

Excerpts From Deposition by Ehrlichman

Special to The New York Times

WASHINGTON, June 5—
Following are excerpts from the deposition given under oath by John D. Ehrlichman, former assistant to President Nixon for domestic affairs, in a civil suit by the Democratic National Committee on the Watergate case. The deposition was made May 22 and 23 and was released today.

Q. Now at the time that this conversation was held with Mr. [Gordon C.] Strachan [of the White staff] in mid-April, 1973, had you been assigned to conduct an investigation into the "Watergate affair"? A. Yes, I had.

Q. Did that instruction come from the President? A. Yes.

Q. Was there anyone else assigned to that investigation at the White House? A. Not that I know of, not at that time.

Q. And did you conduct that investigation by speaking to various persons whose names had arisen in the press or whose names had come to you through other methods, through other sources? A. Yes, I talked to a number of people.

Q. Mr. Ehrlichman, will you tell us, please, the contents of the conversation which you had with Mr. Magruder on or about April 14, 1972, relative to the Watergate affair?

A. A number of proposals were made for the establishment of an information- and intelligence-gathering facility in the months of, I believe, January and February of 1972.

There were meetings between Gordon Liddy and John Dean and Jeb Magruder and John Mitchell at which Gordon Liddy presented a proposal for the creation of a very elaborate intelligence-gathering organization—at the first meeting.

This was so grandiose and so extreme in its concept that it was rejected by the other three gentlemen out of hand.

Surveillance Proposed

There was a modified proposal at the second meeting by Liddy which was also rejected. It was understood that Liddy and Magruder would then try and work out a realistic proposal for resubmission and this effort resulted in Mr. Magruder going

in Democratic Suit in

6-6-73
NYT

Watergate Case

to Florida to meet with John Mitchell and, I believe, Fred LaRue was also present at that meeting to discuss a considerably modified and curtailed proposal.

The proposal which was presented at that Florida meeting specifically contemplated and proposed electronic surveillance of the Watergate Democratic National Committee headquarters, the Fontainebleau Hotel during the Democratic convention, and one other place which I can't recall but which my notes, I think, have noted.

Q. Would that have been McGovern or Muskie headquarters?

A. One or the other, yes, and I don't recall which.

On one occasion John Dean told me that he had been told by Magruder that John Mitchell had literally signed off, that is in writing, on a proposal for three electronic surveillance sites.

Magruder told me that prior to the Florida meeting he and Liddy had not arrived at a meeting of the minds on what the proposal should be and during that period of indecision he received a telephone call from Mr. Colson urging him to go forward with intelligence-gathering operations.

I asked him whether Mr. Colson had in any way indicated the nature of the intelligence-gathering which he urged.

He said that in that conversation and, in fact, in all conversations that he had ever had with Mr. Colson there were no suggestions that illegal or electronic or bugging or tapping or other such activities should be conducted.

Quick Solution Urged

He said that the thrust of Mr. Colson's conversation with him on the occasion of this call was that there was no information-gathering capability in general but he did not in that conversation make any specific proposal as to means or method.

He was urging a quick resolution of the indecision. That was the essence of it as I got it.

It was after that phone

call, not necessarily as a result of it—although I had invited Mr. Magruder's attention to any contacts he had had from the White House because that was one of the things the President asked me particularly to look into—it was in response to that inquiry on my part that he mentioned this call from Mr. Colson. I believe there was only one, at least at this juncture.

After the Florida meeting—and my impression is that that is in March of 1972—and I gather late in March. It could have been April. I am not sure. I don't recall.

There were actually two entries into the Democratic headquarters. The first one was for the purpose of installing electronic devices and apparently examining whatever was on the premises.

He said that the results of

the surveillance were very poor. There was Mr. Oliver whose telephone was bugged. They learned a great deal more about Mr. Oliver than anybody really wanted to know.

