

Ehrlichman Version Clashes

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By William Greider
Washington Post Staff Writer

If John D. Ehrlichman was telling the whole truth and nothing but the truth last week, as the oath requires, then the Senate Watergate committee had been listening to a lot of liars before he came along.

Everyone expected that President Nixon's former No. 2 man would be bright and tough-minded in the witness chair, but Ehrlichman's version of Watergate was so bold and singular that it staggered the senses.

After four days of jousting with him,

most of the Senate interrogators were limp with mental fatigue. Ehrlichman, his chin up and out, was still crisp and self-confident, offering bull-necked resistance to every hostile question and to a lot of questions that weren't.

But Ehrlichman's awesome display of personal strength may be misleading. What the senators established last week in the bits and pieces of tedious questioning is that Ehrlichman's story of the Watergate scandal clashes discordantly with so many other versions. If one accepts his account in every particular, he leaves an impressive line-up of suspected perjurers in his wake.

A rough analysis of his four-day testimony, compared with that of previous witnesses and accounts outside the Senate forum, indicates that Ehrlichman's version conflicts at various points with at least 18 other figures in the Watergate mess.

The differences range from major disputes over criminal involvement to smaller elements of vital corroborating detail. The conflicting witnesses range from bit players like junior-junior White House assistants to the official utterances from the Oval Office itself.

Everyone knew in advance, of course, that Ehrlichman would rebut

With Other Accounts

the incriminating testimony of John W. Dean III, the former White House counsel who accused the President and his two top aides, Ehrlichman and H. R. Haldeman, of criminal complicity in the Watergate cover-up.

Ehrlichman dismissed Dean early with a scornful wisecrack about "the most expensive honeymoon in the history of the White House staff," a loaded reference to Dean's dipping into the secret campaign money stashed in the White House. At every key turn in the narrative, where Dean had pointed a finger at him, Ehrlich-

man accused his former subordinate of distortion and lies.

But even before you get to the conflicts between Ehrlichman and other witnesses, there is a central ambiguity contained in his own testimony, a crucial question for the public trying to decide what to believe about White House involvement.

What sort of a public man is John Ehrlichman? He began with a civics lecture on the presidency, a detailed description of tortuous demands which converge on the President and his close assistants. That was an important

element in the Ehrlichman defense argument.

The federal budget, racial integration, water and air pollution, skyjacking, unemployment, flood damage and postal reform—those were the problems that consumed his time in the crucial months of the 1972 campaign. He was simply too busy for Watergate.

"I personally saw very little of the campaign activity during the spring and early summer of 1972," he explained. Watergate was not his

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problem; political intelligence was not "my bailiwick."

"As assistant for domestic affairs," Ehrlichman said, "I had very little occasion to be involved in questions of political intelligence or political anything, for that matter."

Furthermore, he explained, John Dean, who was responsible for Watergate, was an independent body, operating on his own schedule, largely reporting to other White House executives. "I did not cover up anything to do with Watergate," he said. "Nor were Mr. Dean and I keeping steady company during all these weeks."

Even his old friend, Bob Haldeman, he added, traveled a different circuit pursuing his administrative responsibilities of a chief of staff, not the substantive issues of domestic affairs which concerned Ehrlichman. They were not "Siamese twins," as Ehrlichman put it.

Yet, they met every morning to chit-chat in the White House mess. Now

that they are both in trouble, they share the same lawyer. And Ehrlichman's version of who knew what about Watergate did not damage his old friend from California in any way. Their defense—and the President's—depends on one another, despite the distance that Ehrlichman tried to establish.

1970 Intelligence Plan

In the same manner, Ehrlichman's own testimony raised questions about his self-portrait of the nonpolitical "issues" man. He did seem to be on hand usually when so many of the crucial plans of secret intelligence-gathering were drawn or implemented.

Back in 1969, as White House counsel, it was he, Ehrlichman admitted, who secretly hired Tony Ulasevics, the retired New York City detective, to dig up political dirt on potential opponents, to investigate sexual and drinking habits. The following summer, after he had become assistant to the President, he was called into the meeting where the controversial 1970 intelligence plan was discussed, the one in which Mr. Nixon authorized breaking-

and-entering as an investigative technique.

"Why were you called to the meeting?" asked chief counsel Samuel Dash.

"Well, I do not know that," Ehrlichman answered. "There were quite a few spear carriers at the meeting from the White House staff and I was simply there to get information."

