate to Powers that Powers and the team of lawyers had any instructions on how to proceed after the Buzhardt, Nixon, Haig meeting of the 15th. (1886)

The 17th

On the 17th, Haig was in Key Biscayne and Buzhardt and Powers were in D.C. working on the tapes. Powers had no conversation with Haig. Buzhardt did not indicate to Powers that he had a conversation with Haig. (1886-87)

Sunday

Powers had no conversations with Haig or reports from persons who had talked to Haig on Sunday because on Sunday at 4:30 a.m., Powers became ill and went to the hospital. Powers flew that evening to Miami and was admitted to a hospital and was not consulted about the tapes during time in hospital. Powers was discharged the following Saturday about noon. (1887)

Questions by Sirica

The 14th Meeting of Powers, Buzhardt and Woods

On the 14th, while Buzhardt and Powers were working on the first tape in the west side of the Oval Office, Woods came into the room in the afternoon, said she heard about the 18 minutes and was shocked about it. Woods thought it was three to five minutes and couldn't understand how it happened except she made a mistake and pushed the record button. Woods carried in a Uher and just held it and showed Powers and Buzhardt the buttons. This was the first knowledge Powers had of the gap. Powers does not know about Buzhardt's knowledge. (1888-89)

Representation

On the 14th Powers did not tell Woods anything about her rights if she were called to Court.

On the 8th, Powers brought Woods down at the request of the WSPF. Woods was a fact witness as were the Secret Service whom the White House Counsel also brought down. Powers does not know if Woods had the feeling that nobody was representing her. Garment and not Buzhardt came down with her on the 8th.

Woods never asked Powers if he was her lawyer. The question was never discussed. (1890-91)

Questions by Ben-Veniste

14th

When Powers began listening to the tape, Buzhardt told Powers to expect a gap, but nothing was said of the 18 minute one. Buzhardt said to expect a four or five minute erasure. Powers did not think to ask Buzhardt why Buzhardt had not told Powers this when Powers first put Woods on the stand. (1891-92)

Woods Testimony of 8th

Powers had no reason to suspect Woods being involved in impropriety when Woods testified on the 8th. (1893)

By Sirica

Woods did not mention anything about the 18 minute gap on the 8th. Powers did not know anything about the 18 minute gap or the four minute gap on the 8th when Woods took the stand. (1893-94)

Powers Questioned by Rhyne

Woods Testimony on 8th

Powers talked to Woods before her testimony on the 8th. Woods told Powers that no one is going to tell her to tell the truth since she would do that anyway. Woods was concerned about the reference in the media to her making verbatim transcripts. Woods said she wouldn't get all the words from the tape. Powers and Buzhardt told her to tell the Court that she had been instructed by Nixon to get the substance of the tape. Only Powers and Buzhardt were involved in this discussion with Woods. Garment may have come into the room but did not participate. Powers and Buzhardt asked if Woods was concerned about anything else and she said no. (1896-97)

Questioned by Ben-Veniste

No one ever told Woods not to testify as to any fact she may have had in her possession. (1898)

Questioned by Rhyme

The subject of subpoenaed versus non-subpoenaed material never came up with Woods. (1898)

Woods Questioned by Rhyme

Woods Conference with Buzhardt and Powers

Prior to Woods testimony on the 8th, Woods met with Powers, Buzhardt and Garment, who was not in the room as long as the others. Woods understood that they were her lawyers. (1901)

Representation

Woods only met with Powers about the day before her testimony. Garment accepted subpoenas for Woods and this proved to Woods that he was acting as her lawyer. (1901-02)

Woods received a subpoena to come to Court on the 26th by a note from Garment.

Garment also accepted a subpoena from Common Cause. Garment talked with Woods in a three way conversation with a man from Dept. of Justice on the IRS case being involved in New York. (1902-03)

Haig told Woods late Thanksgiving afternoon that Garment, Powers and Buzhardt would not be coming with Woods and that they would not be her lawyers anymore. (1903-04)

Woods Meeting with Garment, Powers and Buzhardt Prior to November 8th

Garment, Powers and Buzhardt told Woods, prior to her testimony on the 8th, not to volunteer anything and to answer questions yes and no. Woods does not believe she was told not to discuss non-subpoenaed matters but Woods came into Court with that opinion. (1905)

Cross-Examination by Volner

Woods' first conversation about the 18 minute gap was with either Haig or Nixon, and she does not recall which one told her first. Woods assumes Nixon would have learned his information from Haig but she never asked. Woods is unsure whether she was told of the gap before or after Haig had come into the room with Haldeman's notes, and is also unsure whether she learned on the night before the notes were brought in or on the afternoon when they were actually brought in (Nov. 15). Woods knew of the gap at the time the notes were brought in. (1905-07)

Woods has no idea when she first learned that the 18 minute gap was in a subpoenaed conversation. (1907-08)

Woods has no recollection and does not at all know whether she talked with Ziegler about the extent or existence of the gap. (1908)

Woods stopped in (to Bull's office) to see Buzhardt and Powers on the evening of the 14th, when they were listening to some tape for some reason, but she did not meet with them and did not even sit down. Woods did not demonstrate how the accident had occurred. Perhaps they had asked Woods if she had heard the gap and she had said yes, but Woods had no discussion with Powers and Buzhardt. (1908-09)

Woods had stopped in because she had received a message from her secretary that day, left by Buzhardt and Powers, to the effect that they were proud of the job she had done (on transcribing.) (1909-10)

On the day when the tapes were going to be duplicated and taken to NSA, Woods got the tapes out of her safe and delivered them, obtained a signed receipt from Bennett, and went back to her office. Buzhardt, Powers, Bennett and another WH counsel were there, but Woods does not believe Haig or Garment were present. (1910-11) Woods did not really discuss anything with anyone at this time and this was not a meeting. Neither Powers or Buzhardt said anything about a gap at the point when Woods turned over the tapes, nor was she given any information or instructions. As far as she then knew, the gap was 4 1/2 to 5 minutes (1911-12).

Woods was told the gap was 18 minutes either that night or the next day. (1912) She is unsure of exact dates. (Volner indicates the tapes were turned over on Nov. 13, and that Buzhardt and Powers began listening on the 14th.)

Woods does not believe she talked to Buzhardt and Powers on the day of the 14th, although she recalls such a conversation being in the evening in Bull's former office. (1912-13) Woods does not recall whether she left the room and then returned that evening, (1914) but Woods denies at that time showing them the machine and indicating which button she had pushed. (1913) Woods cannot remember bringing the tape recorder into that room (into the presence of Buzhardt and Powers) at any time, nor does she recall in any room ever showing them the button she had pushed. (1914-15)

Woods was not in the room (with Powers and Buzhardt) for more than two or three minutes. They talked about how difficult the tapes were (to transcribe) and they mentioned something about a meter which showed when something was not on the tape. Woods was not told how many tapes showed no sound nor how long the gaps in the tapes were. (1915) Woods had previously learned of the 18 minute gap and (Powers and Buzhardt) said the meter showed that but they did not discuss the fact of an 18 minute gap. (1916) Woods probably told them that she may have caused a 4 1/2 minute gap, and if they asked, which she does not recall them doing, she probably told them that she could not have caused an 18 minute gap. (1918-19)

Other than talking about the inaudibility of a piece of conversation which Woods had transcribed, she does not know what else they discussed since she was only there two or three minutes. At that time all (Powers and Buzhardt) told her was about the meter showing no sound, and Woods does not believe they told her they had actually heard the gap. (1919) She assumes she knew about the 18 minute gap at that time but she cannot really recall the exact sequence of events. (1920)

(Volner reads Woods' previous testimony, where Woods indicated she had not talked to anyone in the White House or WH Counsel's office about the accident except Nixon and Rhyne. (1920-22))

(Woods now agrees with Volner that she told Buzhardt and Powers on the 14th that she may have caused a 4 1/2 to 5 minute gap but did not cause an 18 minute gap. (1922))

(Rhyne objects to Volner's question's ambiguity, but the Court indicates that if Woods is confused she can say such. (1923-25))

Woods, to the best of her recollection, did not talk with anyone else about how the (4 1/2 to 5 minute) accident occurred or the discrepancy between her version and the fact of an 18 minute gap. (1924-25)

Woods does not recall talking to Haig about the gaps and does not believe she did, but she is unable to testify whether she might have mentioned something to someone at some time. If Haig says she mentioned it to him she probably did, but she does not recall (1925).

When Haig brought in Haldeman's notes to Nixon's office, Woods does not recall that she and Haig talked to each other except for greetings. (1926)



Since that day (when Haig brought the notes) up to today (Dec. 5), Woods does not believe she has talked to Haig about the discrepancy in the tape. (18 v. 41/2 minutes.) (1927-28)

On Thanksgiving day, however, Woods talked to Haig when he stopped into her office. Haig came in to say something to the effect that Garment had accepted a subpoena for her but would not be accompanying her to court, and that she should get her own counsel. Haig did not suggest Rhyne. Woods had mentioned Rhyne and another lawyer, and Haig called Rhyne before Woods had had a chance to do so. Rhyne then called Woods late Thanksgiving afternoon. (1928-28A)

(The Court, Rhyne and Woods engage in a colloquy about determining the truth on what caused the 18 minute gap, and about whether the Court had been accurately reported by the press as being dissatisfied with Woods' testimony. Woods indicates that if she could offer any ideas, proof or knowledge about the 18 minute gap, she would gladly do so.) (1928a-1930e)

Woods has no direct or indirect knowledge through any source of anyone having tampered with or in any way altered or destroyed any portion of the tapes. (1930e)

Garment, when he called Woods on Nov. 21, said he had accepted a subpoena for her and would deliver it. He did not say he was going to represent Woods solely for the limited purpose of accepting the subpoena. He said nothing else, and only sent the subpoena over to her with an unsigned note. (1930e-1930f)

From the time Woods got the subpoena on the 21st until she testified on the 26th, Woods' only conversation with Garment was in the hallway once, when he introduced his daughter to Woods. (1930f)

Although on Oct. 1 Woods did believe the June 20 Haldeman conversation was not a subpoenaed one, she had only been listening to make sure that Ehrlichman had left the room after the President ordered consume. (1930f-1930g)

At Camp David, Woods did not listen all the way through the June 20 tape on her sony tape recorder. (1930g)

#### Garment's Direct Examination of Haig

##### Haig's Function

Haig has an overall responsibility for the total flow of business to and from the Office of the President, including monitoring and coordinating all substantive

materials going to and from Nixon, both domestic and foreign matters. (1932-33)

Haig's Pre-September Knowledge of the Tapes

Haig first learned of the White House tape recording system when Nixon told him about it in late May. Haig's familiarity with it was general; he thought it was manually operated, or controlled by a specific decision, rather than self-activating. (1933)

During May and June, 1972, the Secret Service controlled the system and had custody of the tape recordings. (1934)

Immediately after Butterfield's public revelation of the tape system, Haig recommended the system be terminated. It was, and the tapes were transferred to the Office of the President, at Nixon's personal direction. (1934) On July 18, Haig instructed Bennett to establish a system of firm custody under Nixon's control. That evening Bennett reported to Haig that the transfer, inventory of material, and custodial arrangements were completed, and described the system, which Haig was comfortable with. (1934-35) That evening Bennett gave Haig a sealed envelope containing a key to the room, and told him the combination of the tapes safe. Haig placed the envelope, unopened, in Haig's office safe, where it remained until later in the month.