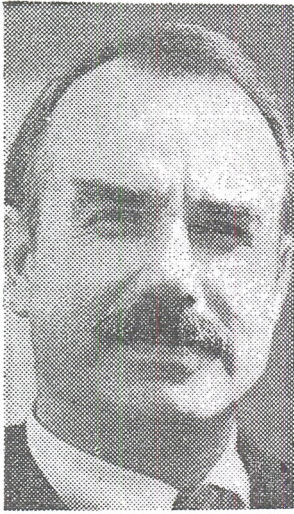
The attempt to monitor Mr. O'Brien's conversations was apparently mechanically a failure.

Mr. Mitchell was made aware of the — was given the results of the surveillance. I don't know whether it was logs or in what form, but he was aware of the unsatisfactory results.

Mr. Magruder told me that Mr. Mitchell very vigorously criticized Mr. Liddy to his face, so to speak, and that the second entry was not by reason of any prior planning on the part of either Mr. Mitchell or Mr. Magruder or others responsible but was a reaction by Mr. Liddy to the heavy criticism that he received for the inadequate results of the first entry.

Q. In other words, he was a self starter.

A. Mr. Magruder said that in the couple of days prior to the second break-in he



United Press International
G. Gordon Liddy



Jeb Stuart Magruder



John D. Ehrlichman



Associated Press
John W. Dean 3d

was out of the city, I think, out on the West Coast, and that the second break-in was as much of a surprise to him as it was to most people.

He said that his relations with Liddy had been steadily deteriorating over the months of early 1972 and that around the middle of March of that year Liddy had actually threatened his life.

He said that Liddy had been known to carry a gun, that he considered him to be a rather unstable character and he wanted to fire him, that instead he transferred him to the finance committee, or talked the finance people into taking him, something of that kind, and that this transfer contributed to the delay in the final decision on whether or not there would be an intelligence-gathering activity; that he was approached by Fred LaRue and also by Gordon Strachan to urge him to take Mr. Liddy back in order that his intelligence-gathering activities could go on.

I would want to footnote and refer back at that point.

Mr. Strachan was asked about this and it was stated to me that that conversation never took place but that Mr. Magruder had approached him at a later time and urged him to corroborate his, Mr. Magruder's testimony in that regard. There is a conflict in the testimony there.

Q. Did you get the understanding from Mr. Magruder that the final proposal was the result of a step-by-step reduction of the original grandiose proposal?

A. Yes, he referred to them by dollar amounts.

The first one was the \$1-million proposal which he said was a figure which had been suggested by John

Dean, or at least that's what Liddy had told him.

The second was the half-million-dollar proposal and the final one, as I recall, was in the neighborhood of \$200,000 or \$250,000.

Preparation of Charts

Q. Was there discussion at any of these meetings, from what you gathered, from Magruder relative to the funding to those proposals?

A. I don't recall that he told me anything about the funding.

Q. Do you recall whether you made any inquiries as to how these proposals were going to be funded? A. I don't believe I did.

Q. Did he mention anything to you about charts which Gordon Liddy had prepared? A. Yes, and there had been quite a lot about charts in the papers about that period of time and I asked him about that and he said it was the first meeting where Liddy had come with charts and quite a display.

Q. Did he give you any description of those charts? What was on them? What they showed? What they proposed? A. I think he told me about the code names in relation to those charts but I don't think I asked him and I don't think he told me what the charts themselves showed. I gather they were budgetary displays primarily.

Q. What code names did he mention to you? A. He mentioned "Gemstone."

Q. The President stated, I think in his speech of April 30, that he had received certain information around the 19th of March as I— A. 21st.

Q. —21st of March? A. Yes, sir.

Q. Do you know what in-

formation that was? A. Not specifically.

Q. Do you know where the information came from? A. I assume he received it from John Dean but I can't say that of personal knowledge.

Q. Will you give us whatever details you can recall, sir, concerning the threat which Liddy made upon Magruder? A. Magruder put his hand on Liddy's shoulder or touched him in some way and Liddy reacted very violently.

Q. Did he strike Mr. Magruder? A. He did not. He just threatened to kill him. And what the conversation was that was the context for that I don't know and nobody said.

