

The Ehrlichman Thesis

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An air of unreality hung about the testimony of John D. Ehrlichman before the Senate Watergate committee. It was as if he thought he had been asked to testify about the governing of a hypothetical country and had a clean slate to write upon. He expounded theories about Presidential power, national security and individual rights which bore at best only a tangential relationship to the United States Constitution, Supreme Court precedents, Federal laws, and political practices.

The basic Ehrlichman thesis seemed to be that the President can do anything he wishes if, in his judgment, it protects the security of the nation, especially if foreign powers are involved. He argued that Mr. Nixon could order burglary and other crimes and still be "well within the constitutional obligation and function of the Presidency." When members of the committee pressed him to say whether he thought armed robbery or murder was possible under this novel doctrine, Mr. Ehrlichman said a line would have to be drawn somewhere but it was not up to him to draw it.

In describing the President's knowledge of the Watergate cover-up, Mr. Ehrlichman was remote and unreal. One might have supposed that instead of describing a shrewd, alert, very practical politician who is President of the United States and who obtained that desirable job by much skill and calculation, Mr. Ehrlichman was discussing the naive ethereal ruler of Shangri-La.

Over and over again, according to the witness, Mr. Nixon kept pleading for all the facts but no one on his staff would tell them to him. Months after many detailed revelations had appeared on the front pages of the nation's newspapers, the President in March and April of this year was still saying to Mr. Ehrlichman: "I must get to the bottom of this."

In the course of his lengthy testimony, Mr. Ehrlichman contradicted evidence on critical points given before the committee and in various legal proceedings by virtually every other major participant in the Watergate affair. If the picture that he presented to the committee is totally accurate, it is difficult to understand why he was forced to resign from the White House staff.

The Ehrlichman thesis of total Presidential power provides a chilling insight into the minds of many of the men who have stood closest to Mr. Nixon. Regardless of the exact outcome of the diverse issues in the Watergate scandal, it is beneficial for the nation for that thesis to be exposed to public scrutiny and to be measured against the constraints of the Constitution and the nation's laws.