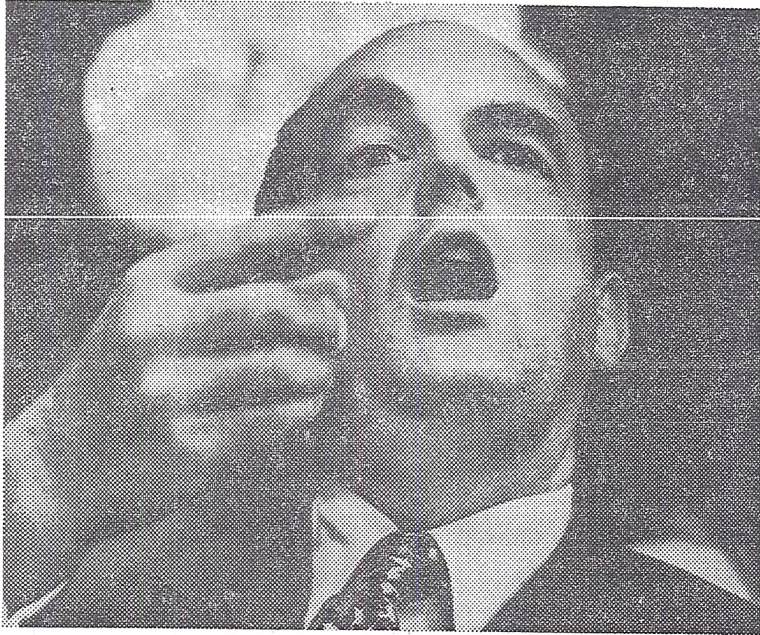
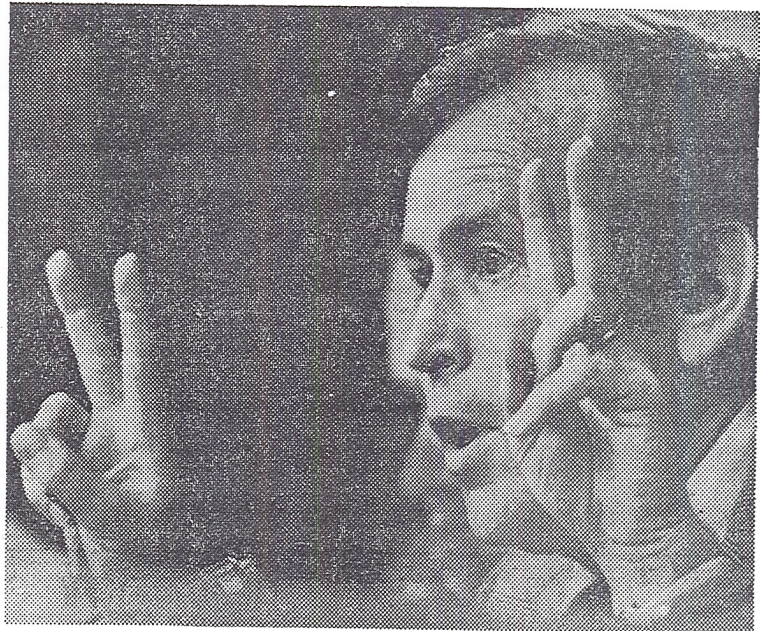
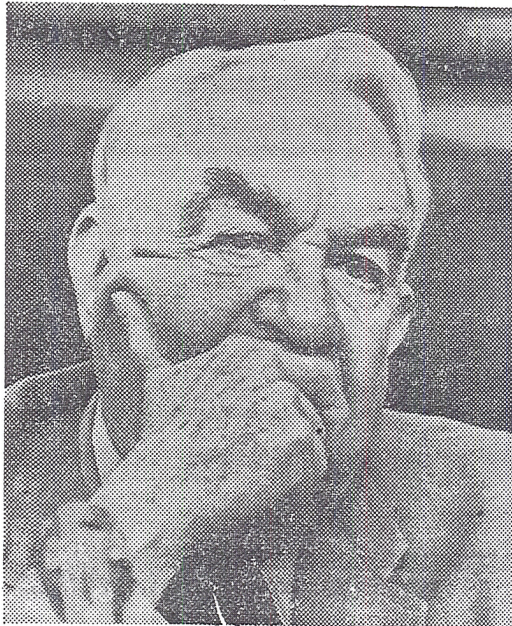


EHRlichman DENIES COVER-UP ROLE; SAYS NIXON BARRED CLEMENCY IDEA; DISPUTES DEAN, MITCHELL AND GRAY



The New York Times/ Mike Lien; Associated Press

Above: John D. Ehrlichman, left, and his lawyer, John J. Wilson, giving their views on Presidential powers. Below: Senators Sam J. Ervin Jr., left, and Howard H. Baker Jr. during the exchange on interpretation of law.