Q. You did not ask Mr. Magruder? A. I didn't.

A. And he did not volunteer it? A. No.

Q. Did you ask whether anyone else was present when that threat was made or did Mr. Magruder volunteer that information. A. I can't recall.

Q. Do you know where that threat was made? A. I believe in the committee offices, and I am not sure where.

Q. And that this occurred in approximately mid-March, is that correct? A. That's my recollection but I believe I have a specific date in the notes on that.

Q. And in your meeting with Mr. Magruder he told you that he felt Liddy was an unstable character? A. I am not sure he used the word "unstable." That is my word. But he indicated he was uncomfortable working with him side by side, so to speak.

Q. Did he say why LaRue

and Strachan urged him to take back Liddy?

A. He said LaRue said, "We need that operation," or words to that effect and he attributed to Strachan the statement that — something to the effect—

Again, I have a note on this and I hate to trust my recollection but he attributed a statement to Strachan on that point which I think I'd want to refer to the notes to be sure I have it exactly right.

And this was, of course, the point of contention between him and Strachan as to whether that had actually taken place or not.

Q. Will you tell us, please, the contents of that conversation [with Pau O'Brien, an attorney for the Finance Committee to Re-elect the President]?

Warning to President

A. He reviewed, in quite a bit less detail than Mr. Magruder had, the genesis of the intelligence-gathering effort. That is the meeting with Mitchell, Dean, Magruder and Liddy — that is, between them.

He said that these all took place in the city of Washington, that they ended with a disapproval of the proposal, that it was his belief and understanding that Mr. Mitchell assumed at all times that the matter had been disapproved.

That as far as I can now recollect—and here again I would like to have recourse to my notes before assuring you on this because it's not a strong recollection—that the responsibility so to speak for the decision to go forward did not go higher in the

Committee to Re-elect than Mr. Magruder, that John Dean was strongly implicated in the genesis of this matter and I gather that one of the principal reasons for his coming to talk to us was to warn the President about John Dean's involvement.

He traced the origins of the intelligence capability to a proposal called Sandwedge in September or 1971 which he described as being discussed at a meeting between Mr. Dean, Mr. Caulfield and himself. He said that Liddy was introduced as the new man in place of Caulfield, apparently, in November of '71 and that the original million-dollar proposal was a proposal by Dean and Liddy.

I asked him specifically then about how involved

Dean was and he described his activities as quite active and then he termed the sequence of meetings as I have described it. The Colson telephone call in which he referred to the proposal as projects—he said he never said wiretap or words to that effect. Strachan was his primary contact. Strachan talked to Magruder. Mitchell was negative with regard to all of these proposals through this period of time.

The Key Biscayne conversation of Magruder, Mitchell to be tapped would be Watergate, the McGovern headquarters and the Fontainebleau.

Mitchell 'Chewed Him Out'

Colson told him that they needed information on Larry O'Brien.

Magruder described this as a nondecision; that really nobody was tribly enthusiastic with the undertaking but they had to do something to acquire general information about the opposition and it was almost decided by default is the implication. He said Strachan was informed orally that an intelligence capability had been begun, which was referred to as Liddy's project.

Here my notes don't help me much. There was a budget that described bugs in it and I can't tell from my notes whose budget it was and I can't recall. I guess Liddy's; Liddy had prepared a budget that explicitly said six bugs at so much money apiece and so forth. There was only one copy of the Gemstone synopsis. Magruder had it. It included photographs of papers.

He, Magruder, showed the synopsis to Mr. Mitchell. Mitchell called Liddy and chewed him out. I think I testified that he did that in person. I am not so sure of that. My notes say he called Liddy in Magruder's presence. I think Strachan may have seen the synopsis.

At least, he told Strachan, "I have got them here." He says he may have read them. I pressed him on this question, whether, in fact, Strachan actually saw or read any of these synopses and Magruder could not testify that he had. He fired Liddy March 20; that is to say, he sent him to Mr. Stans. He was terminated from other activities. LaRue and Strachan, I have already said, are supposed to have urged him to take him back.

