

Aide, White House Differ on Cover-up

Ehrlichman Philosophy Challenged

By Lawrence Meyer
and Peter A. Jay

Washington Post Staff Writers

John D. Ehrlichman described yesterday the unraveling of the Watergate cover-up earlier this year and in the process contradicted not only the testimony of previous witnesses but also portions of the White House version of those events.

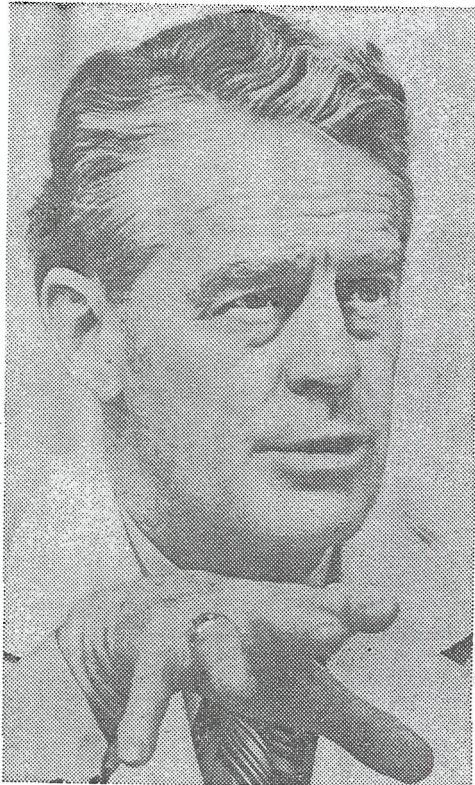
Ehrlichman most sharply challenged what former White House counsel John W. Dean III has previously told the Senate select Watergate committee. And in challenging Dean, Ehrlichman defended not only himself but President Nixon as well.

Referring to a March 21 White House meeting at which Dean has testified, Dean told the President everything about the Watergate affair, Ehrlichman said, "I have great difficulty in believing that the President was told what Mr. Dean says he was told."

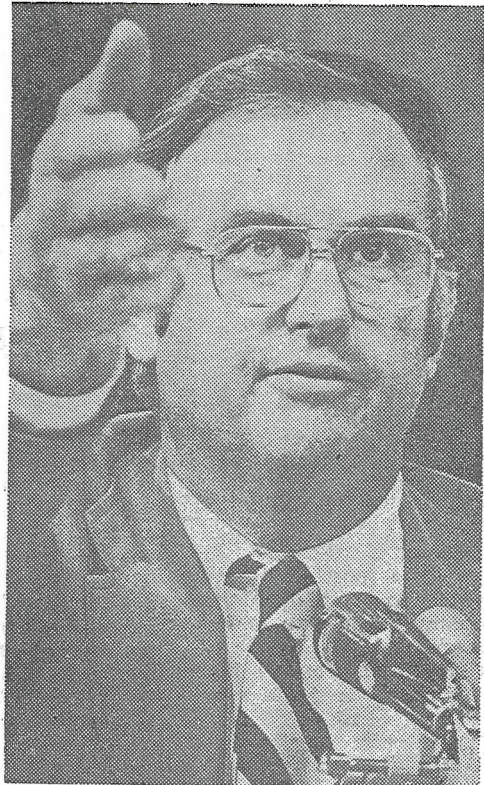
However, the Senate committee has notes, certified by the White House to be correctly based on official White House logs of President Nixon's meetings, which say that on March 21 Dean gave Mr. Nixon a detailed "theory" of what had happened in the Watergate affair and named Ehrlichman, White House chief of staff H. R. (Bob) Haldeman, former Attorney General John N. Mitchell and several other White House staff members as being involved.

Ehrlichman, testifying for the fourth successive day and due back before the committee on Monday, continued to joust in a self-confident, untiring manner with senators who questioned him closely on his role in the Watergate affair and told him at several points that his testimony was in apparent conflict with previous witnesses.