TONE IS SOFTENED

Witness Is Questioned Sternly but Calmer Mood Prevails

7/26/73

By JAMES M. NAUGHTON

Special to The New York Times

WASHINGTON, July 25 — John D. Ehrlichman categorically denied today a series of charges linking him to the Watergate cover-up and insisted that he never sought President Nixon's pledge of executive clemency for the conspirator E. Howard Hunt Jr.

The former Presidential adviser told the Senate Water-

*Excerpts from the testimony
Will be found on Page 28.*

gate committee, "The President wanted no one in the White House to get into this whole area of clemency with anybody involved in this case."

Authoritative White House sources said, meanwhile, that a Federal court would be asked tomorrow to set aside at least one of three subpoenas directing Mr. Nixon to produce confidential documents and tape recordings that might show who was telling the truth in the Watergate case.

Witness Les Testy

Mr. Ehrlichman, who repeatedly quarreled with the Senate investigators when he testified yesterday, was considerably less belligerent today. But late this afternoon he snapped to the committee chairman, Senator Sam J. Ervin Jr.:

"The chairman has the delightful trial room practice of interrupting something you don't want to hear."

The Senators, for their part, sought today to create an atmosphere of decorum in the caucus room of the Old Senate Office Building. Senator Ervin, a North Carolina Democrat, and two of his colleagues admonished spectators several times against the outbursts of applause, laughter or cynical

groans that characterized their reactions yesterday.

Even so, the Senators contended at length with Mr. Ehrlichman over his persistent denials of involvement in the events cited by a string of prior

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witnesses at the Senate hearings.

Mr. Ehrlichman challenged the testimony of John W. Dean 3d, the former White House legal counsel, who swore that Mr. Ehrlichman had told him to throw into the Potomac River politically sensitive documents taken from Hunt's White House safe shortly after the June 17, 1972, burglary of Democratic headquarters at the Watergate.

"It would have been folly," Mr. Ehrlichman declared, to have made such a suggestion to Mr. Dean when others had witnessed the removal of the documents from Hunt's safe.

Disputes Gray's View

Similarly, Mr. Ehrlichman, under questioning by Senator Edward J. Gurney, Republican of Florida, took issue with a contention of L. Patrick Gray 3d, former acting director of the Federal Bureau of Investigation. Mr. Gray said that when he destroyed the Hunt documents, he acted on the basis of a June 28, 1972, meeting with Mr. Ehrlichman and Mr. Dean. Mr. Gray told Government investigators that he subsequently burned the documents that they should "never see the light of day."

The only suggestion he made to Mr. Gray at the meeting, Mr. Ehrlichman contended today, was that it would be best if the documents did not get into the hands of F.B.I. agents in the Washington field office who might "leak" them to the press.

Mr. Ehrlichman also disputed the testimony of John N. Mitchell, the former Attorney General and director of the President's re-election campaign, on two key points.

Says He Gave Briefing

Mr. Ehrlichman insisted that, contrary to Mr. Mitchell's account, he gave the former Attorney General a briefing in 1971 on the activities of a secret White House investigative unit, called the "plumbers,"

that was trying to stop leaks of Government secrets.

Furthermore, Mr. Ehrlichman said, he did not discuss with Mr. Mitchell the "plumbers" unit activities of Hunt and G. Gordon Liddy, another convicted Watergate conspirator, after Hunt and Liddy were implicated in the burglary at the Democratic National Committee's offices.

"I think Mr. Mitchell's recollection of this general subject may be a little hazy," Mr. Ehrlichman told Senator Daniel K. Inouye, Democrat of Hawaii.

Mr. Ehrlichman, who was the President's senior domestic adviser before resigning under fire on April 30, refused under stern examination by Senator Inouye to acknowledge any impropriety in his approach last spring to the Federal judge presiding over the Pentagon papers trial.

Denies Ulterior Motive

The witness declared that it would have been "extraordinarily improper" for him to have advised Judge William Matthew Byrne Jr. that Hunt and Liddy had burglarized the office of a psychiatrist who had treated Dr. Daniel Ellsberg, the trial's most prominent defendant.

But he continually insisted, on the other hand, that there had been no ulterior motive in meeting with Judge Byrne twice during the trial to sound him out on his willingness to accept the directorship of the bureau.

Despite his own testimony that the President regarded the Ellsberg case as a matter of paramount national importance, Mr. Ehrlichman said that the meetings, at Mr. Nixon's direction and with the concurrence of the then Attorney General, Richard G. Kleindienst, had been motivated solely by the search "to get the best man that we could to be director of the F.B.I."

Senator Inouye's interrogation of Mr. Ehrlichman was the best illustration of the different atmosphere in the hearing room today. The questioners were openly hostile yesterday and the witness defiantly curt.