He said, of course, that LaRue was in on the tap.

Other than that Magruder said only that Bob Haldeman

was implicated only by prior association with the individuals who had gone over the Committee for the Re-election and that I was of interest to the United States Attorney by reason of my relationship to Mr. Dean. Somewhere back here he said that Dean, Dick Howard and some of Chuck Colson's people had been involved in advertisements and pickets and other activities but nothing illegal.

Objectivity Is Doubted

Q. Going back to your notes of your interview with O'Brien, Paul O'Brien, have we covered all references in your notes to what he said pre-June 17 within your guidelines?

A. He said that in May there had been an entry and a bug had been planted. Neither Mitchell nor Dean knew of the May or June break-ins. Magruder did. That is substantially what I mentioned before. He cautioned against Dean's ability to be objective in this matter. He said Magruder's testimony would reach Strachan, Halde- man, Colson and the President. I said, how does Magruder's testimony reach the President? He said Magruder fired Gordon Liddy. Gordon Liddy went to Strachan. Strachan said to Magruder, the President wants this project to go on. Now, that of course, is controverted by Mr. Stachan, who says that conversation never took place.

Q. Didn't Mr. O'Brien indicate to you where that information came from to him?

A. I gathered that it came from Magruder. I have that notation all the way through.

Q. Did you ever ask Magruder specifically that question? A. No. I had not talked to Strachan before I saw Magruder so I didn't know that Strachan controverted that until after I had seen Magruder, so I didn't ask him about that. He said Dean is the key problem. That was in response to my question about White House involvement and who in the White House might be involved.

Q. Did you inform the President of what Paul O'Brien had said? A. Yes.

Q. Did you do that at the completion of your investigation or shortly after you saw Paul O'Brien? A. I think I immediately gave him just a very cursory report of my O'Brien had come. But I did not go into very much specific detail with him.

Q. Did you have any conversation with your investi-



Mrs. Sally J. Harmony, former secretary of G. Gordon Liddy, Watergate conspirator, responding yesterday to a question from Senator Howard

H. Baker Jr., second from left. Others at the table are counsels Fred D. Thompson, left, Samuel Dash, right, and Sam J. Ervin Jr., chairman.

The New York Times/George Tames

gation with Mr. Colson?

A. Yes, I did Mr. Colson advised me that he understood that the second break-in was opposed by Howard Hunt but that Mr. Liddy said to Mr. Hunt, "We can't call it off. We are doing this on Mr. Mitchell's order. We must go ahead."

This was in relation to Mr. Colson's prediction of what Howard Hunt would testify to when recalled before the grand jury, which had not yet occurred and was then going to be upcoming. He said he thought that Hunt would corroborate McCord's testimony without being more specific than that.

Q. Did you have any interviews or conversations, telephone or otherwise, with Hugh Sloan? A. I have had one conversation with Mr. Sloan which took place

several weeks after the break-in.

Q. In the conversation did he state to you anything involving the Watergate matter which preceded June 17, 1972 A. I would say no.

Q. Did he say anything to you about his concern about the handing out of large sums of cash to certain people without his knowing what the cash was to be used for? A. No, he didn't get that far. I cut him off before he got at all specific with me.

Q. What was your reason for cutting him off?

A. Well, it appeared to me that he was about to make some admissions against interest. He was obviously very distraught.

I was concerned, I guess, primarily for his welfare. I asked him if he were represented by an attorney. He said he was not. I suggested to him strongly that before he talked to anybody who worked for the Federal Government that he go and talk to his own lawyer, and that then if he had anything that he wanted to say, fair enough, he could talk to the authorities and do as his attorney advised him to do.

Q. So that in your conversation with Sloan you never got into any details?

Talks With Haldeman

Q. Would you tell us, please, to the best of your recollection, the substance of the various conversations you had with Mr. Haldeman relative to the break-in at the Democratic National Committee headquarters?

A. I focused with him primarily on what Strachan's

role was, what Strachan did, how he functioned, and the question of the fund and question of John Dean's assignment and role during that pre-break-in period.