See HEARING, A12, Col. 1



SEN. EDWARD J. GURNEY
... asks about probe



Photos by Frank Johnston—The Washington Post

SEN. LOWELL WEICKER
... "two concepts"

HEARING, From A1

Sen. Lowell P. Weicker (R-Conn.) read Ehrlichman portions of a June, 1972, memo by deputy CIA director Gen. Vernon G. Walters indicating that Haldeman and Ehrlichman were attempting to force the CIA to restrain the FBI's investigation of the Watergate affair. Weicker also read Ehrlichman a statement by CIA Director Richard Helms saying that Haldeman had told Walters "in no uncertain terms" to have the CIA restrain the FBI.

Ehrlichman remained firm in his description of the CIA contacts as being only to see if the FBI investigation would expose CIA activities and not to otherwise restrain the FBI's Watergate investigation. He added, however, that Haldeman "would be your best witness" as to what Haldeman said to Walters.

Ehrlichman and Weicker also clashed on the propriety of the White House conducting covert investigations of political figures to see if anything in their private lives made them vulnerable to attack by a challenger in a political campaign.

Sen. Joseph M. Montoya (D-N.M.) concluded his questioning of Ehrlichman by asserting that "your testimony has been contradicted by

many of the witnesses who have appeared heretofore, and I believe that this committee has the task of judging your testimony against the testimony of others with respect to substance."

Montoya named seven witnesses, including Dean, Mitchell, former deputy Nixon campaign manager Jeb Stuart Magruder and Mr. Nixon's personal lawyer, Herbert W. Kalmbach, whose testimony, Montoya said, differed from Ehrlichman's.

Ehrlichman responded feistily: "Well, I would not want your remarks to go uncontradicted, Sen. Montoya. I am not aware of conflicts between my testimony and some of those that you read, number one.

"Number two, I understand the purpose of the committee to be legislative rather than adjudicatory. So I don't think that you necessarily are in the business of making findings of fact as to the testimony of specific witnesses," Ehrlichman said.

At that point, committee chairman Sam J. Ervin Jr. (D-N.C.), who has clashed with Ehrlichman repeatedly during the past four days, came to Montoya's defense.

"I think," Ervin said, "the prime function of this committee, one of the prime functions outside of making recommendations for legislation is to find the facts, what



By Frank Johnston—The Washington Post

Spectators at the Senate select committee on the Watergate hearings often form a diverse group of people.

the facts are—whether the testimony is from witnesses or from documents.”

During questioning by Sen. Edward J. Gurney (R-Fla.), which permitted Ehrlichman to give his version of events, Ehrlichman rebutted major portions of Dean's testimony and implicated former Attorney General Mitchell in the Watergate affair.

For the first time in his testimony, Ehrlichman referred to his notes of interviews he had held in April, 1973, with White House and re-election committee officials during the time he said he was conducting a Watergate inquiry requested by President Nixon on March 30. It was on that day, Ehrlichman said, that Mr. Nixon told him that he thought Dean was deeply involved in the affair.

Earlier, after the President learned that the White House had done little to prepare for the upcoming Watergate hearings, Ehrlichman said, Mr. Nixon had told him; “Well, I want Dean to take charge of this. I want you fellows

(Ehrlichman and Haldeman) to get out of it. I have got something else I want you to do and I want you to press on it.”

Dean, Ehrlichman said, “was the lead man in the White House” in dealing with the problem of invoking executive privilege, gathering files, attorney-client privilege “and all the rest.”

Dean has testified that on Feb. 27 Mr. Nixon told him, “that this matter was taking too much time from Haldeman's and Ehrlichman's normal duties and he also told me that they were principals in the matter, and I, therefore, could be more objective than they.”

Ehrlichman yesterday explained what he believed Mr. Nixon meant by this reference to Haldeman and Ehrlichman as “principals.”

