

Counterattack its success how it worked

The Evans-Novak column of 10/1/73 may presage what will come to pass. It is basically accurate in what it reports but the emphasis is not accidentally unfair. I think it may be the beginning of an attack on Dash who, judging from what he has done to date, will not be able to handle himself. The greatest unfairness is in ignoring the responsibilities of the members of the committee and their failure to control their own hearings. Had they not taken what they did, all in silence, from Ehrlichman and Wilson, then Haldeman and Wilson, then from Buchanan, the hearings would have been entirely different, especially with these characters talking at the hearings. All asked for being clobbered and all got away with all the acatalogued abuses. This is not Dash's faulty alone. The campaign against him from the Republican side has been obvious for a long time.

It now is at the point where I do not think the objective is as much to end the hearings as it is to end the possibility of accidents. This committee's record of performance has to be one of the very worst. There have been signs all along that it would stand still for anything and would not go a good job. From the time Ehrlichman opened his yap there has been no doubt. Bringing Mitchell in before him was a dead give-away. Nixon had no trouble reading the visible signal, so he needed no secret intelligence.

Except for the testimony of the spooks, Segretti, Ulaswicz, Caulfield, etc., I think we can now expect real partisanship disguised as a quest for fairness and balance.

The Buchanan testimony just might have been a bit different if Dash had not done the questioning. The attack on Lenzner by the GOPs because he conducted a proper and vigorous questioning that still was not nearly as tough as it should have been may be the reason the milquetoasty would not Lenzner, whose area it was question Buchanan. Buchanan could have been cut down fast and should have been. Had he been, whether or not calling him was worth the time, the result would have been different. Here again what was permitted to Ehrlichman was the advance signal. HW 10/1/73

Bad Times for the Watergate Committee

The humiliation visited upon the Senate Watergate Committee by presidential speechwriter Patrick J. Buchanan's virtuoso performance as a witness has confirmed a judgment privately but widely held here: although the committee's early phase was more successful it has turned in one of the poorest jobs in memory on a major investigation.

What's more, blame is universally put not on the committee chairman Sen. Sam Ervin of North Carolina, but on his chief counsel, Prof. Samuel Dash of Georgetown University Law School. Dash, enjoying much greater autonomy than the ordinary committee counsel without day-by-day supervision from Ervin, was treading into a highly political arena buttressed by not one iota of practical political experience.

Consequently, attitudes toward the Senate investigation have sharply changed. Whereas, the original stop-the-hearings movement was launched by White House propagandists as a means of easing the heat on President Nixon, it is now influential Democrats who are sounding that theme. They fear the anti-climactic last phases can neither enlighten the public nor help the Democrats.

The Buchanan fiasco points up, in exaggerated terms, the flaws of the Senate investigation that have significantly limited its effectiveness from the start. The decision to call Buchanan as a witness, over mild protests from the Republican minority staff, was made by Dash and assistant counsel Terry Lenzner without closely consulting Ervin.

Lenzner, a leftist ideologue who was fired from the Nixon administration's Legal Services program for being too much an activist, is in charge of the committee's current "dirty tricks" phase. His eye, no more politically attuned than Dash's, perceived Buchanan's memos — subpoenaed from the Committee for the Re-Election of the President (CREEP) — as dynamite. In line with the staff autonomy, senators had little or no chance to evaluate the material.

The summary of the staff's interview with Buchanan did not reach the senators until the night before he appeared in open session. One Democrat, Sen. Daniel Inouye of Hawaii, did not receive his until that morning. Had he seen it earlier, the politically shrewd Inouye would have urged that Buchanan not be called.

The result was Buchanan's meticulous demolition of Prof. Dash. While Dash unsuccessfully attempted to impute evil to Buchanan's schemes against the Democratic Party, Chairman Ervin commented under his

breath that he could see nothing wrong with much of it.

Buchanan is not the first witness to dominate the Watergate hearings. Dating back to John W. Dean III, witness after witness has determined the scope and direction of the inquiry in a format heavily stacked against the witness. But this lack of control scarcely flows from an excessive fervor for civil liberties, as witness the treatment of ex-White House political operative Charles W. Colson.

As Mr. Nixon's top political hatchet-man in days past, Colson rates little if any sympathy and was so treated by the Ervin Committee. At first anxious to testify, Colson's appearance was postponed four times and finally put off until after the August recess. When his lawyer then confidentially informed the committee that Colson faced possible grand jury indictment, that information was promptly leaked to the press. The committee next refused to postpone Colson's appearance in closed session and then insisted he go through the humiliation of taking the fifth amendment.

The committee's Democratic members shed no tears over Colson's treatment but were mortified by Buchanan's success. "It may have been Dash's decision, but Buchanan made damn fools out of all of us," one Democratic

member commented to a colleague. Consequently, there are rumblings about a tighter rein over the staff. Sen. Joseph Montoya of New Mexico, for one, would like to pass on future witnesses.

Many Democrats not on the committee want more. One important liberal senator feels the committee has produced sufficient data for legislation and "ought to close up shop — now." More politically, a senior Democrat outside Congress feels any more repetitions of the Buchanan fiasco will "make everybody forget what really happened at Watergate." His solution: end the hearings.

But Lenzner (called by angry critics the Rasputin of the Watergate Committee) has prepared his dirty tricks case, and the hearings will continue this week. However, Republican counsel Fred Thompson tells Dash that he has two or three weeks of potential hearings on Democratic dirty tricks in 1972.

The outcome may be a negotiated settlement — each side holding back full revelations of the other's dirty tricks in the interest of time. That courtship sharply to the bipartisan mood last May when the committee embarked on a solemn inquest into historically tragic events.