Likewise, despite his deep involvement in welfare reform and other major problems, it was Ehrlichman to whom the President turned in mid-summer of 1971 to set up the Special Investigations Unit, the "plumbers," who a few weeks later burglarized the Los Angeles doctor's office where they hoped to find psychiatric records on Daniel Ellsberg.

The same burglars were employed about seven months later by the Committee for the Re-election of the President for the first Watergate job but no one has claimed that Ehrlichman had advance knowledge of their new assignment outside the government.

But Ehrlichman acknowledged that in the fall of 1971 he was shown the prospectus of a forerunner plan for political intelligence—the "Sandwedge" operation unsuccessfully proposed by his former aide, Jack Caulfield. Ehrlichman told Caulfield he wasn't the man to pass on such matters.

Abortive Plot

Ehrlichman had other close connections with government wiretapping, however. He personally authorized some of them, both as counsel and as assistant for domestic affairs. Some of the taps are still a secret because the White House insists on their "national security" sensitivity.

And when assistant Attorney General Robert Mardian was spiriting wiretap records out of the Justice Department in the fall of 1971, the logs of the so-called "Kissinger taps" of newsmen's telephones, Mardian took them to Ehrlichman for safekeeping—at the President's direction.

In the pre-Watergate period, Ehrlichman had at least one other brush with plans for espionage-sabotage—the abortive plot to fire bomb the Brookings Institution. Ehrlichman acknowledges that someone in the White House wanted to do a job on the Massachusetts avenue think-tank, but he can't recall the name. Anyway, he put a stop to the idea.

In questioning, Samuel Dash tried to link up all of these clandestine activities in a consistent pattern, stretching over three years, involving both government-sponsored "national security" spying and privately sponsored political intelligence. But Ehrlichman angrily objected.

"You have just scrambled the eggs, Mr. Dash," he complained. "These are all very separate subjects . . ."

With that as the framework, the 1972 narrative began to yield other conflicts

of viewpoint from some of Ehrlichman's old associates who apparently also misunderstood his role in White House affairs.

Jeb Magruder, for instance, a loyal subordinate who moved over to CRP as deputy campaign manager, was in the early meetings where the Watergate bugging was discussed and, by his account, eventually approved. Magruder did not claim that Ehrlichman knew of those meetings, neither did John Dean who attended two of them.

Who Was Involved

But Magruder said he assumed that Dean was at those meetings merely representing the two top White House men — Haldeman and Ehrlichman — a subordinate relationship that other witnesses described in other instances.

After the CRP burglars were arrested at Watergate June 17, the presidential assistant said he had a limited interest in the matter. He attended a few meetings. He told John Dean to get on top of the issue and find out who was involved. He emphatically did not know about the various elements of cover-up activity that were also immediately begun.

Gordon Strachan, an aide to Haldeman, testified that his boss directed him to clear out the files and destroy any damaging documents on political surveillance. Ehrlichman testified, apparently relying on what Haldeman has told him, that is not true.

Richard Helms and Gen. Vernon Walters, the two top officials of the Central Intelligence Agency at that time, have both described a White House meeting on June 23 in which Haldeman and Ehrlichman suggested that the CIA should ask the FBI to limit its investigation for fear of exposing CIA operatives in Mexico—where GOP campaign money had been "laundered."

"My recollection of that meeting," Ehrlichman said, "is at considerable variance with General Walters in the general thrust and in the details. In point of fact, as I recall it, we informed Mr. Helms and General Walters that the meeting was held at the president's request for the reasons I stated. Mr. Haldeman said that the Watergate was an obvious important political issue and that the president had no alternative but to order a full all-out FBI investigation until he was satisfied that there was some specific area from which the FBI should not probe for fear of leaks through the FBI or dissociated and disconnected CIA activities that had no bearing on Watergate."

'National Security' Break-In

But Helms and Walters, according to their private memos read by Sen. Lowell Weicker (R-Conn.), told the White House men that there was no CIA connection that might be inadvertently exposed. Nonetheless, Haldeman told Walters he should go see Acting FBI Director L. Patrick Gray and tell him

"that I had talked to the White House and suggest that the investigation not be pushed further," according to Walters.

Ehrlichman's only comment, according to the general, was that "I should do this soon."