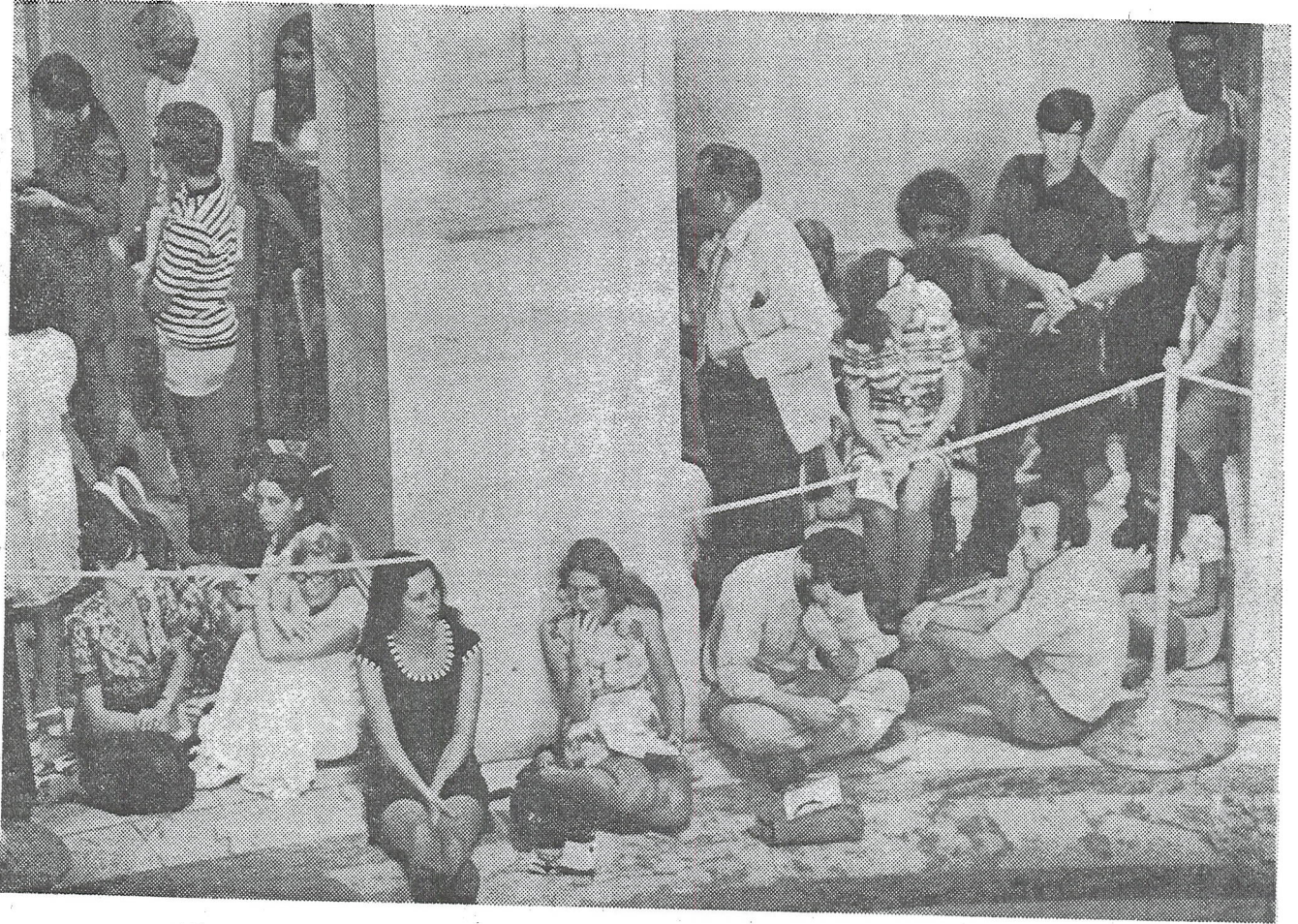
“Through my notes of meetings with the President,” Ehrlichman said, “there are three or four references to the President's strong concern that Haldeman and I were test cases, so to speak, of the availability of presidential assistants to testify before the Congress, and I know there were some questions about his reference to us as principals. I think you have to take it in that setting. We were principals on the question of the availability of witnesses to testify.”

According to Ehrlichman, Mr. Nixon felt that if Haldeman and Ehrlichman testified, “the precedents that might be set . . . would in turn open up Henry Kissinger's testifying and the whole panoply, so to speak, of presidential assistants, and very soon you would have a breakdown of the White House staff system because everybody would be up here testifying, like Cabinet secretaries do every day, and couldn't get any work done.”

At that time, through April 30, when he and Haldeman resigned and Dean was fired, Ehrlichman said, Mr. Nixon “continued to be confident” about the noninvolvement of Haldeman and Ehrlichman in the Watergate affair.