Haig was aware that Nixon had reviewed some tapes in early June. In late July, Nixon mentioned to Haig the possibility of Nixon's further reviewing subpoenaed tapes in preparation for Nixon's post-Senate-hearing press conference. Haig alerted Bennett of this possibility. As it turned out, Nixon didn't do that. (1935-36)

September 28 - Nixon Arranges for Review of Tapes

The next mention to Haig of the tapes was on September 28 when Nixon instructed Haig to make arrangements for a review of the subpoenaed tapes that day. (There may have been preliminary discussion of this on September 27th). (1936) The arrangements Nixon wanted were to have Woods summarize the highlights of the tapes, and to have Bull cue these tapes for Woods - that is, mark them in the reel, to facilitate her work. This was to be started at Camp David over the weekend. (1936-37)

Haig immediately told Bennett of this procedure and that Haig would have Buzhardt provide Bennett with a list of the subpoenaed tapes. Haig promptly called Bull and told him his duties, and called Buzhardt for a list of the subpoenaed tapes. That afternoon Bennett informed Haig that Buzhardt had given him the list and that Bennett had then placed the subpoenaed tapes in his safe, preparatory to a secure movement to Camp David the next morning. (1937)

September 29 - Buzhardt Defines First Subpoenaed Item

At 9:10 a.m., Sept. 29, Haig called Camp David to see if Woods and Bull had arrived; they hadn't. At 9:50 a.m., Haig called again. Bull answered and said he and Woods were setting up but that Bull couldn't find a meeting between Nixon, Haldeman and Ehrlichman to match the first item on the subpoena. (1937-38) Haig said he would check with Buzhardt, who was on another line. Buzhardt explained that Cox was mistaken or confused about the first item and what Cox was really requesting was a meeting between Nixon and Ehrlichman that ran approximately from 10:25 to 11:30 on June 20. (1938)

After this discussion with Buzhardt, Haig called Camp David. Woods answered; Haig gave her Buzhardt's message precisely as Haig had received it, and asked her to relay it to Bull. Garment reads from Exhibit 62, a note Woods typed after this call from Haig: "Cox was a little bit confused in his request re meeting of June 20th - it says Haldeman-Ehrlichman meeting. What he wants is segment on June 20 from 10:25 to 11:20 with John Ehrlichman alone." In handwriting is "10:10 a.m., Sept. 29, 1973, Camp David." This essentially accords with Haig's recollection of the Woods conversation. (1939-40)

October 1 - Woods Erases 4 1/2 to 5 minutes

On Oct. 1, early afternoon, Haig met with Nixon as he normally did that time of day. At the outset, Nixon told Haig Woods had just been in, distressed about an accident she had had as she was reviewing the tape of a conversation which was the conversation following a subpoenaed one. There had been some confusion in her mind as to the length of the meeting and the participants, and she had been listening ahead, and essentially Nixon said that the phone rang and she described having possibly pushed the record button and having discovered upon returning to the machine that some of the conversation was not audible. (1940-41)

Nixon was concerned about Woods' state of mind and asked Haig to have Buzhardt reassure her it was not a subpoenaed conversation. (1941) Haig contacted Buzhardt, who reassured Haig by telling him this was not a subpoenaed conversation. Buzhardt didn't show Haig the subpoena, which Haig had never seen nor reviewed. (1941) Nixon had told Haig that Woods thought the erased portion was 4 1/5 to 5 minutes long. (1941-42)

November 14 - Discovery of 18 Minutes and Tape Subpoena

On November 14, about 8:30 p.m., while Haig was meeting with Scowcroft and Timmons in his office, Buzhardt put his head in the door and said he had a problem and wanted to talk to Haig. Around 9 p.m., after the meeting, Haig went to Bull's old office where Buzhardt and Powers were listening to the tapes and preparing the index and analysis. Buzhardt asked Haig if he remembered the accident Woods described to Nixon and said he and Powers had just put a timer on the gap and found it ran 18 plus minutes rather than 4 1/2 to 5 minutes. (1943) Buzhardt further said he had rechecked the subpoena and he and Powers had concluded this was a subpoenaed conversation. (1943)

Haig said this was a pretty late date to be telling him something like this. (1943) Then he asked to see the subpoena for the first time, looked at the first item, and remarked that it was ambiguous and subject to misinterpretation. (1944) Buzhardt then showed Haig the Prosecutor's brief. Haig read it, then told the two counsels he agreed that this was a subpoenaed conversation. (1944) Haig was concerned, as an individual, as to how this confusion could have occurred. He also asked the counsels how they could describe the technical problem. They discussed this situation and were not complacent about it. (1944) Haig didn't inform Nixon of this that night because it was a very busy week for Nixon, who was at that moment meeting with some Senators, and decided to inform him the next day. (1945)

Nov. 15 - Nixon's Informed

The next morning Haig met with Powers and Buzhardt and recapped the information of the night before with them. No new information was brought up, but Haig told them he would inform Nixon right after Nixon's speech to the realtors. (1945) Haig so informed Nixon,

telling him of the reassessment based on the additional descriptions prepared by the Prosecutor's office. Nixon was disturbed and almost incredulous. (1946) Haig suggested Nixon speak directly to Buzhardt and Nixon agreed.

Around 4 p.m. Buzhardt told Nixon, in Haig's presence, what he had told Haig the night before. Nixon was concerned, but not chagrined. (1946-37) Nixon said he couldn't remember what was in the subpoenaed conversation, and discussed with Buzhardt whether there was some means of ascertaining what took place in it. (1947) Buzhardt said they should try to get Haldeman's notes from the meeting. (1947) Haig doesn't think he would have focussed on whether these notes were under subpoena by WSPF. (1947) There may have been discussion with Nixon at this meeting about the possibility of recovering the obliterated conversation, but Haig doesn't recall any. (1947)

When they left Nixon's office, Haig asked Buzhardt to get Haldeman's notes if they existed. Buzhardt returned and said he didn't know the combination of the safe which contained Haldeman's notes. (1947-48) This wasn't the first Haig knew about Buzhardt's not having the combination, because when Haldeman left the White House he told Haig he had had the combination on his safe changed. Haig had agreed that this was fine, and told Haldeman to leave the combination with Nixon. (1948) Haig went and asked Woods, who would have been the repository for something left with Nixon, if she had the combination. She didn't recall receiving it and had Acker, of her staff, check to be sure. (1948)

When she was unsuccessful in locating it, Haig decided to call Haldeman, who was in California. Haldeman agreed to have Higby, who was familiar with the files, look for his (Haldeman's) notes. (1949)

Haig told Buzhardt of this arrangement and Buzhardt and Higby both went to the file room together. Higby found the notes and Haig gave them to Nixon. (1949-50)

Only Buzhardt, as the President's counsel, had independent access to the file room. (1950)

Buzhardt told Haig that the notes indicated that the gap on the tape included discussion on Watergate. (1950)

After Nixon was apprised of the contents of the notes, he suggested re-constituting the tape if technically possible. (1951)

Buzhardt then found Rosenblum from NSA and the next day requested Rosenblum's assistance from the Secretary of Defense. (1951)

Rosenblum advised that the chances of reclamation of the gap were very slim. Haig passed this message on to Nixon and Powers as Nixon was leaving for Key Biscayne. (1952)

There was concern about meeting the court deadline for presenting the index and analysis to the Court. It was in a discussion with Buzhardt on Sunday, (Nov. 18) that Haig learned that Powers had pneumonia. (1953)

Buzhardt and Haig discussed the divulgence of the fact of the gap and the problem of developing the technical reason to explain it. (1953-54)

Haig learned on the 19th that Buzhardt had obtained an extension of time to file the index and analysis. The reason cited for the delay was Powers' illness. (1954)

Haig felt that the gap should be disclosed independently and rapidly even if a technical explanation did not yet exist. (1954-55)

On the 20th Buzhardt told Haig (in Memphis) that the machine could not be responsible for the overriding tone and that there were two distinct tones. (1955) Haig was shocked and disturbed.

Haig told Nixon on route back to D.C. and then met with members of the counsel's office later that night. (1956) Buzhardt emphasized the seriousness of the situation and everyone agreed that it was necessary to notify the Court. (1957)

Haig left the meeting for a short meeting with Nixon, who agreed that a move should be made immediately. (1957)

There was some discussion at the meeting that Woods needed counsel that was not oriented to Nixon. (1957)

Garment suggested that the Special Prosecutor be included in the procedure. (1957)

Sealed Bench Conference.  
Recess for Lunch.

Afternoon Session

General Alexander Haig

Questions by Ben-Veniste (Cross)

Haig first assumed the position previously held by Haldeman on a temporary basis on May 5, 1973. Although Nixon announced on April 28 that Haldeman was leaving, Haldeman actually finished clearing his office on May 6. (1970)

Haig received a call on May 3 while at Fort Benning, Georgia and was asked to temporarily replace Haldeman. (1971)

Nixon first informed Haig that some recordings of conversations existed. Haig gradually found out the various details of the taping system. Haig never reviewed the system for competence. (1971)

When testimony was presented to the Senate about the character of the system, Haig recommended that it be terminated. (1971)

Haig was not advised as to who had access to these tapes, but Bull may have told him in early June that the Secret Service controlled the tapes at that time. (1972)  
at first

Haig/doesn't recall when he learned that Haldeman had reviewed any tapes, but it was well after the fact. He then states that he feels certain that he learned from public testimony. (1972)

After Haldeman's testimony, Haig asked Bull about the circumstances because Haig was concerned that he (Haig) had not been aware of Haldeman's listening. Bull replied that Nixon had wanted the tape reviewed and asked Haldeman to review it for him. (1973) Haig cannot recall any more precise conversation with Bull. (1974)

Nixon told Haig that he was going to listen to some tapes in early June and in fact did so. Nixon was concerned at that time about testimony that Dean might give (1974-1975)

Haig doesn't know either way whether Nixon had listened to any tapes before this time. (1976)

Haig discussed with Bull the arrangements to be made in the EOB for Nixon to review the tapes. Haig does not recall giving Bull a typewritten list of conversations as Bull has testified. However it is possible that Haig passed on a list from Nixon or from the counsel's office. (1976-1977)

Haig recalls discussing with Buzhardt or Garment a general reference by the President that his listening to the tapes provided no surprises. (1978) Although Haig cannot recall specific times and places, he does know that he spoke with Buzhardt frequently. He is sure that Buzhardt and Garment were aware of the fact that Nixon spent a full day listening to tapes. (1978-1979)

Ben-Veniste points out that Buzhardt has testified that he did not know anything about the taping system until June 25. Haig still maintains that Buzhardt came to the White House staff about that time and does not change his testimony. (1979)

Garment objects to the question saying that there is a difference between knowing that Nixon is to listen to some recordings and knowing about the extent of the taping system. Ben-Veniste objects to Garment conducting redirect examination. Court says to proceed. (1980-1981)

[Page 1980 of the transcript is missing]

Haig decides he must have gotten the list from Nixon. He recalls that later he was informed either by Nixon or counsel that Nixon did not listen to any tape subsequent to March 20th. (1981)

Nixon only made a general statement to Haig that he (Nixon) did not find any corroboration to various publicized stories in the tapes. Haig emphasizes that he was not the Watergate Counsel and that perhaps Bull is the expert on the June 4 session. (1982)

