

Jury Told of 'Bug' Shield for Mitchell

Prosecutors Accused of Leak

By Lawrence Meyer

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Justice Department officials have told Watergate prosecuting attorneys that they are suspected of having leaked secret grand jury testimony to columnist Jack Anderson.

Prosecution sources said that unnamed officials in the Justice Department had castigated the three-man prosecution team directing the investigation because of several columns run in the past week by Anderson quoting verbatim testimony heard by the grand jury. The New York Times reported yesterday that President Nixon told Attorney General Richard G. Kleindienst last Friday that the leaks seemed to be coming from the prosecuting team.

This twist arose at a time when indictments of major presidential aides are expected, and coincided with growing demands, especially from Democrats, that control of the case be taken from the Justice Department and given to a special prosecutor.

There were these related Watergate developments yesterday:

The Washington Evening Star-News reported that one of President Nixon's top aides, John D. Ehrlichman, assistant to the President for domestic affairs, and Clark MacGregor, former campaign manager, gave sharply contrasting accounts about Ehrlichman's desire to have the Watergate affair investigated last August. Ehrlichman said he proposed to MacGregor and to the campaign staff and to the campaign staff "that the time was right to

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make the fullest disclosure about Watergate." MacGregor told the Star-News, "That concern was never communicated to me."

Reliable sources reported that the question of how high up the White House ladder indictments in the Watergate case will reach now appears dependent on whether a federal grand jury believes testimony by presidential counsel John W. Dean III or by President Nixon's two principal deputies, H. R. Haldeman and Ehrlichman.

Convicted Watergate

conspirator James W. McCord Jr. has told the grand jury that his coconspirator, former White House aide E. Howard Hunt Jr., and Hunt's late wife, Dorothy, made vague but repeated offers of money and executive clemency if McCord agreed to plead guilty and remain silent about the Watergate affair. The White House denied that the President ever offered clemency.

Chief U.S. District Judge John J. Sirica ordered attorney Peter H. Wolf to tell the grand jury the identity of a client who Wolf said remove from the White House, documents, including plans to bug the Watergate, after the June 17 arrests of McCord and four other men inside the Democratic National Committee's Watergate headquarters. Wolf subsequently testified before the grand jury and later told reporters that he had told the grand jury who his client was.

The citizens group Common Cause took further steps yesterday to obtain apparently elusive records of the financing of President Nixon's campaign, protesting that a supposedly complete list of contributors supplied by the re-election committee shortly before the November election turns out to have omitted major contributions.

The reports of internal conflict over leaks from the Watergate grand jury followed a directive from the 15 judges of the U.S. District Court here to the U.S. attorney ordering him to investigate the disclosure of the secret testimony. U.S. Attorney Harold H. Titus Jr. declined to make any comment about the directive.

Horace Webb, deputy director of public information for the Justice Department, said that the investigation is under way but declined to say whether any of three prosecutors handling the Watergate investigation—Principal Assistant U.S. Attorney Earl J. Silbert and Assistant United States Attorneys Seymour Glanzer and Donald Campbell—are also investigating the leaks.

"I know but I cannot tell you," Webb said. Webb refused to comment on The Times' account of the exchange between Mr. Nixon and Kleindienst and said

that he knew of no official in the Justice Department having criticized any of the prosecutors because of the Anderson leaks.

The Justice Department criticism of the prosecution team for the leaks could be especially harmful if it reflects diminished confidence from the prosecutors' superiors at a time when the government's entire handling of the Watergate case is coming under increasing criticism from outside sources.

Joseph A. Califano Jr., former general counsel to the Democratic National Committee, yesterday called the handling of the original indictments and prosecution

"the most monumental whitewash in the history of American law enforcement."

Califano, in a column that appeared in yesterday's editions of The New York Times called on President Nixon to appoint a special prosecutor, "and give him the power to conduct a full-scale grand jury investigation and prosecute in the courts those who are found to have violated federal law."

Califano said that the first Watergate investigation by Silbert and Glanzer was "shamefully inadequate" and that the prosecutors "generously permitted high Nixon officials to submit written statements to the grand jury rather than subject them to even the possibility of embarrassing questions." In the trial, Silbert and Glanzer "repeatedly tossed cream-puff questions" at important witnesses "to avoid the potential implication of anyone higher up," Califano said.

Assistant Attorney General, Henry Petersen, who now is supervising the investigation after Kleindienst removed himself from the case, also was involved in the earlier "whitewash," Califano said.

Califano's criticisms of the prosecution followed similar remarks earlier by Senate Majority Whip Robert Byrd (D-W.Va.), Rep. Henry Reuss (D-Wis.) and Judge Sirica.

Webb responded that "Henry Petersen is more than well-qualified to handle the investigation and will do it fairly and impartially."

It still is not clear how long it will take the grand jury to complete this second phase of its inquiry. A highly placed source in the ex-

ecutive branch said, "There is no question that Haldeman and Ehrlichman will be called before the grand jury and that they will be asked to answer very serious charges by (presidential counsel) Dean."