In the weeks that followed the Feb. 27 decision, Ehrlichman said, he himself had little contact with Dean. On March 20, Ehrlichman said, he learned for the first time that Watergate conspirator E. Howard Hunt Jr. was trying to blackmail the White House.

Dean has testified that he told Mr. Nixon of Hunt's demands on March 13 in Haldeman's presence. Mr. Nixon, according to Dean, referred to Hunt's having been offered executive clemency and said that raising \$1 million to keep the Watergate defendants silent was “no problem.”



Crowd in picture at left waits to get into Senate Caucus Room and includes woman in



dark dress with striped collar. Picture of crowd in hearing at right shows she got in.

By Frank Johnston—The Washington Post

On March 21, Dean testified, he told Mr. Nixon "that there was a cancer growing on the presidency" and gave him a "broad overview of the situation."

Although Ehrlichman said he has "great difficulty in believing that the President was told what Mr. Dean says he was told," the committee's notes of White House logs for the March 21st meeting give this description:

"Dean gave the President his theory of what had happened. He still said no prior June 17 White House knowledge, that Magruder probably knew, that Mitchell probably knew, that (Haldeman aide Gordon) Strachan probably knew, that Haldeman had possibly seen the fruits of wiretaps through Strachan, that Ehrlichman was vulnerable because of his approval of Kalmbach's fund-raising efforts, (special White House counsel Charles W.) Colson had

made the phone call to Magruder.

"He (Dean) stated Hunt was trying to blackmail Ehrlichman about Hunt's prior plumber activities unless he was paid what might ultimately amount to \$1 million. The President said how could it possibly be paid. 'What makes you think he would be satisfied with that?' stated it was blackmail, that it was wrong, that it would not work, that the truth would come out anyway."

The notes of the White House logs also state that Dean "said that Haldeman and Ehrlichman possibly had no legal guilt with regard to the money matters. Dean said nothing of his role with regard to the cover-up money . . . This information was gone over twice, the last time in Haldeman's presence."

Although Dean testified he met with Mr. Nixon alone on March 21, the log apparently indicates that Haldeman was present at least part of the time.

Ehrlichman said he later met with Dean and Haldeman on the afternoon of March 21 but Dean said nothing about his conversation with the President in the morning. The afternoon meeting, Ehrlichman said, concerned "how to get the story out."

During that meeting, Ehrlichman said, Dean suggested that Mr. Nixon "negotiate blanket immunity for the White House staff with the Attorney General so that the entire White House staff—lock, stock and barrel—could testify freely before the grand jury as to any and all facts and clear the air and everybody would be immune from prosecution. That just didn't make any sense to me," Ehrlichman said, "from either a practical standpoint or a public appearance standpoint, and we got into a difference of opinion on that."

Dean, whom Ehrlichman said "is an immunity expert" since Dean had told him he had drafted this federal immunity statute, "was concerned that people would not talk freely," according to Ehrlichman. The meeting with Haldeman and Dean, Ehrlichman said, continued later in the afternoon with President Nixon.

It was at this afternoon meeting with the President, according to Dean, "that I for the first time said in front of the President that I thought that Haldeman, Ehrlichman and Dean were all indictable for obstruction of justice."

According to Ehrlichman, "As we sat in this March 21st meeting, I do not think Mr. Haldeman or I had any contemplation that there was going to be a suggestion of our implication. In point of fact, he (Dean) said I was not indictable . . ."

Dean characterized the events of the following weeks as establishing that the cover-up could not be "perpetuated" and that President Nixon should "get out in front" in telling the truth.

Ehrlichman denied that he and Haldeman tried to "set up" Mitchell to take the responsibility publicly for the Watergate affair, as Dean has testified. Ehrlichman said that at one point Haldeman, puzzled by Mitchell's role, asked, "I wonder if we are taking all this anguish just to protect John Mitchell."

"It was a question not an assertion, but I think we all shared at various times that question in our minds as to whether the beating everybody was taking on the subject of Watergate was because he (Mitchell) was not continuing forward."

On March 30, Ehrlichman said, Mr. Nixon told him, "I am satisfied that John Dean is in this so deeply that he simply cannot any longer have anything to do with it."