In that same period, the matter of the old Ellsberg burglary came up again, since two of the "plumbers" were now implicated in Watergate, G. Gordon Liddy and E. Howard Hunt. Ehrlichman insisted that there was no concern on his part that the "plumbers" activities under his direction would be exposed. Even if that unlikely event happened, it would not necessarily hurt the President's reelection since it could be justified as a "national security" break-in connected with the White House investigation of the Pentagon Papers leak

"I think if it is clearly understood that the President has the constitutional power to prevent the betrayal of national security secrets, as I understand he does and that is well understood by the American people, and an episode like that is seen in that context, there shouldn't be any problem," Ehrlichman said.

John N. Mitchell, the former Attorney General who was campaign manager, expressed the opposite view when he testified. The Ellsberg burglary and other capers were, he said, the "White House horrors" which could really sink the President if they became known.

"What we were really concerned about," Mitchell said, "were the White House horror stories . . . Watergate did not have the great significance that the White House horror stories that have since occurred had."

Central to the Question

Mitchell claims he first learned about the questionable investigative tactics of the "plumbers" after Liddy and Hunt were in trouble for Watergate. Ehrlichman contends, on the contrary, that Mitchell knew about the establishment and purpose of the special White House unit from the time it was founded in 1971.

These conflicts of fact, as minority counsel Fred Thompson pointed out, are central to the question of Ehrlichman's personal motivations.

If he was scared that his earlier involvement with the Liddy-Hunt burglary squad would provoke serious political damage for Mr. Nixon, not to mention possible criminal charges for himself, then Ehrlichman had his own good reason to participate in all of the cover-up activities. If he had no such fear, if he did not believe he was personally responsible for the Ellsberg burglary, then he would have far less motive to cooperate in covering-up somebody's bungling on Watergate.

As Ehrlichman tells it now, he was not responsible for the burglary,

though he admits he did dispatch the "plumbers" on a "covert operation" to secure the psychiatric records held by Ellsberg's doctor in Los Angeles. That didn't mean burglary, he insisted.

David Young, one of the "plumbers" staff aides who worked for him, has testified to the contrary (though Egil Krogh, Young's supervisor, apparently backs up Ehrlichman) Young's account, as described by majority counsel Samuel Dash, is that Ehrlichman

not only initialed the authorization memo, but that Krogh and Young phoned him just before the Labor Day break-in to tell him it was feasible and Ehrlichman gave the final go-ahead. Ehrlichman denied ever receiving the phone call.

Ehrlichman ran into another smaller point of conflict on this issue of motivation when he insisted that he had no fear of prosecution because the Justice Department already knew about the Ellsberg burglary about the same time it was investigating Watergate.

Howard Hunt Papers

That put him in dispute with both Assistant Attorney General Henry Petersen and Earl Silbert, who was the chief prosecutor for the first Watergate trial, both of whom insisted that they didn't learn about the Ellsberg burglary until April 15 of this year. Ehrlichman, appreciating the irony, acknowledged that his only basis for the assertion was the word of John Dean—a witness that he is not about to rely upon for the truth.

Also still unresolved is the conflict in the stories that Ehrlichman and U.S. District Court Judge W. Matt Byrne Jr. tell about the two meetings the men had to discuss Byrne's interest in the FBI directorship.

In any case, Ehrlichman denied that he was implicated in two particular post-Watergate activities that are now regarded as criminal elements of the cover-up conspiracy—the secret distribution of "hush money" to the Watergate defendants and the destruction of documents from Hunt's White House safe, documents which would have exposed the 1971 "plumbers" activity under Ehrlichman.

On June 28, Dean and Ehrlichman turned over the Hunt papers to L. Patrick Gray of the FBI rather than give them to the agents who were investigating the case. Ehrlichman, who insists he didn't know what was in the papers, contends that he only wanted to avoid an FBI leak to the press of what he presumed was material with "political overtones."

Both Dean and Gray have testified, however, that Ehrlichman suggested that Gray destroy the documents. "Never see the light of day," was the way the former acting FBI director put it. "Deep six," was the phrase used by Dean, who said Ehrlichman suggested that he file the folder in the Po-

tomac River.

Ehrlichman said such talk was ridiculous on its face. For one thing, he said, "We have a great disposal system at the White House. If you really want to get rid of a document, you put it in a burn bag and you seal it up and it's never opened again and it goes into a furnace and that is the end of it."

Honorable Intent

The money for the Watergate defendants was brought up directly with Ehrlichman by his old friend, Herbert Kalmbach, the President's personal attorney, who was raising some \$220,000 for Ulasewicz (Ehrlichman's old political spy) to drop in airport lockers for Hunt, Liddy, et al.

