

Ghost of Mr. Hoover

Ehrlichman Denounces, Ervin Defends

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Though dead 14 months now, the late J. Edgar Hoover has been present in spirit all this week at the Senate Watergate committee hearings.

In his lifetime, the late director of the Federal Bureau of Investigation was an acknowledged master of the bureaucratic game, and of the games Presidents play. What has emerged in considerable detail in the testimony of former presidential assistant John D. Ehrlichman is that Hoover also understood the nature of the men in Mr. Nixon's White House better than most men in Washington.

Hoover and his "Bureau of Problems," as Ehrlichman called the FBI, was a nuisance from the start in the White House efforts to turn the agency into a weapon against its enemies, real and imagined.

Yesterday, the late director won posthumous praise from committee chairman Sam J. Ervin Jr. (D-N.C.). Saying that he was speaking "for his defense beyond the grave since he is not here," Ervin called attention to Hoover's "devotion to the basic rights of American citizens—the rights not to be burglarized."

"Twelve or 15 times," Ervin said, Hoover protested against the Tom Charles Huston plan that recommended "burglary," "undercover military agents," mail coverage" and virtually unlimited surveillance." Yet the President approved them, Ervin said.

What seemed a virtue to Ervin, however, appeared to Ehrlichman to be annoying bureaucratic intransigence.

When the White House put pressure on Hoover to launch a more thorough investigation of Daniel Ellsberg, the director resorted to what Ehrlichman characterized as "the well-known bureaucratic device of papering the files"—sending up self-justifying paper-

work.

Ehrlichman's assessment of FBI foot-dragging under Hoover was sharply challenged yesterday by Sen. Lowell P. Weicker Jr. (R-Conn.).

Far from refusing to question the father-in-law of Ellsberg, Louis Marx, as Ehrlichman had alleged in his testimony Wednesday, the FBI interviewed Marx in June, 1971, Weicker asserted.

As testified by Ehrlichman, he was getting reports from Attorney General Richard G. Kleindienst and from his former assistant, Egil Krogh, about the FBI's "falling short" in pursuing

damaging evidence against Ellsberg. The alleged refusal of the FBI to question Marx was advanced as one example.

Weicker's assertion that he had personally confirmed from Marx himself that he had talked with FBI agents in June caught the witness off balance.

"Did you know that Mr. Marx had been interviewed in June?" Weicker asked.

"I—by the FBI, senator?" asked Ehrlichman.

"That is correct."

"I do not recall that fact," said the witness.

On Wednesday, Ehrlichman claimed that it was the FBI's refusal to push the Ellsberg investigation that led the "plumbers" unit to break into his psychiatrist's office in September, 1971.

But the testimony suggested that the struggle for control of the bureau preceded the Ellsberg break-in by a long time, and that it played a major role in the genesis of the plumbers unit and the creation of a White House operation that would bypass legally established investigatory agencies.

In his day, Hoover was a man of power in Washington. But the testimony before the Watergate committee suggested that he may have perceived the limits of that power more clearly than the new men in the

White House.

Compared with the old gangbusters image of the FBI, the world described by Ehrlichman in his testimony seemed almost Orwellian.

On Wednesday, in discussing the Ellsberg burglary, Ehrlichman spoke crisply and admiringly about how "the CIA has perfected techniques where they can find out a great deal through the device of psychiatric profiles."

On another occasion he spoke of meeting and walking with U.S. District Court Judge W. Matt Byrne Jr. in Palisades Park in Santa Monica. The implication was that the park was safe from bugging devices.

If Hoover, who established his reputation with the capture of gunman John Dillinger, was enthusiastic about the new technology of espionage and potential repression, it was not apparent to the White House.

According to Ehrlichman, he had to be ceaselessly prodded to "get aboard."

Hoover, Ehrlichman said Wednesday, was "patriotic" but "he was certainly fixed in his views."

The witness' contempt for Hoover finally provoked Ervin yesterday into a long defense of the late director, ending with a series of sharp questions for Ehrlichman.

"Well, I believe Congress set up the FBI to determine what was going on in this country, didn't it?" Ervin asked.

"Among other things, Mr. Chairman," he replied.

"But it didn't set up the plumbers, did it?"

"Of course, the Congress doesn't do everything, Mr. Chairman."

That answer only prompted Ervin to ask if there was any law "that gives the President [legislative power] to set up what some people have called the secret police, namely the plumbers."

"I think if anybody called it that they would be badly overstating the situation," Ehrlichman answered.

The thrust of Weicker's earlier questioning was that

the White House interest in Ellsberg was only vaguely related to any failures of the FBI in pursuing the investigation.

According to Weicker, Ehrlichman got a letter from Krogh. on Aug. 11, 1971, roughly a month before the burglary of Ellsberg's psychiatrist, indicating that Hoover was ready to handle the Ellsberg case on a "bureau special" basis.

"Now, in light of all these events, all of which transpired prior to the break-in into Dr. (Lewis) Fielding's office, do you maintain that this was for any other purpose other than to smear Dr. Ellsberg?"

Ehrlichman unhesitatingly responded: "I certainly do, senator. It's a highly selective assembling of evidence, if I may respectfully say so."

With Hoover still running the bureau, Ehrlichman testified, the White House staff was in the difficult position of feeling pressure from the President for "results" in the Ellsberg case and finding the director uncooperative.

Yet even with Hoover gone and acting director Patrick L. Gray in charge of the bureau, problems continued, Ehrlichman said.

Documents in the hands of the bureau continued to be leaked to the press, he said.

According to Ehrlichman's testimony, he and the President ascertained in a telephone conversation with Gray on April 15 this year that the acting director of the FBI had burned papers taken from the safe of Watergate conspirator E. Howard Hunt.

The President, said Ehrlichman, ordered an investigation by the Attorney General.