On that day, according to Ehrlichman, he began a round of interviews with persons involved in the Watergate affair to find out what they knew of the matter.

On April 14, Ehrlichman said, he told Mr. Nixon "basically a narrative of my interviews with these people." Mr. Nixon then told him to conduct more interviews and to get more information and "then he also told me he wanted to find out more about Bob Haldeman's involvement."

Reporting again to Mr. Nixon, Ehrlichman said he gave him "quite a lot but not the whole story of the cover-up by any means."

At Mr. Nixon's direction, Ehrlichman said, he called Attorney General Richard G. Kleindienst "within the hour" and reported what he had told President Nixon.

The following day, after an all-night meeting between Kleindienst, Assistant Attorney General Henry E. Petersen and the Watergate prosecutors, Kleindienst and Petersen met with President Nixon.

Two days later, on April 17, Mr. Nixon announced "major developments" in the Watergate case, that he had directed Kleindienst to give no White House official immunity and that any White House official indicted would be suspended and, if convicted, would be fired

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As Ehrlichman completed his fourth long day on the witness stand, he appeared still fresh and unruffled by continued forceful questioning. His store of facts seldom failed him, and he reached often into a pile of orderly and seemingly endless notebooks and memorandums to support or augment an answer.

Most of his testimony concerned names and dates and recollections of conversations, but for an intense few minutes in mid-afternoon, under the questioning of Sen. Lowell P. Weicker (R-Conn.), it turned to philosophy.

Weicker cited the use by the White House and the Committee for the Re-election of the President of a political undercover agent named Anthony Ulasewicz, who has testified that part of his job was to gather derogatory personal information concerning potential opponents of President Nixon.

Why was it necessary, Weicker wanted to know, for the administration to hire "Ulasewicz types to dig up dirt" on political figures? And what, he asked Ehrlichman, is "your concept . . . of politics here in the United States insofar as this type of activity is concerned?"

"Well, I think that certainly there is room for improvement in the practice of politics in this country," Ehrlichman responded.

But a candidate for office, he said, is obligated to "contest the fitness" of his opponent "in terms of his voting record and in terms of his probity, and in terms of his morals, if you please . . . I think a candidate for office assumes that burden of proof."

Weicker looked at the witness incredulously. "Do you mean to tell me and this committee that you consider private investigators going into sexual habits, drinking habits, domestic problems and personal social activities as a proper subject for investigation during the course of a political campaign?" he demanded.

"Senator, I know of my own knowledge of incumbents in office who are not discharging their obligation to their constituents because of their drinking habits," replied Ehrlichman, a Christian Scientist who does not drink.

"It distresses me very much. And there is a kind of unwritten law in the media that it is not discussed, and so the constituents at home have no way of knowing that you can go over here in the gallery and watch a member totter onto the floor in a condition of at least partial inebriation."

Weicker, who declared that in none of his election campaigns has he known of investigations like those conducted by Ulasewicz, said he thought it was up to the voters to decide the fitness of a political candidate.

"Do you really want to bring the political system of the United States down to the level you are talking about right now?" he asked.

Ehrlichman, remarking to Weicker that "your life style is undoubtedly impeccable," observed that "I think you will agree with me, senator, that someone with a serious drinking habit is of doubtful fitness" for a Senate seat.

"Maybe my standards are all haywire and everybody in the Congress ought to be immune from scrutiny on that subject," he went on, "but that just seems to me to be an indefensible position on your part."

Weicker said he was "quite satisfied that our systems, our institutions, are perfectly capable of passing decent judgements... on political figures, public officials without the covert operations of men like Mr. Ulasewicz."

Ehrlichman remarked that "you and I have a difference of opinion but I think that reasonable minds can differ on this subject, particularly in the area of drinking (and) in the area of fitness" to hold office.

The two men appeared to agree that their differences

represented a schism of historic proportions.

"That is one of the things that his whole proceeding is about," Ehrlichman said, "... an attempt to define the lines within which an inquiry as to an incumbent, his life, his performance, his voting record" is proper.

"You definitely have two concepts of politics in this country meeting head on," Weicker said. "You stick to your version... and I am going to stick to mine."