Dean, according to associates, is prepared to testify that Haldeman and Ehrlichman were primarily responsible for a White House cover-up of the involvement of presidential aides in the bugging of Democratic headquarters.

Haldeman and Ehrlichman, according to their supporters, intend to tell the grand jury that they were deceived by Dean into believing that no members of the White House staff were involved in the bugging.

Ehrlichman was reported by the Star-News yesterday as having advocated a thorough investigation last August to determine if anyone on the re-election committee was involved in the Watergate affair.

The Star-News said the investigation never took place and quoted Ehrlichman as saying, "I'm not prepared to say who was responsible for sidetracking the proposal."

MacGregor, who took over as campaign director after John N. Mitchell resigned in July, said that when he assumed control of the re-election committee he was told that Mitchell had conducted an "exhaustive inquiry." "From that time on, there was no consideration that I was aware of given to any additional investigation," MacGregor said.

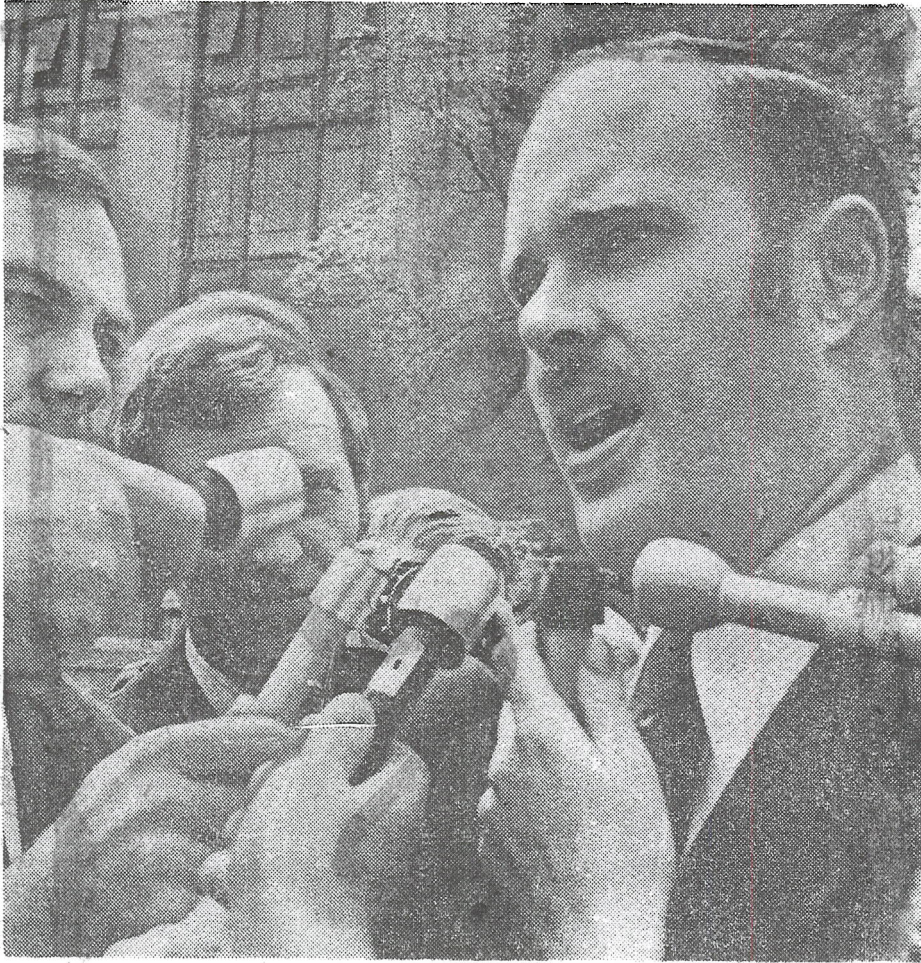
Common Cause, the citizens' lobby continued to press its lawsuit for full disclosure of the financing of the Nixon campaign before April 7, when a new campaign financing law succeeded the Corrupt Practices Act of 1925.

The Finance Committee to Re-elect the President was supposed to submit complete records to U.S. District Court by early November, but even the three cartons turned over Monday leave gaping holes, Kenneth J. Guido, associate general counsel of Common Cause, said.

"Many, many bank records still haven't been turned over," Guido said. Moreover, Bethesda accountant, George P. Lynch Jr., "apparently has quite a few documents," Guido said.

Lynch is under subpoena to supply the papers by Tuesday. In addition, Common Cause yesterday filed a

subpoena for additional records that the committee had entrusted to the National Archives for safekeeping. There is no clue as to the importance either of the Archives or Lynch papers. Judge Joseph C. Waddy is expected to hold a hearing next week on a Common Cause motion to hold committee officials in contempt of court if they do not provide all of the pre-April 7 financing records within 72 hours after such time as the court may approve the motion. Under a stipulation shortly before the election, the committee released a list of contributors for the period Jan. 1, 1971, to March 10, 1972.



Associated Press

Washington attorney Peter H. Wolf talks before testifying before the grand jury of newsmen outside U.S. District Court investigating the Watergate bugging case.