Both Kalmbach and Ehrlichman insist that the intent behind these secret payments was entirely honorable—as far as they knew at the time. But they part company on several important points.

With some feeling, Kalmbach described how he approached his old college buddy for reassurances. He looked him in the eye and invoked the name of his family and their wives, their close friendship. Would Ehrlichman, as Dean's senior, as a top man at the White House, assure him that the payments were entirely proper? "Go forward," said Ehrlichman, according to Kalmbach.

But John Ehrlichman draws a blank on that bit of melodrama.

"I am sure that if he had looked into my eyes and I had looked into his eyes and we had invoked the names of our wives," Ehrlichman said dryly, "I am sure I would remember that solemn occasion and I am sorry to say that I don't."

Kalmbach also remembers Ehrlichman insisting that, because of the presidential campaign, the money must be kept secret or the opposition would have "our heads in their laps." Ehrlichman said he doesn't remember that either.

Finally, Kalmbach said his understanding was that the defense fund was "humanitarian" in purpose—filling a moral obligation to the rascals who got caught in Watergate because, however misguided, they included CRP employees.

White House Interest

But Ehrlichman described a different and more practical motivation:

"John Mitchell felt very strongly that it was important to have good le-

gal representation for these defendants for a number of reasons—for political reasons, but also because we had these civil damage suits that had been filed by the Democrats . . ."

What "political reasons?"

"Well, just that if there were to be a trial and it were to take place before the election, that obviously that trial would have some political impact and good representation was simply essential."

"In other words, the courtroom interests of the Watergate Seven apparently did coincide with the political interests of the Committee for the Re-election of the President and, indeed, the White House. Ehrlichman was not pressed on the question, but he could not remember whether he ever told President Nixon about this special defense effort.

From that point, Ehrlichman described himself as so deeply involved in substantive campaign issues, including preparation of the Republican Party platform, that his contact with Watergate investigations diminished. He did, of course, inquire of Dean occasionally about the case and press for progress.

Only Clark MacGregor, who succeeded Mitchell as the Nixon re-election campaign chairman, does not remember much zeal from Ehrlichman about getting to the bottom of things, despite Ehrlichman's claim that in August he suggested a re-investigation to MacGregor.

"I don't recall that Ehrlichman was a champion of disclosure during this particular period," MacGregor said in his deposition. "Ehrlichman never, for example, told me about the Ellsberg psychiatrist's office break-in. Ehrlichman never told me about the late June meeting that appeared in the press between Patrick Gray, John Dean and John Ehrlichman in Ehrlichman's office. Ehrlichman never told me about his meeting with the CIA, either with Helms or with any other official of the CIA."

Magruder Involved

"It appears as though John Ehrlichman had a great deal of information which was available for disclosure which was unknown to me and thus, of course, it is utterly ridiculous for John Ehrlichman, who had a great deal of information I didn't have, to be calling on me to disclose information that I didn't possess but which was known to him."

Ehrlichman, it appears, did not pass one other item on to MacGregor—that he privately suspected at one point that Jeb Magruder, still active as campaign deputy, was involved in Watergate. The question was left dangling in the hearings last week, but Ehrlichman testified that through July he suspected Magruder.

"There came a time," Ehrlichman said, "when there was a feeling that, at least on my part, based on what Mr. Dean was telling me about the unfolding of this thing, that Mr. Magruder may have had some involvement, and that culminated in a meeting with the

Attorney General at the end of July, on the 31st of July, where Magruder was specifically discussed. But just where in there I acquired the information, I can't tell you."

There were no further questions to clarify Ehrlichman's meaning. Presumably he meant that the session with the Attorney General satisfied him that Magruder was not involved. But this was the period when John Dean was helping Magruder with his perjury and two weeks before Magruder's second grand jury appearance.

Ehrlichman had another reason to wonder if the case went beyond the original seven who were eventually indicted. In late June, Hugh Sloan, the campaign treasurer, called on him, worried about the implications of all the secret cash he had been distributing. Sloan and Ehrlichman tell conflicting versions of that meeting but the young treasurer claims he warned that the "entire campaign" might be implicated.

Sloan says Ehrlichman told him: "I don't want to hear anything about it because if I hear anything about it I will have to take the executive privilege until after the election."

Center on Dean

Ehrlichman's recollection: "Duke Sloan has been a young man that I have known well during the time he worked in the White House. I didn't want to see him tell me something before he had talked to counsel that later on was going to prove his undoing . . ."