Later in his questioning, Weicker asked Ehrlichman about a telephone conversation he had last March with Dean about L. Patrick Gray, whose nomination to be the permanent director of the FBI—later withdrawn—was running into heavy weather on Capitol Hill. The conversation was recorded by Ehrlichman and a transcript given the committee. An excerpt of the transcript was published in yesterday's editions of The Washington Post.

In the transcript, both Ehrlichman and Dean are bitingly critical of Gray—Dean remarking that Gray's testimony before the Senate Judiciary Committee "makes me gag," and Ehrlichman saying that Gray should be abandoned by the White House and left to "twist slowly, slowly in the wind."

In the same conversation, Dean quotes "the boss"—President Nixon—as saying he wasn't "sure that Gray's smart enough to run the bureau the way he's handling himself."

If everyone at the White House was so down on Gray, Weicker wanted to know, why was he nominated in the first place and why was he left hanging so long? (Gray's nomination was withdrawn April 7 and he resigned as acting director three weeks later.)

"Well, senator," said Ehrlichman, "I think you will remember those confirmation hearings... there was pretty general disenchantment" with Gray at the White House at that time.

He said that "the situation

was evaluated as being perhaps doubtful and painful as it existed, but perhaps more painful to withdraw... that nomination was essentially doomed... and somewhere along in this period of time the President began active consideration of an alternative list" of candidates for the FBI directorship.

Weicker, a personal friend of Gray, also pressed Ehrlichman for more information concerning a meeting that he attended with Haldeman, Helms and Walters on June 23, 1972, to discuss the Watergate break-in six days earlier.

He read a memorandum written by Walters five days after the meeting, in which Walters summarized Haldeman's comments as indicating that the FBI investigation of the burglary "was leading to a lot of important people and this could get worse... the whole affair was getting embarrassing."

The Walters memo also stated that Haldeman said words to the effect that "it was the President's wish that Walters call in Acting FBI Director Patrick Gray and suggest to him that since the five suspects had been arrested that this should be sufficient and that it was not advantageous to have the inquiry pushed, especially in Mexico"—where, it was subsequently learned, Nixon campaign funds used by the Watergate conspirators had been passed through a Mexican bank for "laundering" to conceal their origin.

Weicker also quoted from a summary of an interview of Helms by the staff of the Watergate committee: "Haldeman in no uncertain terms instructed Walters to see Gray... Helms had no idea what they were talking about with respect to Mexico and when he asked he was told 'Never mind what it's all about' but they wanted Walters to go to Pat Gray right then and there."

"Now," Weicker asked, "Isn't it a fact that the meeting with (Helms and Walters) was an effort to hinder the investigation?"

Ehrlichman's answer was that the meeting was convened specifically at President Nixon's request. "I learned later that the President was operating on the basis of an independent source of investigation," he said, "and out of a concern that an all-out FBI investigation might compromise some CIA activity."

He said his "recollection of that meeting is at considerable variance with General Walters' in the general thrust and in the details."

Both Gray and Walters felt the investigation was being interfered with for political reasons, Weicker said. He asked Ehrlichman if he had heard that Gray, in a telephone conversation with the President on July 6, 1972, told Mr. Nixon there were "those around him who were trying to wound him." Ehrlichman said he had not.

Several times during the day, as on the occasions during his testimony, Ehrlichman availed himself of opportunities to let fly a few darts at the press. Once, he told Weicker that the senator's assertion that there is adequate reporting of the personal conduct of men in public office "gilds the lily unduly." He said the voters should not be left "to the tender mercies of the journalists" to learn the facts about their leaders.

On another occasion, he had this exchange with Montoya:

Montoya: (the newspapers) were uncovering more (about the Watergate affair) than all these FBI people were.

Ehrlichman: No sir.

Montoya: At least, there has been no information coming to us that was more accurate than what these reporters were uncovering at the time.

Ehrlichman: Then I think you are in trouble, senator.

The hearing resumes on Monday at 10 a.m. Ehrlichman will be on the stand for a fifth day of testimony, and it is not yet clear whether he will return on Tuesday for a sixth. Haldeman will be the next witness.