Nixon did not indicate that he was unable to find any particular tape on June 4, nor that any tape ran out. Bull did not indicate any such thing either. (1982)

Haig spoke with Buzhardt by phone some time in the summer about Buzhardt listening to a tape. Haig was merely a conduit for instructions to Buzhardt. He believes that there was an issue that developed over a taped telephone conversation. (1983)



Haig had not previously discussed this issue with Buzhardt. (Buzhardt's testimony to the contrary does not change Haig's mind.) (1984) Haig does not recall the other party to the Nixon taped phone call. (1983)

The issue came up probably because of a press story. At first the tape was to be sent to San Clemente, but Haig suggested that Buzhardt listen to it. Haig then talked to Buzhardt and instructed Buzhardt to listen to the tape. (1985-1986)

Although Haig is sure that he specified the date he was talking about, he cannot now remember what it was. He hesitates about whether it is the April 15 conversation with Dean, but after objection by Garment and understanding "where we are leading now," says only that Nixon wanted to refresh his memory on a telephone conversation and he (Haig) knows nothing more. (1986-1987)

Haig is sure that Buzhardt reported back on the contents of the tape, but cannot recall the substance of any conversation with Buzhardt about the tape. (1988) Haig does not think that the taped conversation was with Dean. (1989)

The Court asks that page numbers always be given when testimony is quoted or paraphrased. (1989)

Ben-Veniste points out that Buzhardt testifies on page 1082 that the conversation in question was between Dean and Nixon. Garment objects that the question focuses on whether the conversation was on the phone. Haig has actually understood that the point of the question was who the participants were and answers that it could have been Dean with Nixon, but he cannot recall precisely. (1990-1991)

Haig assumes that he reported back to Nixon about Buzhardt's report, but does not remember precisely. (1992)  
the fact that

Haig was very disturbed by/it had been divulged publicly that Haldeman had listened to some tapes in July. No one had informed Haig in advance and he called Bull to his office to find out about the circumstances. (1992)

Bull said that a request had been made either by Nixon or Haldeman and it had been honored. Nixon wanted Haldeman

to listen to a tape. (1993-1994)

Haig does not recall that two deliveries of tapes were made to Haldeman . (1994) Haig was upset that the tapes were taken out of the building. (1994-1995)

Haig felt sure that after talking with Bull, a similar incident would not happen again. (1994)

Haig also talked with Nixon about the occurrence. The conversation focused on the fact that Haig had not been advised beforehand. They did not get into the fact that Haldeman was listening to certain tapes or any reports from Haldeman. (1995-1996)

Haig has never talked with Haldeman about his (Haldeman's) removing the tapes. (1996)

There was some relationship between Haldeman's removal and the fact that on July 18, custody and control of the tapes was transferred from the Secret Service to the President. This was primarily Haig's decision. (1997-1998)

Bennett established the procedure for safeguarding and keeping track of the tapes, and then turned over the two keys to the door of the vault and the combination to the safe to Haig. Originally a new room was to be found for the tapes, but instead new keys were found to the room that was already in a secure area. (1998-1999)

Haig means by saying he wanted a firm system that he wanted control within the immediate family of the President. Haig does not know of any removals before this time except the two by Haldeman and the one by Nixon. (1999)

Haig received the envelope with the combination and the two keys from Haig. No one entered the repository while Haig was holding the keys. (2000)

Bennett was told to develop a system for Presidential access, but that included his personal agents, i.e. Haig Bull or Bennett. Bull would only have access with Bennett's approval. (2001)

The Federal Protective Service or the Presidential Police were advised of the new rules. Bennett would approve all entries, or Haig in Bennett's absence. (2001-2002)

Haig has never personally touched, listened to or had access to the tapes. (2002)

Around the 28th or 29th of July, there was a discussion of reviewing the tapes in preparation for a press conference. There was no finite decision, but Haig alerted Bennett that he may be getting a list of tapes to withdraw. There was never any follow through. (2002-2003)

Haig does not recall if Zeigler was present when he talked with Bennett, but Haig does not think it was anticipated that Zeigler would listen to the tapes. (2003)

Haig believes the list of tapes would have come from counsel's office, but can not recall any specific conversation with Buzhardt. (2003)

Haig probably never told Bennett that the list would not be forthcoming, but just assumed that Bennett would understand that the project was terminated. (2004)

Bennett was given back the keys and combination and holds them to this day. (2005)

On September 28, Nixon instructed Haig to set up a review of the tapes at Camp David for the weekend. This was after several previous discussions concerning litigation over the tapes. The purpose was to see what was in each of the conversations and use these facts in making future judgments. (2005-2006)

[Nodding colloquy]

In preparing for the review, Haig spoke with Bull about cueing up the machines, with Bennett about assembling the tapes, and with Buzhardt about preparing a list of the subpoenaed tapes. (2007)

Haig is sure that Buzhardt had a general appreciation that a process of summarizing the tapes was beginning. (2007) Haig assumes that he would have said to Buzhardt, "provide my office a list of the tapes subpoenaed because we are going to start a process at Camp David this weekend of reviewing material that is on those tapes." (2008)

Haig has a hard time believing that Buzhardt did not know about the review, because Haig discussed the first item on the subpoena with Buzhardt the morning of the 29th. (2009)

On the 29th, Haig called Bull, to be sure that every thing was set up. Bull asked at that time about the first item on the subpoena because he was having trouble finding the conversation between Nixon, Haldeman and Ehrlichman. (2010-2011)

Haig refreshed his recollection with his telephone log which has already been produced. (2012,2029)

RECESS

Haig attempted to reach Bull on the 29th about 9:10 and did in fact talk to him about 9:50. At that time Bull said he could not find a conversation between Nixon, Haldeman and Ehrlichman. Haig said that he would check with counsel and get back to Bull. (2030)

Haig received a phone call from Buzhardt immediately thereafter (on another matter) and raised the problem. Buzhardt said that Cox was confused and that the conversation wanted was one between Nixon and Ehrlichman that lasted from 10:25 to 11:20. Buzhardt did not mention that the subpoena listed the conversation as lasting till noon. (2031)

Haig at first says that this was not the first time he had discussed this issue with Buzhardt. He thought that he discussed it on the 1st or 2nd of October, but then is reminded that that would be after this event. Haig became aware that Buzhardt had given a similar opinion about the subpoena only after this event, but still says he did not know whether he actually knew at this time. (2031-3032)

Haig did not consult with Wright at this time with respect to the subpoena, and does not even know if Wright was in D.C. at the time. (2032)

Haig is sure that he would not have asked Buzhardt such a question without explaining the reason for the request. Haig is confident that Buzhardt was told what was going to occur that weekend, in a general sense. Ben-Veniste reads Buzhardt's testimony that he did not learn about the review by Woods until after the fact, but Haig maintains his position. (2033)

Haig did not attempt to get any other source to clarify this question before calling back to Camp David. Haig spoke to Woods and passed along Buzhardt's message. (2034)

At this time, Haig had no idea what the substance of the conversation was in which Haldeman had participated. (2034)

Haig did not learn that Nixon had listened to any part of the tapes that day. He checked with Bull about the progress later that day, and spoke with Nixon either that day or the next. Nixon said something about the difficulty of the task. (2035)

Exhibit 115, the President's log for September 29, 1973 is received without objection. (2035)

The log indicates that from 1:68 to 2:05, Nixon met with Woods and Bull and that from 2:09 to 2:21, Nixon talked with Haig. Haig thinks this conversation was about other things, but that Nixon did mention the difficulty of the task. (3036)

Haig does not know whether Nixon spoke with Buzhardt that day. It is conceivable that the two of them would have reported a conversation they had had to Haig, but he does not remember. (2036-2037)

The logs indicate that from 6:19 to 6:50 Nixon met with Woods and from 6:24 to 6:26 Nixon talked to Bull and at 6:35 Nixon attempted to place a call to Buzhardt in D.C. From 6:42 to 6:53 Nixon talked to Haig and from 6:50 to 7:30 Nixon had dinner with Pat, Julie and Woods. From 6:54 to 7:02, Nixon talked to Buzhardt and from 7:30 to 7:35, Woods met with Nixon. (2037)

Haig talked with Bull on the evening of the 29th to check on his progress. After saying that nothing of significance was discussed, Haig admits that Bull said he (Bull) was unable to locate a tape. (2038)

Haig recalls that Bennett informed Haig that Bennett was taking an additional tape to Camp David on the night of the 29th. Haig says that if he were told by Bull that two conversations were missing, he did not focus on it. He assumed that Bennett's taking the additional tape would solve any problem. (2038)

Bull' previous testimony that he told Haig about the missing Mitchell telephone conversation and April 15 conversation does not refresh Haig's recollection. He continues to maintain that he did not focus on the fact that two conversations were missing. (2039-2040)

Haig says that he did not focus on the missing conversations until considerably later when Buzhardt told him that a tape had run out and another telephone conversation had not been recorded. When reminded that Buzhardt had testified that he learned these facts in the middle of October either from Haig or Nixon, Haig says that although he expected that Buzhardt had told him, it could have been Nixon. (2041)

[Court and counsel colloquy about time] (2042)

Haig first learned of Woods' accident on October 1. Nixon called Haig to his office shortly after Woods notified Nixon. Nixon relayed that Woods was very upset. She said the phone had rung and she had probably pushed the record button, but there was no discussion about the foot pedal. (2043-2044)

According to Nixon, Woods returned to her work after the phone call and discovered the record button down and that there had been an obliteration, or at least she could not hear any conversation. (2044-2045)

At the time, Nixon thought the erasure was four to five minutes. (2045)

Although Haig was aware that Woods had some tapes in her possession, he did not focus on the number nor the fact that they were originals. Haig assumed that the tapes would be returned to Bennett soon, but the task was more tedious than expected. Haig did not think of taking any security precautions to avoid erasures of original tapes at that time. (2045-2046)

Haig did not discuss the accident with Woods, but may have told her not to worry. Haig had the impression that Buzhardt and again assured Nixon that this part was not subpoenaed. (2047-2048)

or 2

Haig saw Buzhardt on October 1 and passed along Nixon's instructions that Woods be relieved of her personal concern, after informing Buzhardt that the accident had taken place. (2048)

Haig's logs indicate that at 10:45 Woods wanted to see Haig and that 2:30 he actually saw her. Haig probably just told her not to worry because Nixon was confident that the tape was not subpoenaed. (2049)

Haig says that his logs are not always accurate and he is unable to recall most of the actual events. The logs show that he went for a ride with Nixon at 2:45, but there is no meeting shown around 12:00 when he thought that he spoke with Nixon about the accident. Haig is sure that the accident was not discussed during the ride. (2050-2051)

The only meeting with Buzhardt on the log is at 9:15 which was before Haig learned of the accident. On the 2nd, Haig spoke with Buzhardt twice by phone. Haig can not recall from looking at the logs or from his memory when he spoke with Buzhardt about the accident. (2051-2052)

Haig does not recall focusing on the two missing conversations until Buzhardt or Nixon told him. He claims he was a conduit at times, but that the best source for information would be Buzhardt, Bull or Bennett. (2053)

Haig did not have any conversation with Nixon about anyone listening to the tapes to see what the damage was and the significance until November 14. (2053)

Haig remembers focusing on the missing conversations when Buzhardt was ready to come to Court and make the revelations. [Garment notes that the conversations were not recorded and therefore are not missing.] (2054)