Almost Gentlemanly

But Mr. Ehrlichman and Senator Inouye were almost gentlemanly as they engaged in a sharp colloquy this afternoon.

"Every act on your part was legal, proper and ethical?" the Senator asked.

"That is my belief and I trust that it is true," the witness responded.

"If that is the case," Senator Inouye asked blandly, "why did the former Attorney General of the United States cite your resignation as evidence of the

President "lowering his boom" on those involved in Watergate.

Placid, unperturbed, but assertive, Mr. Ehrlichman replied that Mr. Mitchell must not have been aware of the President's motives in accepting his resignation.

"If you are clean, why did he fire you?" the Senator asked in a monotone.

"He didn't fire me, sir," Mr. Ehrlichman declared.

The witness gave Senator Ervin a detailed explanation of his departure from the White House along with H. R. Haldeman, the former chief of staff.

He said that the President had been "quite content" to let them go on a leave of absence while they battled the Watergate allegations against them. But Mr. Ehrlichman said that he and Mr. Haldeman had agreed that such a plan was "not viable" and so they had "proposed to the President that we make a clean break."

It took the members of the Senate Select Committee on Presidential Campaign Activities 90 minutes this morning to get to the subject central to their investigation—the Watergate break-in and its cover-up.

Resuming their preoccupation with a subject they examined in some detail yesterday, the committee members delved deeply into the legal and constitutional issues involved in Mr. Ehrlichman's contention that President Nixon had inherent authority to approve the September, 1971, burglary of Dr. Ellsberg's psychiatrist.

A Scholarly Debate

As Mr. Ehrlichman sat mute at the witness table, occasionally pursing his lips or rapping his hands on the arm of his chair, his lawyer, 72-year-old John J. Wilson, and 76-year-old Senator Ervin engaged in a scholarly, and sometimes humorous, debate.

The two white-haired experts on constitutional law peered at each other across 10 yards of tabletops as each refused to budge from his view. Mr. Ervin contended that a President had "no inherent power to steal documents from a psychiatrist's office" and Mr. Wilson held that the President had a "reservoir of power" to do virtually anything to further "national security."

Senator Herman E. Talmadge, Democrat of Georgia, picked up the theme later, but addressed himself to Mr. Ehrlichman.

"Now, if the President could authorize a covert break-in," the Senator began, "and you do not know exactly [how] that power would be limited, you do

not think it could include murder or other crimes beyond covert break-ins, do you?"

Uncertain of the Line

"I do not know where the line is, Senator," Mr. Ehrlichman said.

The witness professed to be something short of an expert on constitutional law, but Senator Talmadge pursued the issue anyway, citing the theory of English common law that "no matter how humble a man's cottage is, even the King of England cannot enter without his consent."

"I am afraid," Mr. Ehrlichman said, "that has been considerably eroded over the years, has it not?"

Senator Talmadge shot back, "Down in my country we still

think it is a pretty legitimate principle to law."

The audience broke into appreciative laughter and applause. It did so again minutes later, when Senator Talmadge sought Mr. Ehrlichman's explanation as to the President's authority to approve a bank robbery to obtain classified documents in the vault.

Audience Is Chided

But Senator Ervin gavelled for order and sternly warned the audience to "refrain from expressing its approval or disapproval of anything which occurs in connection with the interrogation of the witness."

Senator Talmadge agreed, saying that order must be preserved despite any "emotion" among the spectators. And Senator Howard H. Baker Jr. of Tennessee, the Republican vice chairman, chimed in that the committee's "tough job" would not be any easier if the public thought that "we are cast in the role of conducting a circus."

Senator Gurney was the first member of the panel who sought, in more than a day of interrogation of Mr. Ehrlichman, a detailed explanation of the former White House official's meetings with other principals in the Watergate case.

Discussion Described

He elicited from Mr. Ehrlichman a description of a Jan. 3 discussion of executive clemency that was sharply at variance Mr. Dean's charge that Mr. Ehrlichman had volunteered to seek assurance of clemency for Hunt.

Mr. Ehrlichman said that when he met with Mr. Dean and Charles W. Colson, a former special counsel to the President, "Clemency was obviously at the forefront of everybody's mind."

But he insisted that he had advised the two other officials of a discussion with Mr. Nixon last year and that the President had foreclosed even the consideration of clemency for the seven original Watergate defendants.

Mr. Dean testified that both Mr. Colson and Mr. Ehrlichman had told him they had raised the subject with the President and that Mr. Nixon himself acknowledged the clemency conversations a few months ago.

Talked With Lawyer

But Mr. Ehrlichman said today that the only outcome of the meeting was that Mr. Colson met with William O. Bittman, Hunt's attorney, to give him assurance that Mr. Colson had not forgotten his friendship with Hunt.