

Haig Ordered to Keep Silent

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President Nixon ordered White House chief of staff Alexander M. Haig Jr. not to answer questions before the Senate select Watergate committee yesterday, despite Mr. Nixon's promise of a year ago not to invoke executive privilege in the Watergate investigation.

Haig, appearing under subpoena at a closed meeting of the Senate committee, presented a letter from Mr. Nixon instructing him not to answer any questions. Then, on the spoken advice of Mr.

Nixon's special Watergate lawyer, James D. St. Clair, Haig refused during half an hour of interrogation to answer a series of questions about a \$100,000 payment made by billionaire Howard Hughes.

It was the first formal invocation of executive privilege by a senior White House official since Mr. Nixon pledged on May 22, 1973, that "executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters presently under investigation, in-

cluding the Watergate affair and the alleged cover-up."

Haig's refusal to testify was consistent, however, with the new hard-line position that the White House has apparently chosen to take following the release Tuesday of edited transcripts of President Nixon's White House conversations with aides concerning the Watergate affair.

In addition to ordering Haig to claim executive privilege before the Senate committee, President Nixon refused Wednesday to comply

See HAIG, A15, Col. 1

HAIG, From A1

with a subpoena for more tapes and documents demanded by Special Watergate Prosecutor Leon Jaworski. St. Clair said at a press briefing Wednesday that the White House would not release transcripts concerning a variety of other matters being investigated in connection with the Watergate affair.

Haig was called before the Senate committee to answer questions concerning the payment of \$100,000 by Howard Hughes to President Nixon's friend, Charles G. (Bebe) Rebozo, according to informed sources. The committee has been investigating the \$100,000 transaction for several months, trying to determine among other things, the purpose of the

payment and whether the money was used or kept untouched in a safe deposit box as Rebozo and Mr. Nixon have asserted.

Informed sources say that President Nixon's former attorney, Herbert W. Kalmbach, has testified under oath before the committee that Rebozo either lent or gave portions of the \$100,000 to Mr. Nixon's secretary, Rose Mary Woods, and to his brother, F. Donald Nixon.

During his appearance yesterday, Haig was asked only some four or five questions beginning with a request for him to describe his duties as White House chief of staff, sources said. Haig refused to answer that question and all subsequent questions, the sources said.

The other questions concerned whether Haig had discussed criminal actions with any other individuals,

whether he had called then Attorney General Elliot L. Richardson on Oct. 18, 1973, about the \$100,000, and whether Haig had discussed the \$100,000 with any of several persons, including Miss Woods, Kalmbach, Donald and Edward Nixon, Rebozo, former White House chief of staff H. R. (Bob) Halde- man and former top presi- dential domestic adviser John D. Ehrlichman.

In his letter, dated May 2, Mr. Nixon said, "It would be wholly inappropriate for the committee to examine you about your activities as chief of staff or about information that has come to you in that position since your assump- tion of your present duties in May, 1973, or in your ear- lier position as a member of the National Security Coun- cil."

Mr. Nixon said that the White House chief of staff "is inevitably very close to the President and functions as the President's right arm. He is often the means by

which the President com- municates with his lawyers on matters that are within attorney-client privilege."

In addition, Mr. Nixon said in the letter to Haig, "In your former capacity as a senior member of the Na- tional Security Council staff, you dealt with the most sensitive categories of information relating to the national security."

As far as could be deter- mined, however, none of the questions asked of Haig yes- terday had any relationship to national security matters. The edited White House transcripts have revealed, among other things, that Mr. Nixon often discussed with aides using national se- curity as a justification for refusing to release informa- tion concerning Watergate- related matters.

The Senate Watergate Committee's chairman, Sen. Sam J. Ervin Jr. (D-N.C.), told reporters yesterday that executive privilege covers only privileged communica-

tions between a President and his aides concerning the discharge of their lawful duties and functions under the Constitution.

Ervin declined to discuss what Haig had been asked, but he did say the questions covered conversations be- tween Haig and others con- cerning campaign contribu- tions.

Chief committee counsel Samuel Dash noted that no claim of executive privilege was asserted last August by Mr. Nixon when former chief of staff Haldeman testi- fied before the committee.

Dash declined to say whether he would ask the committee to cite Haig for contempt because of his re- fusal to testify. "The matter is being presented to the committee for whatever ap- propriate action the commit- tee wants to take," Dash said.

The only other blanket in- vocation of executive privi- lege by Mr. Nixon in dealing with the Senate committee

occurred last summer when he refused to allow Secret Service agents to answer any questions concerning the tape recording system that Mr. Nixon had had in- stalled to record his conver- sations in the White House Oval Office, his Executive Office Building office and on some of his telephones.

Dash said that executive privilege had been invoked by some White House aides questioned by the commit- tee on specific points, but not in the blanket manner employed yesterday by Haig.

Dash said the investiga- tion of the \$100,000 "may go up to the last minute" of the committee's mandate, which expires May 28. If the inves- tigation is not completed, Dash said, the committee will turn its record over to the House Judiciary Com- mittee which is investigat- ing grounds for Mr. Nixon's impeachment, and to the special prosecutor.