Although Haig was aware that a search was being made for certain tapes, he assumed Buzhardt was in full charge of the situation. Only a few days before Buzhardt told the court about the two unrecorded conversations, did Buzhardt inform Haig that they definitely could not be found. (2055)

If Haig had been asked by Bull about the conversations, Haig would have referred Bull to Buzhardt. (2055)

Ben-Veniste attempts to question Haig about his knowledge of the gap and the two missing conversations and how that may have related to the negotiations for the Stenis compromise. After objections by Garment and confusion by the Court, the proceeding is adjourned. (2056-2059)

TAPE HEARINGS BEFORE SIRICA  
DECEMBER 6, 1973

Sealed Bench Conference. (2062)

Court Sealed

General Alexander M. Haig

Questions by Ben-Veniste (cross resumed)

Ben-Veniste asks about any conversations which Haig may have had about the two missing tapes and at least the 5 minute gap during the month of October and implies their relationship to the Stern's proposal. Haig is willing to provide information about the proposal, but the Court intercedes and says that it has not yet decided the relevance of this questioning. Future testimony from Haig is not foreclosed if it is decided that this issue is relevant. (2062-2063)

Except for learning of Woods' accident on the first or second of October, Haig did not discuss the incident again until November 14. (2064)

Haig cannot say from his own knowledge that Nixon listened to the June 20 tape. (2065)

Exhibit 116, Nixon's daily diary lot for October 1, 1973, is offered and received into evidence. (2065)

The log does not help Haig's recollection of when he met with Nixon on October 1. He remembers that it was around mid-day that Nixon advised him of Woods' accident, but the log only shows an earlier morning meeting, then a 2:45 meeting and drive. Haig believes that all his informal meetings with Nixon may not be recorded. (2066-2067)

The log indicates that Woods met with Nixon from 2:08 to 2:15 in the EOB office. (This may conflict with earlier testimony by Woods that she met Nixon in the Oval Office.) (2067)

Around 9:00 p.m. on November 14, Haig met Buzhardt and Powers in Bull's former office. This was the first time to the best of Haig's recollection that he had heard about the 18 minute gap. The focus of the conversation was whether it was considered to be within a subpoenaed conversation. (2068)

There was also discussion about the amount of work that had to be done by counsel in preparing the index and analysis by the deadline set by the court. (2069)



Haig does not recall any discussion about Powers and Buzhardt talking earlier with Woods, or any demonstration by Woods as to how she could have made the mistake. Haig thinks such conversation would not be significant and wouldn't remember it. There was also no conversation about Haldeman's notes at all. (2069-2070)

Rhyme interjects that Woods did testify that she met with Nixon in the Oval office and tells the court that therefore there is not an inconsistency. (He totally missed Ben-Veniste's point!) (2070)

The June 16, 1973 letter from Buzhardt to Cox indicating that there was a dictabelt of the President's recollections of the April 15 meeting with Dean only came to Haig's attention when the controversy surfaced. Haig was not familiar with it at the time it was prepared. He left this kind of detail to counsel (2071-2072)

Haig does recall a discussion at Key Biscayne about the dictabelt, but does not believe he saw Buzhardt's letter-Exhibit 53. Haig only participated in the conversation in a general sense. (2073)

A search was made to locate any documentation which would shed light on the contents of the Nixon conversation of the 15th with Dean. During the same weekend, a review was made of the meeting of April 16 with Dean. (2073)

Nixon also suggested that his own diary recollections for that period be checked. Woods actually did the searching of Nixon's files, probably after the group came back to D.C. The communications about the searches were sometimes just between Nixon and Buzhardt. (2073-2074)

Buzhardt was the point of contact on the issue of the President's personal recollection about whether Nixon had dictated a memo on the April 15 meeting. (2075)

Haig does not recall if it was the weekend of November 3rd and 4th or the following week, but Nixon did convey directly to Buzhardt that the belt did not exist. Haig remembers telling Buzhardt also. Nixon did find some personal notes that he had made. (2075)

Haig can not say with assurance if anyone other than Woods actually looked through the files for a dictabelt or notes. It is possible that Bull did, but Haig cannot imagine that Nixon would do it himself (2075-2076)

After hearing Buzhardt's testimony about these events taking place on November 5, Haig agrees that it must have been the 5th. [Garment objects to not continuing in reading the transcript, but the Court asked that that be done on redirect.] (2076-2077)

In a conversation between Haig and Nixon, Nixon talked about his personal habits in compiling his diary. At times he dictated notes. If he had made personal notes during the meeting, he merely included them in the diary. (2077-2078)

Haig cannot recall any precise conversation with Nixon about the June 16th letter-Exhibit 53-in which Buzhardt said a dictabelt did exist. (2078-2079)

This search for the dictabelt or notes and any other documentation on the April 15 meeting was the only such search that Haig caused to be conducted. (2079)

Haig does not recall any discussion with Buzhardt about locating any documents called for in the subpoena. Haig would not have focused on the fact that the documents called for in the subpoena were initially to be turned over to the Court on November 20. (2079-2080)

Haig first recalls a discussion about finding Haldeman's notes to the June 20th meeting on the afternoon of November 15. Powers' testimony that he first saw the notes on the morning of the 15th do not change Haig's recollection. (2081-2083)

The conversation about Haldeman's notes took place in a meeting with Nixon. Buzhardt and Haig may have talked briefly before going into Nixon's office. (2083)

Buzhardt told Haig that he (Buzhardt) did not have the combination to Haldeman's files. After checking with Woods, who also did not have the combination, Haig called Haldeman who offered Higby's services. (2084)

Haig does not recall trying to find Higby prior to the meeting with Nixon, but it is possible. Haig will check his log. (2084)

Haig's log shows an out-call from Haig's office to Haldeman at 5:30 p.m. Haig told Haldeman that the combination to Haldeman's files could not be found. Haldeman said he may have forgotten to leave it and he offered Higby's services. Haig explained to Haldeman the reason for the search of Haldeman's notes, including that there was a gap in one of the tapes. (2085-2086)

Haig did not get the impression that there was any need for clearance by Haldeman before his notes would be turned over. (2086)

Haig called Higby over and expressed chagrin at not having the combination to that safe. Haig told Higby that Buzhardt would accompany Higby to the files. (2087)

Buzhardt had not mentioned up to this point that he (Buzhardt) had any trouble getting to any subpoenaed material. Only that afternoon did Buzhardt mention that he could not get into Haldeman's files. (2087)

Ben-Veniste points out that Higby has testified to a certain procedure laid down by Haldeman about turning over his notes. This is the first time that Haig has heard of these instructions. He claims that Haldeman does not influence what is done in the White House. (2087-2088)

Haig states that Higby is employed by Ash and was asked by Haldeman to do this task only because he (Higby) was familiar with Haldeman's files. (2089)

Haig was unaware that Higby read the notes to Haldeman before handing them over to Buzhardt. (2090)

[Garment points out that Higby did not have access to the file room without clearance from Buzhardt and the Secret Service.] (2090)

Haig did not speak to Haldeman subsequent to the November 15 telephone conversation. He was not aware that Higby continued to read notes before turning them over to White House counsel, (2090)

Although his information is second-hand Haig believes that the files assembled in this room (522) are presidential papers. There is no question in Haig's mind that Haldeman could not stop the production of these documents. (2091)

Haig saw the two yellow pages of Haldeman's notes on the 15th for the first time. He had not seen any of Haldeman's notes before this time, and does not know have any particular knowledge about Haldeman's note taking habits. (2091-2092)

Haig would assume that Buzhardt had not had access to Haldeman's files prior to November 15 unless private arrangements had been made. (2092)

Haig remembers that Nixon had discussed the erasure or gap with Woods on the 15th. Woods was in Nixon's office when Haig brought the Haldeman notes in, and Haig thinks that they had been talking about the gap. Nixon later told Haig that Woods was quite confused and upset about the latest turn of events. (2092-2093)

In addition to citing Woods confusion, Nixon discussed the difference in perception of Woods who thought that the gap was 4 or 5 minutes when it was actually 18 minutes. There was a running discussion about how the accident might have occurred, probably including references to the foot pedal. (2093-2095)

It was later than the 15th that the two tones were focused upon. (2094)

Nixon's only conversation with Haig about Woods' explanation was an instruction to Haig and counsel to find a technical explanation to the problem. (2095)

There began discussions on the 15th or 16th about notifying the court. Haig emphasizes that Nixon and the White House were doing lots of important things at the time. There was no technical answer to problem and counsel felt this should be included in the index and analysis. These were some of the factors in not disclosing immediately. (2096-2097)

There was no discussion in Haig's presence about presenting this problem to the panel of experts who were assembling that weekend. (2098)

Exhibits 117, 118, and 119 are offered and received into evidence. They are Nixon's logs for November 15, 16, and 17. (2098)

Garment points out that the experts did not have their first meeting until November 18 (Sunday). Ben-Veniste adds that they were being assembled and the search for the experts had been going on for approximately two weeks prior to that. (2099,2120)

Recess.

[Pages 2121 - 2125 ordered sealed.]

*Cross resumed by Ben-Veniste*

During Haig's phone conversation with Haldeman on the 15th, Haldeman did not give Haig the combination to his file cabinet. Haig told him to get it to the counsel. Haig has it now because he told Higby he wanted it following "this incident." Haig got it that afternoon or early the next morning and placed it in Bennett's custody. (2126)

There was no discussion with Higby about turning it over to Haig. There is no reason why Higby didn't get it for Haig right then. Haig did not get the impression that Higby was going to talk to Haldeman about it and does not know whether Higby talked to Haldeman. (2126-2127)

Bennett has the combination to the safe now and access is, as it has always been, controlled entirely through Buzhardt. The file cabinet is in a secure room and no one can enter without his specific approval. [Ben-Veniste says Buzhardt had never entered it before the 15th and never had access to the file cabinet because no one had the combination.] Haig understands that Buzhardt, <sup>now</sup> has free access to that file cabinet. (2127-2128)

Haig recalls testifying that he took the two pages of Haldeman notes to Nixon on the evening of the 15th. Woods was in the office talking with Nixon when Haig went in and she stayed only for a moment or two and left. Haig first said he had the Haldeman notes, handed them to Nixon and explained what little he knew about them from the discussion he and Buzhardt had had just previously. Nixon may have said something about Woods, but it wasn't anything that struck Haig as significant and he can't recall it. (1228-1229)

Haig doesn't recall meeting with Nixon and Woods after that day.