He told me that Strachan was used as a kind of a data bank and that it was his, Strachan's, job to accumulate information that he received by any means but he was obliged to have available information or be able to find information about what was going on in the campaign either at the national level or state and local levels pretty much on demand and so he was a sort of an accumulator or a way of getting information out of whoever had it. He had virtually no discretion as it was described to me.

His functions were purely ministerial and he had almost free run of the Committee to Re-elect the President and to accumulate information. There would be substantial periods of time in which no claim was made on him at all for information and then there would be other times when he would be very, very busy providing information which either the President or Haldeman or somebody wanted with relation to the campaign operation.

Q. Did you have any interview in the course of your investigation with John Dean? A. I had a number of conversations with John Dean.

Q. As you know, there has been much in the various news media relative to an investigation which John Dean is supposed to have carried out involving the Watergate last summer, which investigation obviously, I think, concerned events prior to June 17, 1972. Did you have conversations with him in the context which you have just outlined for us relative to what his investigation showed?

Reports Made by Dean

A. Well, Mr. Dean was developing sources rather early in the weeks following the break-in and from time to time he would report: upon the identity of the burglars in the first instance, the identity of their counsel, his predictions of what they might say or do, what their pleadings might be, what their positions would be in the lawsuit. He reported on involvement of Hunt and Liddy as those facts began to surface. At one point, I believe in the month of July, I had a meeting attended by Mr. Dean in which it was re-

ported, and I can't say he reported it, but it was reported in the meeting and I think he was the one who reported it, that Jeb Magruder would probably be taking the Fifth Amendment.

Mr. Dean was following closely the progress of the F.B.I. investigation. He was seeing a lot of the 302's or whatever the number of the F.B.I. reports are that come from the field offices into the F.B.I. headquarters. He was sitting in on F.B.I. interviews of White House and former White House personnel and was keeping himself abreast of the investigation developments as they related to the conduct of these individuals prior to the break-in. By the end of July he was telling us, and not only me but a lot of people in the White House —

Q. Will you set forth to the best of your recollection who he was telling? A. Moore, Ziegler and Haldeman would be others—that there was no evidence to indicate the involvement or implication of any White House people in the planning or execution of the break-in.

Q. Now, when the Erwin committee came, did you then resume your conversations with Mr. Dean relative to the Watergate matter?

A. Well, in point of fact, there was a rather vigorous effort at that time to determine what the response of the White House would be and should be to the inevitable invitations of the Ervin committee. And in the course of discussions on that subject, it became, again, apparently desirable to publish a definitive written work on the Watergate ahead of the Ervin committee proceedings. So we began a round of conversations on a lot of associated topics.

Q. Let me interrupt you now. Was that a specific project which the White House had decided to undertake, as you phrased it, "the publication of a definitive work on the Watergate?" A. Well, no, we never got that far. We began explorations of what that might be.

Q. Whose decision was this?

A. Basically, it was the President's decision. He wanted to get something out early.

Didn't Want Responsibility

In the conversations that we had in February it was pretty clear that we were not getting the facts. He [Mr. Dean] was not being forthcoming with us on the facts either because he didn't

know them or because he didn't feel that he could disclose them to us.

This was Dean's baby. The minute that I got into it and began arrogating his responsibility, I would end up with it, and the Lord knows I had enough other things to do. That was the last thing in the world I right then wanted to have happen to me, was to have to assume other responsibilities.

Q. What led you to believe that he may not have been entirely forthright in his either gathering or disclosure of the facts? A. I must admit that is hindsight. I did not form that impression at the time. In looking back on it and in tracing sort of the course of events as they took place subsequent to that, that's my present hindsight hunch about this.

Q. Did you ever receive from him a memorandum or a statement of the facts? A. No.

Q. Did you ever ask him for such a statement?

A. Oh, yes. He was pressed continually, particularly by Mr. Haldeman, not so much by me. During the Gray confirmation, Mr. Dean was under fire quite a bit. He indicated that he just couldn't get to it. Finally, the President said, we will send him to Camp David and have him hole up there until he can produce it. So, on about the 22d of March, I guess it was, 23d, somewhere along in there, he went to Camp David. He was there for six days. He came down on the night of the 28th and delivered nothing.

