

White House Prohibits Ex-Aides From Taking Notes on Their Files

By William Claiborne
Washington Post Staff Writer

The White House said yesterday that former presidential aides involved in the Watergate investigation will not be permitted to make even handwritten notes of documents on file in their former offices.

Deputy press secretary Gerald L. Warren, in response to a question at a regular briefing, said the former aides could "peruse" the documents but could not copy them in any way.

Later, he elaborated on the position, saying that White House lawyers decided on May 23 that former presidential assistants could examine papers on file to "refresh their memories" but would be expressly prohibited from making photo-

copies or even taking written notes.

He said the ruling was based on a "desire to maintain confidentiality of presidential papers, not only for this President but all Presidents."

While testifying before the Senate Watergate committee two weeks ago, former presidential counsel John W. Dean III asked for help from the Senators in getting White House permission to photocopy papers on file in his old office.

Dean said he had been allowed access to his files, but he complained that he had to laboriously copy by hand stacks of papers that had been requested by the committee. He said that on some occasions he had to use the top of a safe as his desk.

An administration source acknowledged yesterday that Dean had copied documents by hand, despite the May 23 ruling, but said those instances were "exceptions rather than the rule."

In a letter last Saturday to Sen. Sam J. Ervin Jr. (D-N.C.), chairman of the Watergate committee, Mr. Nixon clearly ruled out the possibility that former aides might photocopy papers in the White House and turn them over to the committee. But the President said nothing to change his promise of May 22 that Dean and other former assistants may inspect their papers under supervision and makes notes from them.

The White House had no
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explanation yesterday for the delay in disclosing the May 23 guidelines, or for why they were implemented just one day after Mr. Nixon had issued a comprehensive explanation about Watergate in which he promised that executive privilege would not be invoked in any testimony by former aides.

Warren's statement seemed to put the White House on a collision course with the Senate Watergate committee, which is expected to vote today on whether it will issue subpoenas for a long list of presidential documents.

The committee has asked for a wide range of such papers, including information relating to tax returns and even news summaries with presidential notations in the margins.

Declaring that he believes the committee has the right to take possession of the papers by subpoena, Ervin has said, "If a President wants to withhold information from the committee and the American people, I would just let him take the consequences of that."

Meanwhile, there were indications yesterday that former White House adviser John D. Ehrlichman will be compelled to tell Senate investigators whether he informed Mr. Nixon of his suspicions that high officials of the President's re-election campaign were involved in the Watergate operation.

Warren said yesterday that executive privilege would not be invoked in the questioning of Ehrlichman, as it was on May 4, when Ehrlichman refused to tell Watergate committee investigators about certain conversations with the President.

At the time of the staff interview with Ehrlichman in early May, the White House position was that all

conversations between Mr. Nixon and his aides were covered by executive privilege and could not be extracted by Senate investigators.

In yesterday's Watergate hearing, former Attorney General John N. Mitchell said it was his understanding that Ehrlichman cannot invoke executive privilege on his own, but that the prerogative is the President's alone.

In response to a question by Sen. Daniel Inouye (D-Hawaii), Mitchell said, "Senator, in my understanding of executive privilege it is not Mr. Ehrlichman that can invoke it. It is, the President is, the only one who can invoke the area of executive privilege."

Asked about the apparent conflict between Ehrlichman's position on May 4 and Mitchell's statement, White House deputy press secretary Gerald Warren said the question of Ehrlichman's future testimony "is firmly covered" in Mr. Nixon's May 22 explanation on the Watergate affair.

In the statement, the President said executive privilege "will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct in the matters currently under investigation, including the Watergate affair and the alleged coverup."

Ehrlichman has not been interviewed by Senate investigators since May 4, Senate sources said, but will probably be questioned privately before making a public appearance before the committee.

Ehrlichman has denied any role in the planning and the coverup of the June 17, 1972, break-in at Democratic National Committee headquarters at the Watergate.