[Ben-Veniste says Nixon's log for the 15th, Exhibit 117, shows that Haig met with Nixon from 12:36 to 1:15 and then at 1:18 Nixon requested that Woods join him. Later that day <sup>from</sup> 2:43 to 2:46 Nixon met with Bull. At 3:01 to 3:07 Nixon met with Ziegler. From 3:15 to 3:23 Nixon again met with Woods. From 4:35 to 4:46 Nixon met with Buzhardt and Haig and Haig stayed with Nixon from 4:47 to 5:07. Later Nixon met with Woods from 6:45 to 6:53 and Haig met with him from 6:53 to 7:17.] (2129-2130)

Haig says this (6:53) may have been when he took Nixon the Haldeman notes. He knows Woods left almost immediately after he entered the office. (2130)

[Ben-Veniste continues. Haig was alone with Nixon at 6:53 and at 6:59 Ziegler joined them. At 7:03 Woods returned and she and Ziegler stayed until 7:15. Haig left at 7:17.] (2130-2131)

Haig thinks the main focus of the discussion between himself and Ziegler was the various issues that would come up in Nixon's dinner meeting the next night with a group from the House of Representatives. Haig doesn't recall the conversation between himself, Nixon, Ziegler and Woods, but it may have had something to do with her recollection of the incident. The principal purpose of the meeting was to prepare for the upcoming sessions, which Haig went to with Nixon right after that. There would have been no reason for Woods' presence in preparation for that meeting. (2131-2132)

Haig doesn't recall whether Nixon indicated to him on the 16th that he had had a conversation with Woods or any further explanation by Woods of the June 20th erasure. (2132)

On the 15th it was very evident to Haig and there may have been a brief general discussion with Woods, Haig and Nixon about the seriousness of the problem and the need to get an explanation. (2132)

On the 16th the focus of Haig's attention was on getting a response to the technical issue of whether or not the tapes could be reconstituted so they would have the material that was subpoenaed. If a discussion about the obliterated conversation took place it was not the focus of attention. There was an ongoing series of discussions among a number of people about how this could have happened, how Woods could have done it, why there was a difference between four and a half and eighteen minutes. However, Haig does not have any precise recollection, nor would he necessarily have had it because it was a matter between counsel and Nixon primarily. (2133-2134)

Nobody informed Haig that a body of experts was being assembled. Had Haig known he might have suggested that the question of reconstituting the conversation be put before that group. Haig's advice to counsel was to get the best technical experts to answer that question and <sup>the</sup> ~~counsel's~~ response was that NSA experts probably fit that category well. (2134)

[Ben-Veniste says that the log for November 16th, Exhibit 119, indicates that Nixon had dinner with Pat, Rebozo, and Woods in Florida from 7:15 until Woods and Rebozo departed at 8:30.] Thereafter Nixon did not indicate that there had been discussion about the explanation for the eighteen minute gap. (2135)

*to Haig*

[Ben-Veniste: the logs for Sunday, the 17th, indicate Nixon telephoned and spoke with Woods from 12:18 to 12:19 and again from 12:21 to 12:22.] On Sunday, the 17th, Nixon did not indicate to Haig that he had had any further explanation from Woods on the eighteen minute gap. (2135) On Saturday, no such conversation took place. (2136)

Haig is confident that since November 17 they have had several general discussions on what Woods may or may not have done, her state of mind and her explanation to Nixon on October 1. They have also discussed Woods' current state of mind and current recollections. Haig has not discussed this with Woods, but Nixon has and has referred it to Haig. (2136)

Nixon has not conveyed any additional explanation for the distinction between the five minute and eighteen minute gap to Haig. Woods expressed puzzlement about the difference in time because she recalled she had only been away from the machine for four and a half to five minutes. Haig thinks she was imprecise to Nixon and certainly was to Haig when she tried to recall whether it could have happened with the button or a combination of both the button and foot pedal. Woods appeared to Nixon to be somewhat confused about it.

This conversation between Haig and Nixon could have occurred on the evening of the 15th, but not on the 17th. It was before Woods testified about it in court. Nixon told Haig of the incident on October 1 and has mentioned it several times since the 14th. There is no question in Haig's mind but that Nixon told him Woods' explanation was confused. (2137-2138)

Haig has heard several explanations for the discrepancy between the five minute obliteration and the eighteen minute obliteration. He has heard there is a possibility a foot pedal and rapid rewind could have done it. He suspects he heard this explanation from counsel. (2139)

There have been several theories as to the distinction between the five minutes and eighteen minutes. One is that Woods was tired and did not realize how long she was away from the machine. (2140) Haig heard that from counsel and may have discussed it with Nixon.

Another school of thought suggests that Woods touched the high speed rewind and in four to five minutes wiped out eighteen minutes of conversation. He has heard that discussed by several sources.

In regard to the discrepancy between five and eighteen minutes being caused by anyone other than Woods, Haig has heard discussions which he has referred to as devil theories.

On the night Haig returned from Memphis and he met with the President's counsel, they were very concerned because tests they had made that day convinced them that the machine Woods used could not have made the tones now on the tape. That suggested that some outside source of energy had been applied to the tape. Haig refers to that as the devil theory. (2141)

That same evening a more finite discussion was that (a), they could not account for the energy source which made the tone and (b), there were two tones, one lasting four and a half to five minutes and one for the balance of the period, which distressed them. Perhaps one tone was applied by Woods as she described to Nixon and a sinister force came in and applied the other energy source and took care of the information on the tape. That is the devil theory. No one has ever suggested who the sinister force might be. Haig told counsel they had to see who had access to the tapes. (2142)

Haig thinks they verified that no one except Bull and Woods had access to that tape, according to the record they tried to maintain.

Buzhardt gave Haig these theories on the night of Tuesday, the 20th.

On Monday the 19th Haig issued orders to Bennett to make available to Woods a number of original tape recorded conversations and sent Woods back from Key Biscayne. (2143) He called Bennett and instructed him to get the list of documents Jaworski had requested from Buzhardt and assemble the tapes so they could provide the information requested, so Woods could start to review and prepare the material for submission. There is no reason why he did not inform Buzhardt he was making the request of Woods and the tapes would be removed. It was an oversight. Buzhardt would be a very active participant in this activity.

[Ben-Veniste says that Buzhardt testified that he did not know about this until some time later, when he learned Woods was listening to one tape and had had one tape copied. But in fact the documents in evidence, specifically Exhibit 104, indicate that Woods had nine tapes, all originals.] (2144)

Haig doesn't know how many tapes Woods had. He did not order her to draw out or Bennett to issue any number. He told Bennett to get the list from Buzhardt of what Jaworski had recently requested. Woods went back from Key Biscayne to start to review the latest request. If Haig told Bennett to get the list from Buzhardt, there was an obvious communications lock which Haig assumed would take place. [Ben-Veniste: It did not because Bennett did not inform Buzhardt.] (2145)



[Garment: The record shows that Buzhardt furnished a letter to Bennett and from that letter Bennett drew a number of tapes, more than were needed, but ones he thought might include conversations requested by Jaworski. He made these available to Woods. Buzhardt didn't make any connection between the two transactions. This leaves the impression that there was something going on that Buzhardt didn't know about which is contrary to the facts.]

[Ben-Veniste: Buzhardt testified that he didn't know there were nine original tapes involved or any number of tapes. Bennett testified he never told Buzhardt.] (2146)

Haig doesn't know, looking at the list of tapes given Woods, why the December 27, 1972 tape was given to her. He didn't discuss what was given to her in any way. He can understand that Bennett, having been involved in previous problems, would provide her with more than she would need to be sure she had what she needed.

When Buzhardt gave Haig his various theories for the gap, Haig knew Woods had some tapes in her possession, but didn't focus on that in the midst of a far greater problem. (2147)

On October 29 when Haig had the conversation with Bull, he understood Bull was to cue up the tapes, not listen to them. But in the process of trying to cue up the tapes he listened to them in rapid scanning, not detailed or substantive review. The process of cueing up a tape involves finding the beginning of a conversation. In a conversation between a number of people, all of them would not begin talking at the beginning. In that case Bull would have been alerted to the fact that he was listening to the wrong conversation if he only heard two participants at the beginning by quickly moving to the middle or end to see if a third party was there. (2148-2149)

Haig did not testify that he and Bull had a conversation about cueing up tapes. [Ben-Veniste says Bull did not testify about having any such conversation about cueing up tapes, or about their telephone conversation about his confusion about the June 20 tape.] Haig says his recollections are precise on it. (2149)

Haig does not know why the tapes provided by Bennett on the 19th were returned to Bennett just prior to Woods' testimony on the 26th. They had a discussion with Buzhardt about the need to deal with a duplicate rather than an original, in view of the present court situation. (2150)

Haig doesn't recall ever ordering anyone to withdraw Woods' tapes or having a telephone conversation about whether Woods should return the tapes on the 26th.

[Garment: no redirect.]

[Rhyne: no questions.]

[The twenty photographs Rhyne presented are marked as Exhibits 120-139.] (2151)

*No* further witnesses will be called until the expert testimony becomes available. The Court expects to receive a report of the June 20, 1972 EOB tape sometime next week. If it then appears necessary to conduct a further hearing, such proceedings will be scheduled.

Court recessed until further notice. (2152)

WEDNESDAY, JANUARY 16, 1974

*Direct Exam of Bull: p 15*

Further direct examination of Sims by Ben-Veniste

Sims became chief of the Technical Security Division of the Secret Service on November 26, 1972. In the course of his duties he has had supervisory responsibility for various equipment, including tape recorders, in the custody of the Technical Security Division (TSD). (2268)

There are no records to show precisely what recorders were in the system throughout the entire taping operation in the President's Oval Office, the Cabinet Room, the EOB office, and various telephones. Sims says they know precisely what machines were removed on July 18, 1973 at the time it was disassembled. (2269-2270)

For inventory purposes, there are property cards, locator cards, made out for every piece of equipment in the TSD. The card would say the name of the person the equipment was assigned to and the date it was assigned and returned to supply. The only purpose of this is an informal record for location of items at inventory time. (2269-2270)

Exhibits 147-155, file folders representing each of the recorders, were marked for identification. Each folder contains the case history of one of the nine recorders in the taping system at the time it was dismantled. (2270-2271)

Exhibit 147 is a five inch recorder, Uher Model R-15, Serial No. 1009, Star No. (Secret Service No.) 2446. (2271)

Exhibit 148 is a Uher, Model R-15, Serial No. 1002, Star No. 2439.

Exhibit 149 is a Sony, Model TC 800B, Serial No. 14396, Star No. 1574.

Exhibit 150 is a Sony, Model TC 800B, Serial No. 14384, Star No. 1576.

Exhibit 151 is a Sony, Model TC 800B, Serial No. 15102, Star No. 1568.

Exhibit 152 is a Sony, Model TC 800B, Serial No. 11866, Star No. 130.

Exhibit 153 is a Sony, Model TC 800B, Serial No. 12330, Star No. 782.

Exhibit 154 is a Sony, Model TC 800B, Serial No. 11561, Star No. 784.