Q. Did you see him when he returned? A. I did not.

Q. Did Mr. Haldeman? A. I

believe he did. At least, he talked to him. It was within 24 hours after that that the President relieved him.

Q. That would have been the end of March? A. Yes. The President called in on the 30th and said, "My suspicions are crystallized and I want you to get into this."

Q. And make your investigation? A. And make the investigation.

President's Suspicions

Q. Did the President indicate to you what his suspicions were? A. Well, he said that it was evident to him at that point that Dean was in the thing up to his eyebrows. The President, incidentally, had had a number of conversations with Dean starting, I think, the last week in Feb-

ruary and running through the time that he sent him to Camp David.

Q. Were those personal or telephone conversations? A. They were personal conversations.

Q. Was anyone else present? A. I don't know.

Q. Where were you ever present?

A. No, I never was. But it was evident from what the President said to me on the 30th that through those conversations he had a growing awareness of Dean's personal involvement in this and that his sending him to Camp David apparently was a device to smoke him out and see what he would set down on paper, and that when he came back and said that he couldn't write anything down, that did it.

Mitchell Choices Indicated

This is based either on a conversation which Mr. Dean had with Mr. Mitchell or Mr. Magruder had with Mr. Mitchell and reported to Mr. Dean—one or the other and I can't recall which—was that the proposal for the electronic surveillance of the three locations was a written proposal and that Mr. Mitchell had actually in writing selected those premises which were to be bugged from a number of choices. It is my recollection that Dean told me that he, Dean had confronted Mitchell with this and had stated that to Mitchell as his hypothesis of the manner in which the project had been approved, and that Mitchell had, in effect, acquiesced or, in effect, had actually acquiesced in the hypothesis presented by Dean in the conversation.

Q. Now, by that you mean that Dean told you that Mitchell had actually signed a piece of paper in which the subjects or objects of electronic surveillance were proposed, thereby indicating his approval of the project? A. Not necessarily signed. But in writing indicated his choices by circling or checking or some other way selecting his choices.

Q. And that subsequent to that time Dean mentioned

this to Mitchell as being the basis for the approval of the illegal electronic surveillance and Mitchell acquiesced—that was, in fact, in his own mind the basis for the approval? A. Substantially, yes, as you have said it.

Q. Did he indicate to you or, if the information came from Magruder, did Magruder indicate to you when that second part, acceptance of the hypothesis as you put it, when that conversation was had either with Mr. Mitchell and Magruder or with Mr. Mitchell and Mr. Dean?

A. It is my recollection that Dean told me that he had gone to see Mitchell and I gather that would have been in the late winter or early spring of 1973, and had that discussion with him. This disclosure to me by Dean was the basis for my questioning Magruder as I did about the form of the approval in Key Biscayne at the time that the proposal was submitted at the Mitchell-LaRue-Magruder meeting. Of course, Magruder's testimony was that the approval was oral.

Corroboration Sought

Q. You indicated earlier you weren't sure whether that information concerning the acceptance of the hypothesis was either from Magruder or Dean and now you are saying you are pretty certain, I gather, it was from Dean? A. I believe so.

Q. And then when you interviewed Magruder you attempted to obtain a corroboration of a written sign-off, so to speak, on this project?

A. Right.

Q. Now, did you have any conversations with John Mitchell relative to the pre-June 17 events and the Watergate break-in? A. Yes, I did.

Q. Did he tell you that he had no knowledge of the pre-June 17 events? A. Not in so many words. He presented me with some rather bald conclusions. He didn't go into the facts with me. He didn't appear to be willing to go into the facts with me beyond stating some general assertions.

Q. You made it clear, did you not, that you were speaking to him on behalf of the President in connection with this matter? A. Yes, sir.

Q. How long did that conversation last, Mr. Ehrlichman? A. I would think 20 minutes, perhaps.