

# The Watergate

By JOHN FIALKA <sup>5/20/73</sup>  
Star-News Staff Writer

A White House lawyer has given investigators a fascinating picture of the growing confusion among presidential aides and others as the legal whirlpool called Watergate drew near the Executive Mansion.

In a deposition released last week, Fred F. Fielding, deputy assistant counsel to President Nixon, tells of a series of events that began with calm, deliberate strategy sessions and degenerated into a rush of lawyers seeking legal advice from outside lawyers.

For Fielding, the young assistant to John Dean III, ousted counsel to the President, it appeared to be an education in some of the more bizarre legal problems ever encountered at the White House.

His first problem, as described to federal investigators and late to attorneys for the Democratic National Committee who took the deposition, was how to get E. Howard Hunt's gun out of the White House.

**FOLLOWING** instructions given him by Dean, Fielding said he removed the gun, some bugging equipment and some forged State Department cables from Hunt's safe in the Old Executive Office Building June 19, 1972, two days after the Watergate burglary.

Fielding said he found the cables "very disturbing" because it appeared that Hunt had altered them in an attempt to implicate President John F. Kennedy in the assassination of South Vietnam's former leader, Ngo Dinh Diem.

Although Dean, he said, had been told by John Ehrlichman, Nixon's former chief domestic adviser, to "deep six" or destroy the contents of the safe, Dean and Fielding decided to put them in a box marked "top secret" and have it delivered to L. Patrick Gray, former acting head of the FBI.

"There was just no way any of that material could be destroyed," Fielding said he and Dean had concluded at the time. "That would just be compounding whatever might prove to be embarrassing about what happened and what may have been found in the White House."

He said two FBI agents appeared and agreed to take the box, but repeatedly rejected the pistol.

Fielding said he asked them several times to take the gun out of the White House. "I finally said, 'You take everything or you don't take anything.' They went over and made their phone calls and came back and said they would take everything."

## Whirlpool As Told by Fred F. Fielding

**LATER**, Fielding said, he learned from Dean that Gray had denied receiving the box. A receipt given him by the agents, Fielding said, was apparently lost during the argument over the gun. (Gray later reportedly told investigators that he destroyed the cables.)

Fielding's second involvement in the peculiar events surrounding Watergate came last October when, he said, he was sent by Dean to a Virginia motel to meet Donald Segretti, the alleged campaign saboteur. Fielding said he later participated with Ehrlichman and Dean in a

White House strategy session on newspaper accounts of Segretti's activities.

What he described as a more personally disturbing event occurred on Nov. 28, when, he said, Dean told him to "pick up a package" from former Nixon campaign finance chairman Maurice H. Stans.

The package, Fielding said, turned out to be a plastic attache case containing \$22,000 in non-consecutive \$50 bills.

Fielding said he was later told to deliver the "package" to Gordon C. Strachan, then an aide to H. R. Haldeman, Nixon's chief of staff.

**IN THE** course of the delivery, however, Fielding remembers growing "extremely angry" and going into Dean's office to confront him with the bagful of money.

"I said, 'What is this?' or something like that. I throughout have stayed away from the political thing and he knew it," Fielding said in his deposition.

Dean, he said, appeared to be annoyed, but said "Don't worry about it. There's nothing illegal about it. It's post-election money."

Fielding seems to have often found himself in the middle of the early defensive tactics. In late March, he recalled,





DEAN

EHRlichman

it was Ehrlichman who met with him and asked if there was "an in-house expert that could explain to people the machinations of the grand jury."

Ehrlichman, Fielding said, also wanted legal opinions on matters of executive privilege and, furthermore, had drafted an affidavit for White House staff aides to sign, swearing that they had no prior knowledge of Watergate events.

Fielding said that he, Dean and the other three practicing attorneys at the White House did not have the expertise needed to answer the questions about grand jury and executive privilege matters. He said Ehrlichman wondered if Fielding knew anyone in the Justice Department who could be called upon to help.

**THROUGHOUT** March and April, Fielding said, White House aides worried about approaching Justice for such help because it was the Justice Department that was conducting the investigation and that there might be an appearance of a conflict of interest.

Fielding did, however, prepare the affidavit. He was the first one to sign it, he said. "At that point, I assumed it was going to go and I wanted to get down to the notary first so I didn't have to stand in line." As far as Fielding remembers,

he was the only one to sign it because Dean or Ehrlichman later abandoned the idea of using affidavits.

But Fielding had other things to do. One of his duties was to relay phone messages to Dean and Ehrlichman. He remembered two messages from Murray Chotiner, former long-time campaign aide to Nixon.

The first time, Fielding said, Chotiner told him, "This isn't going to make any sense to you, but, if you will, relay the message on to Mr. Dean."

Fielding said he has since forgotten the message, but added that when he told Dean about it, Dean "said he didn't want it, or something to that effect."

Later, sometime in April, Chotiner called for Dean again. "As I recall," Fielding said, "he was saying something to the effect that it looked to him as though the thrust of the Vesco (New York) grand jury investigation was that they were going after John Mitchell for an obstruction of justice charge."

"**WHEN JOHN** Dean called me later," Fielding recalled, "I said, 'I have a message for you from Mr. Chotiner,' and he (Dean) said that he didn't want it, to pass it on to Mr. Ehrlichman."

It became apparent that Dean had other problems to worry about. For one, he was looking for his own legal counsel because he had become a subject of the investigation by the Washington grand jury.

Fielding remembers taking a call from another subject of the investigation, Herbert Kalmbach, the President's private attorney. "He was calling for Mr. Dean and asked if I saw or talked to Mr. Dean to relay a message to him about his lawyer calling Mr. Dean or Mr. Dean's lawyer calling him. That was, in essence, what it was."

Jeb Stuart Magruder, who was deputy director of the Committee To Re-elect the President, called, Fielding said, to ask Dean about advice in hiring an attorney.

Other aides began consulting Fielding as not only grand jury investigators but investigators from the Senate Watergate Committee began to call at the White House.

Because of the growing numbers of people involved, Fielding said he decided to get some advice from Ehrlichman, who, he said, had always appeared to be the one directing Dean on defensive matters concerning Watergate.

"One of the questions," Fielding recalled, "was when people were subpoenaed . . . They came into see Mr. Dean and he wasn't there so they said to me 'I've been subpoenaed, what will I do?'"

"**ALL I** could do is give them general advice: 'If you feel you have any problems or if you feel more comfortable, get yourself an attorney,' but my question to Ehrlichman was should I be re-

laying this information to him or to whom should it be related that X was subpoenaed or Y was asked to go down to talk with the Senate investigators?"

Ehrlichman, he said, first referred him to Leonard Garment, who has since become chief White House counsel. When Fielding pressed Ehrlichman on what guidelines he should use, Ehrlichman he said, replied that "he didn't know, maybe I should take it up with the President."

Fielding said he decided to consult with Garment.

That was on April 18. Two weeks later, Ehrlichman, Dean, Heldeman and Atty. Gen. Richard Kleindienst had resigned.

As the Watergate case continued to blossom into new areas of alleged spying or wiretap activity, it was also some time near the end of April that Fielding appears to have reached a new stage in his legal education at the White House.

He said that John J. Caufield, the man who hired convicted Watergate burglar James W. McCord Jr., as security adviser for the Committee to Re-elect the President, asked to see him.

"He called me at the end of April and said that he wanted to talk. I said, 'if it has anything to do with this case for your benefit and my benefit, I don't want to discuss the case.'"

Fielding said that he repeatedly reminded Caufield throughout their conversation: "Don't tell me anything."