Exhibit 155 is a Sony, Model TC 800B, Serial No. 15367, Star No. 1839. (2272)

The folders are not the original documents. The originals are in the TSD record-keeping system. It was Sims' idea to bring copies. (2272-2273)

These folders were prepared in November or December. Folders were prepared for White House counsel's office at the same time, but they are not the same because certain items have been added to the exhibits to be sure they are complete. (2273)

Sims is aware that last Friday Ben-Veniste asked to speak to Sims or Wong and asked that they bring records with regard to the TSD recorders to court. In between the passing back and forth between Treasury, General Counsel and White House counsel, Sims understands this never came about. At the time Sims suggested that they meet at Sims' office instead of Ben-Veniste's office so that if they needed something Sims hadn't brought, he could send somebody after it. Sims was not advised not to provide documentation at either office. He was advised that a date was being worked out and he would be advised when he was going to be interviewed and could provide the documentation then. This had not come about until this morning. (2273-2274)

The top page of Exhibit 147 is a xerox of a small index card, the locator card used for inventory purposes. (2274)

Sims has attempted to determine from the notations on the card whether some of the machines were in the White House taping system through the entire period the system was in place, from 1971 until July 18, 1973. None of the locator cards reflect that the recorder was, for example, signed out to Zumwalt for the entire period. It is possible that one of the machines was in the system on February 16, 1971 when the system was initiated, was removed from the system for some reason and sent to, for example, the Los Angeles Office and then later came back. (2275-2276)

When a piece of equipment is transferred out of the division the locator card is destroyed. When it comes back a new card is made to show where it was. The Property Adjustment Card, Form 1722, a permanent property record from the time a piece of equipment is purchased, would show where a piece of equipment was transferred on a certain day. (2776)

A Form 1722 is begun when a piece of equipment is purchased. They are kept in a card file and locator cards are kept on small wire binders. They are kept in different locations to serve the operational needs of the Secret Service. (2277)

Sims prepared the documentation in Exhibit 147 in approximately November, just before they turned the equipment over to the court. No one requested it. (2277)

Exhibits 147 through 155 represent the entire documentation that was in Sims' files relating to the nine recorders in the system on July 18. (2277)

The court has one other recorder, a Sony 800B, the tenth one. This is the one Woods brought and they substituted another one. (2277-2278)

Sims cannot identify any other machine that was in the system at any time. It would be strictly a guess. (2278)

The notations on the locator cards were typed out on a sheet of paper. The typed card was there in November (but the typed copy of the notations was not). The cards were provided to White House counsel when the recorders were turned over. (2278-2279)

Exhibits 147-155 were received in evidence. (2280)

Sims cannot say which recorder was checked out to Bull when he drew the tapes from the tape room. He most likely would have taken one from the pool of recorders. If he checked one out and it was later transferred from the TSD to another office, which happens frequently, there would no longer be a locator card to refer to. (2280)

The locator card would be torn up if the recorder was sent to another office away from TSD, such as the Los Angeles or Memphis office. (2281)

Sims had a conversation with Bull every time it is indicated (on Exhibit 7) that tapes were checked out. If Sims was out of the office Bull would speak to Zumwalt and before he took action Zumwalt would contact Sims. (2281-2282)

Sims does not recall discussing the *tape request* with Bull, Zumwalt, or anyone else on April 25, 1973. Exhibit 7 refreshes his recollection in substance, but not as to specific conversations. Bull requested from Sims, or Zumwalt and then Sims, the tapes listed on that page of Exhibit 7 which were checked out at 1:45 p.m. (2282-2283)

To the best of Sims' recollection, a recorder, and sometimes two recorders and a set of earphones, accompanied the tapes every time (they were checked out). Sims does not recall if one or two recorders were furnished on April 25 and there is no way to refresh his recollection. Every time a recorder was provided to Bull, he called and requested tapes and one or two recorders and head sets. A hand receipt would then be made for Bull. When the equipment was turned in the hand receipt was destroyed, so unless the equipment is still checked out there would not be a hand receipt. (2283-2284)

None of the locator cards for Sony 800B recorders, the type they always used, reflect Bull. Nine times out of ten they reflect Zumwalt or Baker. Zumwalt reviewed the index cards.

The index cards that indicate that a recorder was checked out to Zumwalt on or about April 25 *were* marked for identification as Exhibit 156. (2284)

The designation "Supply" on the locator cards means the recorder was in the supply section and nobody checked it out during that particular time. Exhibit 148 shows that the recorder was signed out initially to R. Taylor, then Zumwalt, and on 7/18/73 Zumwalt returned it to supply, coinciding with the date the taping system was turned off. (2285)

The microphones were not removed on July 18. They are still in the EOB and Oval Office and the Cabinet Room. The wires were cut on approximately July 18. Sims did not participate, but instructed his people to do it. (2286)

On July 18, the listed equipment was removed from all the locations. The only things left were the wires running to the recording room. The microphones and wires leading to the desks were left. (2286-2287)

At some later date the wires were cut and the circuits removed. Sims doesn't know if it was within a week, a month or a couple of months, but it seems like it was in August or September. (2287)

At the time the recorders were turned off on July 18, Sims asked the special counsel to the President, at that time Buzhardt, if he should remove all the microphones, wires and everything. He was instructed to remove all the recording equipment, everything from the recording rooms, but to leave the wires and microphones in place. (2287)

Every so often, like a month or six weeks later, Sims would go back and suggest to Buzhardt that he cut the wires. There were telephone circuits that wires ran through that were still being paid for and Sims asked if they could be discontinued. (2287-2288)

At some point in time, either the first or second time Sims asked, Buzhardt said to go ahead and cancel the telephone lines. If a date is needed, Sims will get it from his files. (2288)

Ben-Veniste and Sims agree to meet at 5:00 and go through Sims' file on the White House taping system. (2289)

The file contains a memorandum documenting what wires were cut and when by whoever in TSD did it. (2289)

Sims is not a technician and would have difficulty giving instructions about where the wires should be cut. The telephone lines were cancelled and the wires that went into the desk, for example, were cut and pulled back into the wall or floor or pushed into the desk. (2290)

Exhibit 156 is a summary of the various index card files and was prepared by Zumwalt. The index files were not brought to court. (2290)

The Court suggested that Ben-Veniste go through Sims' records before Friday. (2291)

Exhibit 156 indicates that on April 26, 1973, tape recorder Star No. 3165, Serial No. 29031 was checked out to Zumwalt. It was returned on July 18, 1973. This was not one of the recorders that was in the system on July 18. (2292)

The sheet does not reflect that any recorder was checked out on April 25. The only April entry is on 4/26. On the basis of this it cannot be said that no machine was provided to Bull on April 25. (2922-2923)

If the list showed that a recorder was checked out prior to 4/25/73, it may have been part of the pool. The pool was signed out to Zumwalt through Baker. It was drawn upon to provide Bull with one or two recorders. The purpose of the pool was to loan recorders to Bull so he didn't have to go to the supply room and draw a recorder and check to see if it was working each time he asked for tapes. (2293)

Sims agrees that if there was a recorder available in the pool on the 25th and Bull asked Sims or Zumwalt to supply him with a tape recorder so Haldeman



could listen to a tape, Sims would give him one from the pool rather than check one out from the supply room and sign an indicator card. On the 26th Zumwalt checks a recorder out, not from the pool. From this there is an inference that the recorder was supplied to Bull on the 26th. This is only an inference because Zumwalt may have used it for something else. (2294)

Aside from the locator card, if a machine is loaned to the White House staff a hand receipt is prepared. This is destroyed when the machine is returned. Aside from those for the machines the White House has, there are no hand receipts in existence. (2295)

After Butterfield's testimony this became an issue and Sims started keeping hand receipts. (2296)

The hand receipts and receipts to the Court were marked for identification as Exhibit 157. These are copies of the original hand receipts in the file on the White House taping system. (2297)

Unless there was an oversight, Exhibit 157 should contain all the hand receipts from the time of Butterfield's testimony until today. Sims issued orders that they not be destroyed after an item was turned in. (2298)

Sims says that Ben-Veniste is relying too heavily on Exhibit 156 which lists from the locator cards all the Sony 800B recorders signed out to Zumwalt or Baker and he is trying to make the dates coincide with the checking out of tapes by Bull. Recorders are transferred out of TSD depending on the needs of the field offices and there would be no locator card for these.

Sims will supply a list of all machines of that variety that were transferred out after April 26. (2298)

In addition to the list of Sony 800B recorders, Sims asked Zumwalt and Baker to provide a list of Uher recorders. Sims did not provide a summary such as Exhibit 156 with respect to the Uher 5000 recorders. He tried to make a complete case history for each Uher 5000.

In April 1973 there were four Uher 5000 recorders. Now there are five. (2299)

Sims cannot say what recorder was furnished to Buzhardt on June 25, 1973, other than the one that was provided to Bull. (2300)

On Exhibit 156 there is a notation that on June 25, 1973, recorder Serial No. 14393, Star No. 1578 was checked out to Zumwalt. It was returned to supply on July 16. It is possible that this machine was removed from supply to be furnished to Buzhardt on June 25 when he listened to the tape. (2300)

Until it became public knowledge, Sims didn't know Haldeman had any tapes or recorders. (2300)

The machine that was furnished to Bull in July 1973 could not have been a Uher 500 recorder. To Sims' knowledge Bull has never been provided a Uher 5000 by Sims or Zumwalt except on 10/1/73. (2300-2301).

Exhibit 156 shows no entries for July. Exhibit 7, however, which was prepared under Sims' supervision, indicates that various tapes were supplied to Bull on July 11 and returned on July 12. It was Bull's practice to return the recorder along with the tapes. It is possible that the recorder he used was checked out before July 11 and was in the pool. (2301)

Sims and Zumwalt cannot identify the tape recorders that were used from the pool. (2302)

Exhibit 7 reflects that on June 4, 1973, Bull requested tapes so that Nixon could listen to them. Sims does not know which recorder or recorders were furnished to Bull then. (2302)

Exhibit 156 shows that a Sony 800B was checked out by Zumwalt on 6/4/73 and checked back in on 7/26/73. This may have been furnished to Bull on June 4. (2302)

Sims recalls generally the request for tapes on June 4, 1973 as indicated in Exhibit 7, but not specific conversations. He participated in rounding up the tapes and supplying them to Bull. (2302-2303)

On every occasion that Bull requested tapes, he either stated or implied *they were* going to be used by Nixon. This goes back to April and as far back as Exhibit 7 reflects. On April 4 Sims assumed again that the President would be listening to the tapes. On no occasion did Bull indicate that anyone else would be listening to the tapes he checked out. (2303-2304) Sims does not recall how many tape recorders were furnished to Bull on June 4, 1973 or whether he or Zumwalt gave them to Bull or Bull picked them up. (2304)

On two or three occasions Bull was provided with several tape recorders, possibly three but not five. A Uher was not furnished to Bull on June 4 or any other time he checked out tapes. Bull was never provided with any other recorder than a Sony 800B *except the* Uher 5000 on 10/1. (2304-2305)

Sims understands from Zumwalt that on one occasion Bull requested a recorder and a small Uher, a model 4000, was taken to him. Immediately the 800B was taken to his place. Sims can't fix a date on it. (2305)

There are 25 or 30 Uher 4000 recorders <sup>(at the White House)</sup> ~~at~~ Zumwalt reviewed the file cards to determine which Uher 4000 was sent to Bull, but was unable to find it. The Uher 4000's are used in many field offices and there is no way to tell <sup>where it is.</sup> (2305-2306)

Sims does not know what, if anything, was supplied to Bull in conjunction with the tapes supplied to him on July 10 and 11. (2306)

Sims has a general recollection of discussing with Bull the withdrawal of tapes and recorders on September 29, 1973. Sims knows from a document in the file of hand receipts that on September 29 Bull wanted more than one recorder. (2306)

This document is marked for identification as Exhibit 158. (2307)

Exhibit 158 relates to the tenth recorder in possession of the Court. This is the Sony 800B recorder that was substituted for the one Woods brought to Court, Serial No. 14423. The document is a hand receipt that says three Sony 800B recorders, Serial Nos. 14423, 11461,

and 12330 and two Sony BR 7A head sets were checked out to Bull on 9/28/73. The Sony 800B Serial Nos. 14423 and 11561 were returned on 10/1/73 along with one head set. The Sony 800B Serial No. 12230 and the second head set were returned on 11/8/73. (2307)

Sims does not know if Bull took three recorders to Camp David on the weekend.