After the election, when the Watergate defendants were upping their demands for money and promises of quick release from prison, Ehrlichman's important disputes of fact center on John Dean, who became then the President's closest aide dealing with Watergate.

Dean, for instance, insists that he met with Ehrlichman and presidential assistant Charles Colson a few days after New Year's to discuss a promise of executive clemency for Hunt. Both men told him they consulted the President and he authorized the secret assurances.

Colson and Ehrlichman both deny that, though they did have a meeting to discuss Hunt, who was Colson's old friend. The only discussion of executive clemency, according to Ehrlichman, was his strident warning that it shouldn't be mentioned to Hunt or any other defendant.

For what it's worth, Dean did communicate a promise of executive clemency a few days later to James W. McCord, one of the restless defendants. It was sent via Jack Caulfield, an intelligence operative who had worked for both Dean and Ehrlichman. Caulfield testified:

"Since I had worked extensively for Mr. Dean and Mr. Ehrlichman and had formed an impression that Mr. Dean rarely made decisions on matters of consequence without speaking to Mr. Ehrlichman, my guess was that when Mr. Dean referred to 'high White



Former O. J. Nixon aide John D. Ehrlichman, right, listens to his attorney, John J. Wilson, during Senate Watergate testimony.

Associated Press

House officials' he at least meant Mr. Ehrlichman."

For the events of February and March, when the cover-up was beginning to unravel, Dean and Ehrlichman provide vastly different interpretations of what was happening at the staff meetings they both attended and even in the Oval Office with the President.

No Names Discussed

The most significant conflict is over the meeting of March 21 where Dean claims he told the President virtually everything about the White House efforts to obstruct justice, including the potential liability of Ehrlichman and Haldeman and himself. Ehrlichman joined Dean, Haldeman and the President in a second meeting that day, but he insists that Dean could not have made such a confession.

"I have great difficulty in believing that the President was told what Mr. Dean says he was told because of the President's approach to this which I saw in two meetings," Ehrlichman asserted. As far as he could remember, no names of potential White House culprits were discussed. No "gory details" were mentioned, as Sen. Edward Gurney (R-Fla.), put it.

But John Dean's version of March 21 does not rely solely on his own tarnished credibility. Richard Moore, the White House rebuttal witness, was not in the crucial meetings, but he has confirmed that Dean told him both before and afterward that he had come clean with the President.

The White House logs of presidential meetings, reconstructed by Senate investigators with the help of Mr. Nixon's current counsel, also state that John Dean told the President that a great many people faced legal problems—Magruder, Strachan, Mitchell, Haldeman, Ehrlichman, Kalmbach, Colson.

Furthermore, President Nixon himself in his April 17 statement announced that, as of March 21, he had been investigating the "serious charges" brought to his attention that day. He did not say by whom, but it was clearly not Ehrlichman or Haldeman.

Ehrlichman offered this explanation for the President's behavior, his failure to alert the Justice Department immediately or at least to discuss the specifics of Dean's recital:

One Last Conflict

"Either he still confidently believed that the White House was without blame and that Mr. Mitchell was without blame and was acting accordingly or he was involved in setting a few snares on the trail and was playing it cool."

Nine days later, the President switched from Dean to Ehrlichman as the man who would get to the bottom of the mess for him. By Ehrlichman's account, he then began interviewing the principals himself, piecing together facts and suspicions until he could report the full picture to Mr. Nixon.

That sequence of events leads to one last conflicting story. As Ehrlichman told it, he presented the President with a grim accounting on the Saturday morning of April 14.

"It included the planning meetings, it included the two entries (into Watergate), and the reasons for going back," he said. "It included quite a lot but not the whole story of the cover-up by any means."

What was the President's reaction? "That I must immediately advise the Attorney General, which I did within the hour."

Richard Kleindienst, who was Attorney General then, has told a somewhat different version to newspaper reporters on how he first learned the full, terrible story of White House involvement. Kleindienst says it was late on the night of the 14th, past midnight, when Henry Petersen called him at home. Kleindienst said he met through the night with Petersen and the Watergate prosecutors who revealed to him that John Dean and Jeb Magruder were both spilling their stories to investigators.

"It was the first information, the first time, that indicated involvement, possible criminal conduct," Kleindienst said.

The next morning, which was a Sunday, Kleindienst and Petersen called at the White House and delivered the same information personally to the President. Mr. Nixon, according to Kleindienst, expressed "surprise" and "concern."

So that is the final question. Why should the President be surprised on Sunday by what he had already learned on Saturday?