

Ervin Wants Nixon's Story
-- President Won't Testify

Buzhardt Memo 'Not Official'

Washington

The White House sought yesterday to disassociate President Nixon from Wednesday's counter-attack on the Watergate testimony of John W. Dean III by the President's special counsel, J. Fred Buzhardt. *627-fv*

Buzhardt, declaring that "there seems to be some confusion," said that the 12-page memo he gave to the Senate select Watergate committee "does not represent the White House position" and "was not reviewed by the President."

Buzhardt said, however, that Mr. Nixon had been "briefed" on the memo, which called Dean "the principal actor in the Watergate coverup" and places much of the blame for the scandal on former Attorney General John N. Mitchell.

DISAVOW

There was no attempt by Buzhardt or other White House officials to disavow any of the contents of the memo — only its interpretation as an official position paper.

Although described by Buzhardt as an attempt at clarification, the announcement that the memo was only "an hypothesis prepared as a basis for cross-examination" of Dean was described as confusing and obfuscatory by members of the committee.

"I don't know what they mean" by saying Buzhardt's memo is not an official document, said Senator Daniel K. Inouye (Dem-Hawaii), who read it aloud Wednesday. "It was prepared in the White House and sent to me by official communication."

Buzhardt told Inouye in a telephone conversation yes-

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J. FRED BUZHARDT
'Some confusion'

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terday morning that although the President had been "briefed" on the contents of the memo before it went to the committee, it still did not represent an official White House position.

UPDATE

The Buzhardt memo to Inouye was a revised and updated version of a document already given the committee staff; it was provided, with a list of questions to be asked Dean, after Inouye said publicly he would put to the witness questions the White House might wish to have asked.

During the hearing on Wednesday, Inouye said the questions furnished by Buzhardt "should serve as a substitute, admittedly not the very best, but a substitute for cross-examination of Mr. Dean by the President of the United States."

Administration spokesmen were prompt to say it should not be considered any such thing.

"While the hearings are in progress it would not be beneficial to the committee, or the White House, for us to respond piecemeal," Warren said.

"The President's advice was not sought" in the preparation of Buzhardt's memo, spokesman Gerald Warren said in San Clemente, and Mr. Nixon was unaware it was to be submitted to the committee.

Warren described the

memo as "a working document from one attorney to another."

CRITICISM

A committee member, Senator Lowell P. Weicker Jr. (Rep.Conn.), was sharply critical of the Buzhardt memo yesterday, especially its allegations concerning Mitchell. The memo "makes statements of (alleged) fact concerning John Mitchell . . . without an admission or conviction."

The memo states that after the June 17, 1972, break-in at the offices of the Democratic National Committee in the Watergate, Dean "must have immediately realized that his patron, Mitchell, would also be involved."

Dean, commenting Wednesday as Inouye read from Buzhardt's memo, said that the "document has obviously been prepared by somebody who was not at the White House at the time this was all occurring. It sounds like they are putting it together through newspaper accounts."

Indeed, Buzhardt did concede that his memo was put together from various public sources, including newspapers.

In a note to the committee's majority counsel, Samuel Dash, yesterday afternoon, Buzhardt said the "sole purpose" of his memo "was to facilitate examination of Mr. Dean as to matters on which others as well as Mr. Dean testified or made statements to the investigating bodies or the press."

Dean's testimony has been especially damaging to former presidential assistants H. R. Haldeman and John D. Ehrlichman, who resigned April 30. The Buzhardt memo relies heavily on sworn statements by Haldeman and Ehrlichman given in depositions in a related civil suit and in interviews with the Senate committee. Although it is embellished by added commentary, the version of events it provides is basically the version given by the two former

See SF Sunday Examiner & Chronicle 8 Jul 73, "Mitchell Will 'Tough It Out,'" col. 2, paragraphs 4 and 5.

aides.

It was unclear exactly what prompted the sudden White House effort to establish the memo as entirely Buzhardt's doing and not at all the President's, especially as it was agreed that Mr. Nixon had been told about the memo even if he had not seen it.

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