On October 1, a Uher 5000 tape recorder, Exhibit 60, was purchased. Exhibit 159 relating to this recorder is marked for identification. Exhibit 159 reads: Co-1-23206 White House taping system, Uher 500 recorder (SN 33929). (2308)

Co-1-23206 is the Secret Service file number, the file containing all the information on the taping system. The original documents are in the supply area and are not in the file. (2309)

On October 1, 1973, around 10:00 a.m., Bull contacted Sims in person or by phone and asked for a recorder with a foot pedal so that someone who was typing could use their foot to make the tape go forward and reverse. Sims said he would have to check to see if there was one in stock. Sims checked with Zumwalt or Baker, probably Zumwalt because he was in charge of that area. Zumwalt asked Reed, the supply supervisor, who checked and reported back to Zumwalt. Zumwalt told Sims that there was not one available, but the Uher 5000 had a forward and backward foot pedal. Sims contacted Kelly, his immediate supervisor, told him of the request and that they knew where to purchase one and they could use it in their day-to-day operations. Kelly said to supply it. Sims advised Zumwalt to make the purchase and Bull asked to have the recorder by noon. They initiated a purchase order and sent someone, not Sims or Zumwalt to the Fidelity Sound Company at 1200 18th Street, N.W., after determining that they had the recorder in stock. It was roughly 12:45 when they got the recorder to TSD. (2310-2312)

There was no problem getting a Uher foot pedal. It came with it as a package. Sims is shown a foot pedal from evidence, a Fidel tape foot pedal. He does not know if this is the one that came with the recorder. (2312-2313)

One of the TSD technicians checked the recorder to see if it operated. Then Sholl, a security specialist in TSD, and Sims took the recorder and foot pedal to Bull's office. They got there around 1:15. Sholl then explained the machine to Bull. Sims stayed during the two or three minute explanation and then left with Sholl within five minutes of the time they arrived. They left around 1:15 or 1:20; Sims is not precise on the time. Sims does not know what Bull did with the recorder afterward. The fact that Sholl accompanied Sims and explained the machine was noted on the hand receipt which the machine was checked out to Bull. (2313-2315)

Exhibit 159 is offered in evidence and given to Sims. The purchase order indicates one recorder, a Uher 5000 with foot pedal, was received on 10/1/73. The property card which is immediately made out and the hand receipt to Bull show again 10/1/73. (2316)

On November 9, 1973, probably a Friday, Bull telephoned Zumwalt while Sims was temporarily out of the office and asked if the TSD could modify the Uher 5000 recorder so it would not record but could still be used. Zumwalt documented this. He advised Bull it could be done and would take approximately half an hour. Bull said the machine was not available then, but as soon as it was available he wanted it done and he would notify them. (2316-2317)

On November 12, probably a Monday, Bull telephoned Sims and asked that the recorder be picked up in his office, modified so it would not record, and returned to him on the same day. Sims has a memo by Messenger dated November 12 which states that he modified the machine. (2317)

On November 20, Sims received a request from Buzhardt that the recorder be picked up in his office and restored to its original state. This was done by Messenger on the same day. It was returned to Buzhardt in EOB Room 188 - 1/2 by Messenger. In the file Sims has Messenger's November 20 memo reflecting exactly what he did. (2317-2318)

Sims does not know whether the machine was ever returned to Woods after that. (2318)

Ben-Veniste: According to Woods' testimony at page 832 she listened on October 1 to the tape of the June 20 meeting for two or two and a half hours. On page 1275 she testified that at approximately 2:15 she went to Nixon's office to inform him of having made a mistake on the tape. The White House logs for October 1, Exhibit 116, indicate that at 2:08 Nixon met with Woods in the EOB. (2318-2319)

Sims was not aware that on October 3 and 4 Bull and Woods went to Key Biscayne, Florida, with tapes and recording equipment. There would be no record maintained by TSD of movement of equipment from the White House to Key Biscayne. Sims believes there was TSD equipment in Key Biscayne. (2320)

Ben-Veniste reads Woods' testimony at page 805: Following the weekend at Camp David, Woods worked on the tapes every time she could in the office. Then on October 4 she went to Key Biscayne and worked in the villa until they came back on Sunday night. She took all eight tapes along. Steve Bull carried them. (2323)

Ben-Veniste: On page 1213 of Woods' testimony she indicates that she used the Uher 5000, Exhibit 60, first on the day after they returned from Camp David, at her office at the White House. On page 1215 she says she did not leave the machine at the White House at all times from October 1 until the day of her testimony. They took it to Key Biscayne when they worked on the tapes down there. It was the only machine they had down there. (2330-2331)

A representative of TSD did not accompany Woods to Key Biscayne on October 4. They were present at the Presidential compound at Key Biscayne that weekend. Whenever the President travels one or more representatives go with him. To Sims' knowledge none of them assisted Woods or had knowledge of her playing the tapes. The first Sims knew of a safe and Secret Service guard to guard the safe in Key Biscayne was when he read the paper as to Woods' testimony. (2331-2333)

Ben-Veniste: Bull said that when they got down to Key Biscayne they obtained a heavy safe from the GSA or Secret Service. The Secret Service provided an armed guard 24 hours. They did not know what they were guarding; they still do not know. Bull, Woods and one technician were the only ones with access to the safe combination.

Sims says he did not know this. His TSD people did not guard the safe. He does not know if the technician could have been someone from the White House Communications Agency or someplace else. (2333) Exhibit 157, a hand receipt, indicates that Bull received certain equipment on the afternoon of October 1, 1973. Zumwalt filled out the top of the receipt for Bull's signature. A second item which was turned over is a Uher foot pedal which bore no serial number. (2333-2334)

*than the one*

TSD had more <sup>than the one</sup> foot control at that time. The pedals for the Uher 5000 recorders they have are different. The foot pedal has two little buttons like dimmers on a car. The model number of the foot pedal is F-261. Sims does not know the brand. (2334) *according to the file.*

Sims reads that it is a Uher Universal 5000 Recorder and Uher 690 foot control. They ordered and obtained four of them on 2/18/72. The case histories of the recorders are marked for identification as Exhibits 160 through 163. Sims identifies them as the case history documentation of the additional Uher 5000 recorders. Exhibits 160-163 were received in evidence. (2335-2336)

Ben-Veniste asks that the White House provide logs of the President for October 4 through 7, 1973. Hauser says they don't have them in court, but will check.

Exhibits 160-163 are detailed versions similar to those provided for the Sony 800B's which were in the taping system at some point. (2336-2337)

The TSD could have something to do with the opening of safes in the White House that cannot be opened, but normally GSA handles that. The TSD would not maintain the combinations. Whenever a safe requires drilling the GSA does it. Sims does not recall drilling a safe. On the occasion that Baker was present the GSA drilled the safe. The Secret Service was present. They have responsibility for security of the complex. Baker was there because the workman from outside was in the complex. Frequently the Secret Service assists when someone cannot get in their safe because it's slightly malfunctioning. Sims is personally not familiar with Woods' safe. He is not sure if GSA is responsible for documentation concerning her safe. The Secret Service would have no documentation except that they would change her

combination annually or whenever it is required. (2337-2338)

Aside from the TSD, the White House Communication Agency maintained tape recording equipment at the White House. Sims does not know if they have the Uher Model 5000 recorder. (2338-2339)

Cross Examination of Sims by Hauser

Exhibits 160-163 show that the four Uher machines were in supply April 25 and 26 and July 10 and 11. This supports Sims testimony that there were no Uher 5000 recorders provided to Bull on the dates he checked out tapes. (2339)

Until Butterfield testified about two days before July 18 the taping was for historical purposes, to be sent to the President's library when his administration left office. So until then the same records were not kept as were later. (2340)

Exhibits 147-155, case histories of tape recorders removed on July 18, all contain a memorandum to the file showing what equipment was removed from the White House taping system, the EOB and, the White House Recording Room. in July 18, 1973. It does not indicate whether the wiring was cut. (2340-2341)

Cross Examination of Sims by Rhyne

At the time Sims was asked to fix the Uher recorder, Exhibit 60, so it would not record, he was not asked to clean up the machine to make it stronger so Woods could hear the tapes better. At the time the recorder was modified there was a tone problem. The case had gotten pushed against the tone control lever which caused distortion in the tone when you listened. The technician wrote on the form that he shifted the case cover which caused the problem to stop. It is not indicated in the file on that recorder that they were re-



quested to clear it up so the tapes would produce a better and louder tone. Zumwalt took the message and would know if that request was made. (2341-2343)

Further Direct Examination of Bull by Ben-Veniste

As a general rule Bull traveled with Nixon. He was never informed beforehand that he would be going. He went automatically. (2345)

About mid-week before the weekend of October 4-5, 1973, Bull learned that the Presidential party was going to Key Biscayne that weekend. (2345)

Bull doesn't recall being told that Woods was going to continue working with the tapes at Key Biscayne. He knew she was continuing work on them, but doesn't recall who told him or if he was told. (2346)

Bull doesn't recall being told that he was to help carry some tapes down, but it may be so. He did carry some tapes to Key Biscayne, but doesn't know if he instituted it on his own or somebody asked him. If he did it on his own, Woods would have been carrying heavy tape recording equipment and he would have offered to carry it for her. (2346-2347)

Bull recalls packing the tapes on the morning of the day they left (October 4, 1973). He packed the tapes, a tape player with a foot pedal and a couple of earphones and a manilla folder containing notes he had made the previous weekend at Camp David about which tapes contained which conversations into a soft leather carrier bag. At least that far in advance he knew Woods would be listening to the tapes in Key Biscayne and that he might be asked for assistance in carrying them up. He doesn't remember who he talked to on the morning of October 4, how he learned that Woods would be listening to tapes or if he learned this in conversation with Woods. He may not have been informed. He may have simply continued assisting her as he had the previous weekend, the weekend of September 29, at Camp David. (2347-2349)

The foot pedal they took was about four by four or six and had a flat surfact for making the tape go forward and another portion like a small bar with a perforated top for reverse. (2349-2350)

Either Sims or Zumwalt, someone from TSD, instructed Bull in the operation of the foot pedal on the Monday before they left, on October 1. (2350)

They took only one tape recorder to Key Biscayne, a Uher with a foot pedal.

Bull doesn't recall if they took transcripts Woods had typed before.

Bull carried the briefcase himself.

Bull received the tapes from Woods out of her safe in her office where he packed them into the briefcase. He doesn't recall seeing her open the safe and removing them or where the tapes were, on her desk or someplace else. He doesn't recall being handed the tapes. He recalls placing them in the briefcase in her office. (2351-2353)

Bull thought this was a continuing process and he would be of assistance to Woods at Key Biscayne as he had been at Camp David. (2353)

On Monday, October 1, it occurred to Bull that Woods might be having difficulty typing and operating a hand-activated recorder like she had used at Camp David. He inquired of Sims or Zumwalt of TSD whether the Sony could be modified so a foot pedal like a stenographer might use could operate the machine. He was advised that the Sony could not be modified, but they might be able to get a machine that would run a fifteen-sixteenth inch per second tape and be controlled by a foot pedal. (2353)

Sims or Zumwalt said they would have to check to see if they had such a machine in supply. Later that morning Sims told Bull they had located one, were going out to buy it and would deliver it. (2354)

They subsequently delivered the machine to Bull because he was the one who had asked for it. He never told them what he wanted it for although they could speculate. A third person was there who explained how the machine worked and where to plug in the foot pedal and earphones. (2354)

Bull subsequently recalls carrying the recorder in a large suitcase into Woods' office which was next door to his. He set it up for her, showed her how to operate it and may have put a tape on for her. He doesn't recall whether she was listening to tapes when he went in to see her or if she had the recorder in her office. Bull thinks he received the recorder around noon or one o'clock. Woods had been having trouble completing her review process so he had asked for the recorder as soon as possible. He made the request as soon as the TSD people came in. (2355-2356)

Bull didn't know how much trouble Woods was having making the machine work, but he observed her and was told it was taking her a very long time. She may still have been working on the June 20 conversation. She started on the June 20 conversation on Saturday. Bull doesn't know when she completed it or if she was still working on it on Monday. (2356)

Bull may have cued the tape up for Woods on Monday, changed the tape from one machine to another. He doesn't recall whether the machine was there, the act of putting on the tape, or the exact hour the new machine was delivered. (2356-2357)

Bull's intent was to facilitate. He doesn't remember what the conversation was about Woods having difficulty. (2357)

It took about ten seconds for the technical service people to demonstrate how to use the new recorder. After they left Bull repacked it in the suitcase in which it was delivered, carried it next door to Woods, unpacked it for her and set it up. Bull believes Woods was there at the time, but is not certain. If she was there he would have demonstrated it. Some time that day Bull demonstrated it to her, but he is unsure when. (2358-2359)

When they went to Key Biscayne, Bull carried the bag aboard and off Air Force One. He maintained custody until adequate security measures had been established in one of the villas at the Key Biscayne Hotel where Woods was staying. GSA or Secret Service provided a safe and the Secret Service provided a guard. (2359)

That weekend Woods stayed at the Key Biscayne Hotel in the same villa as the one in which the safe, Secret Service guards and tapes were. A villa is a single unit dwelling like a townhouse. It was like a two-story bungalow. The safe was in one room on the first floor with the agent who guarded it and maintained a log of who opened and closed the safe. It was a combination safe. Bull stayed in a hotel room in the hotel itself. (2360-2361)

St. Clair will try to find the log and provide a copy for Ben-Veniste. (2362)

Bull has seen the log. It is a piece of paper indicating either Woods or Bull opened or closed the safe. Bull believes he was the only one who removed tapes from the safe. Bull was the only one who opened the safe because he was the only one who knew how. The log would not reflect that a *tape* was removed because theoretically the Secret Service Agent had no knowledge of the contents of the safe or what Woods was doing in the front room. The door was generally kept closed. Bull deposited items in the safe and withdrew them. They were envelopes about ten by thirteen. (2362-2363)

Bull recalls withdrawing two or three tapes from the safe that weekend. He recalls depositing them when the safe was delivered, but is not sure if he kept one out so Woods could begin. He thinks he locked up all but one, but is not totally certain. He is not sure if Woods began work immediately or whether there was a half an hour or an hour delay. He recalls establishing the security procedure and setting up the tape recorder, but does not recall whether he cued up the tapes immediately. (2364-2365)

Bull had the tapes, recorder, foot pedal, earphones and some documents in a briefcase. When he got to Key Biscayne to take the briefcase to Woods' villa. The safe had preceded them. They requested it from one of the military divisions before they got to town. He doesn't remember when they requested it. Shortly after they arrived the Agent arrived, in the evening. After they arrived

someone from GSA came to the villa and gave Bull the combination or possibly he was there when they arrived. Bull doesn't recall the sequence of when he unpacked the suitcase, set up the recorder and put the tapes in the safe.

Bull has no idea what tape he cued up first or the dates of the tapes that were handled over that weekend. He cannot identify them by anything other than the dates. He cued up tapes for Woods that weekend, but cannot remember when. The second tape was probably cued up after the first day. (2368-2369)

The tape recorder was set up on a table in the front room of the villa on the ground floor. The safe was in an adjacent room within the same building. There was a door between the two rooms. The Secret Service man stayed in the room with the safe next door to the room Woods was using. (2369-2370)

Generally Bull did not stay with Woods while she was listening to the tapes. After cuing up the tape he departed and went back to where he was staying. Occasionally he spent time with her, but it was mostly while she was taking a break. Bull doesn't recall if Woods communicated with him when she was going to take a break so he could come over. He doesn't recall Woods telephoning and asking him to come over. He was only in Woods' villa for brief periods that weekend. (2370-2371)

Bull may have had supper in Woods' villa one night. It is common for them to get together socially when they are traveling. There were three or four trips to Key Biscayne that fall. He can't recall whether it was that particular weekend when he had supper with Woods. (2371)

Bull was never specifically aware whether Woods was making a transcription or reviewing and taking notes. Upon being notified by Woods that she was ready for another tape, Bull came over and cued another tape for her. (2371-2372)

Bull and Woods had the combination to the safe. The Secret Service Agent who was there did not. The GSA man left after he gave Bull the combination. Bull gave the combination to no one else that weekend. (2372)

Bull does not recall any discussions with Woods or anyone about summarization or transcription of the tapes. (2372)

Bull's best recollection is that just Woods and himself knew that the tapes would be taken to Key Biscayne that weekend. He doesn't recall whether Haig knew. He has no direct knowledge of whether Bennett or Nixon knew. (2372-2373)

Bull does not believe he had any conversations with Nixon that weekend about the tapes. He has no knowledge of whether Nixon communicated or intended to communicate with Woods that weekend with respect to the tapes. (2373-2374)

Ben-Veniste: At page 515 Bull testified that Nixon and Woods were continuing a review of the tapes and Bull carried the tapes and playing device to Key Biscayne.

Bull doesn't recall that testimony, but it is consistent inasmuch as he understood Woods was assisting Nixon in a review of the tapes. (2374)

Bull does not know whether Haldeman was at Key Biscayne that weekend, but Bull didn't see him. (2374)

Bull does not recall seeing Nixon that weekend except on the plane. He has no direct recollection of having a conversation with Nixon, but may have in conjunction with other duties. (2374-2375)

Bull does not recall anyone entering Woods' villa aside from himself and the Secret Service Agent. Someone might have gone down there for supper. He has no direct recollection of Nixon visiting Woods. (2375)

Bull recognizes Exhibit 60-B as being similar to the foot pedal he received from Sims or Zumwalt on October 1. (2375-2376)

Bull does not recall signing a receipt on October 1 for the tape recorder and foot pedal. The signature on Exhibit 159 is not Bull's. He does not

recall having seen the document before. He does not recognize the initials next to his name. No one was authorized to sign Bull's name. (2376-2377)

Bull recalls demonstrating how the machine worked on October 1, 1973. (2377-2378)

Bull has no knowledge of any person other than himself, the Secret Service Agent and Woods entering Woods' villa on the weekend of October 4. (2378)

They left Key Biscayne the following Sunday (after October 4). Bull is not sure whether it was a three or four day weekend. (2378)

Woods did not indicate to Bull at any time that she had completed a tape. (2378)

Woods and Bull were both authorized to withdraw tapes from the safe in Key Biscayne. They did not have to be there together. As far as Bull knows, Woods may have withdrawn a tape in his absence. (2378-2379)

General Haig instructed Bull on Friday, September 28 that Bennett would provide tapes and he should take them to Camp David and assist Woods. (2379)

Bull traveled to Camp David with Woods with the tapes in his possession. (2379)

On September 28, the night before Bull went to Camp David, Bennett provided Bull with tapes and they deposited them in Bennett's safe. Bennett gave Bull the combination so he could withdraw them early on the 29th. Bull doesn't recall at what time the tapes were placed in the safe or whether he or Bennett deposited them there. (2380)

(Bull doesn't answer question of whether on September 28 he went through the tapes to double check and see if he had the ones that were required.) (2379-2380)

On the morning of September 29, Bull removed the tapes around eight o'clock or <sup>15</sup>minutes to half an hour before they left for Camp David. Bull and Woods departed for Camp David around eight fifteen. (2381)

Bull and Woods arrived at Camp David around ten o'clock and went directly to Woods' cabin. Bull doesn't recall what he did with his suitcase. They set up a tape recorder and a typewriter and whatever Woods needed in the front room. Bull then went to the back room with tape recordings and records he would need to cue up the tapes and began cueing up the first tape. (2381-2382)

There was a question about the first tape. Bull was working from a xerox copy of the subpoena from the Special Prosecutor's Office and (there) was also a subpoena from the Senate Select Committee. They were going to work sequentially so Bull took one item from the Special Prosecutor's subpoena, the June 20, 1972, meeting with Haldeman and Ehrlichman in the EOB from 10:25 to 11:20. Bull,

*is not sure of the location. He had no problem cueing up the tape to 10:25. (2382-2383)*

Before Bull gave the tape to Woods, he raised a question with Haig, who had called Camp David for Bull before they arrived. Bull recalls that he returned Haig's call, but Haig may have called again. Bull has a clear recollection of the call. (2383-2384)

Bull does not recall whether he volunteered the information about this phone call from Haig last November. (2385-2386)

Bull does not know the names of the Secret Service Agents who guarded the safe in Key Biscayne. They rotated and the safe was under twenty-four hour guard. Bull is not sure if they worked two or three shifts. The guards were people Bull had known before. Their names will be obtained for Ben-Veniste. (2386-2387)

Bull arrived at Camp David on September 28 around ten o'clock and received a message that Haig had called. Shortly thereafter, within perhaps thirty to sixty minutes, either Haig called back or Bull placed a call to him and they spoke. Almost immediately upon arrival at the cabin, in the interim before he spoke to Haig, Bull began his part of the work. He does not have a precise recollection about whether he began his work before talking to Haig. (2387-2388B)



Bull told Haig they had arrived shortly before and he was beginning his work. Bull is not sure what else they talked about. (2388B)

Bull talked to Haig two or three times that day. (2388B)

(There was testimony that Bull couldn't find the April 15 conversation.) (2388C)

Bull is not sure if there was another conversation with Haig. (2388C)

Haig and Bull had one conversation in which Bull expressed the problem he was having in terms of defining what was required in the first tape he was working on. He doesn't recall whether this was the first conversation with Haig or a subsequent one. There were two or three conversations that day. (2388C)

In the conversation between Haig and Bull about the subpoena, Bull asked which part of the subpoena was correct; was it actually the 10:25-11:20 meeting between Nixon and Ehrlichman followed by a meeting with Haldeman or another meeting with Ehrlichman and then Haldeman that was subpoenaed. The first recording on the subpoena was a conversation or meeting between Ehrlichman, Haldeman and Nixon on June 20 from 10:25 to 11:20. The Presidential Daily Diary clearly indicated that Nixon had a meeting with Ehrlichman and a meeting with Haldeman, but it was not a joint meeting as called for in the subpoena. (2388C-2388D)

Bull gathered up the monthly Presidential logs on Friday evening when Bennett obtained the tapes from the safe so all the material would be ready for the morning. He can't recall what the dates of the logs were. He had the monthly booklet containing many days. Bull got the logs on his own; no one asked him to do it. He doesn't recall looking through them on Friday evening. (2388D-2388E)

When Bull had the conversation with Haig during the 28th, he had set up the recorder and found the Ehrlichman portion and found that it ended at the terminal point in terms of time. The counter on the Sony runs approximately fifty to sixty numbers per minute so fifty-five to sixty-five minutes would be roughly 300 numbers and the Ehrlichman portion ran a little less than