

Ervin Accuses White House on Tape Testimony

Haldeman's Disclosure Held Staged

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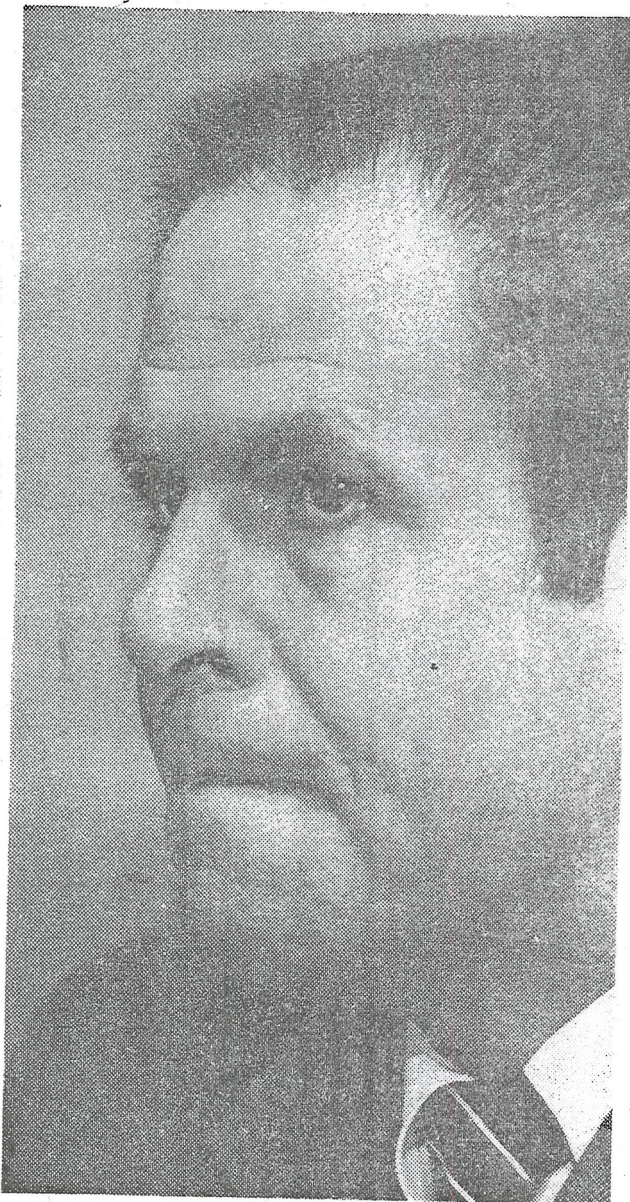
Senate Watergate committee chairman Sam J. Ervin Jr. (D-N.C.) accused the White House yesterday of collaborating with H. R. (Bob) Haldeman to stage his testimony about a tape recording the committee has sought unsuccessfully from President Nixon to establish what he knew about the Watergate cover-up.

Ervin characterized Haldeman's testimony about the tape recording of a March 21, 1973, White House meeting as "counterfeit evidence" and a calculated leak of Haldeman's version of what the tape shows. Former White House counsel John W. Dean III has testified that Mr. Nixon indicated at the March 21 meeting that he knew about the cover-up. Haldeman testified Monday afternoon and yesterday, however, that the tape shows the President was trying to find out about and stop any cover-up, although Haldeman's account corroborates most of the details testified to by Dean.

Ervin said yesterday that the White House had made only a "powder puff objection" to Haldeman's testimony about the tape recording of the meeting between Mr. Nixon and Dean, a meeting at which Haldeman himself had been present for only part of the time.

"I would say that the clear indication is that the White House's counsel wanted Mr. Haldeman to reveal his interpretation of the tapes to the public," Ervin said.

The extended discussion of the tape by Ervin and other members of the committee underscored the confidence that President Nixon has reposed in Haldeman. Haldeman testified



By Bob Burchette—The Washington Post

H. R. Haldeman: "I tried to run a tight ship."

that he had been asked twice by President Nixon—once while still on the White House staff and then this month after resigning April 30—to listen to tapes of presidential conversations and report back to him on their contents.

See HEARING, A24, Col. 1

Expert advising Ervin panel sees trouble getting a court to accept jurisdiction in the tapes case. Page A25.

HEARING, From A1

Despite this firm indication that President Nixon, as recently as three weeks ago, entrusted important assignments to Haldeman, the White House former chief of staff sought in his testimony yesterday to minimize the importance of his role in the White House.

Haldeman continually expressed a lack of knowledge about the Watergate affair, many policy decisions made in the White House and the Nixon re-election committee, and stated he could not recall details of several meetings in which he participated.

Haldeman acknowledged with pride that, "I tried to run a tight ship, and I think successfully most of the time... We did throughout the White House operation operate on what is known in some views as a zero defect system. We attempted to do everything right."

Haldeman acknowledged that he played a major role in overseeing what information went to Mr. Nixon directly, but said he did not play any substantive role in formulation of policy.

"I would not want to imply that I was a part of the policy-making process in terms of substance," Haldeman said in answer to a question. "I was in terms of procedure."

In contrast to the aggressive testimony of his close friend and associate, former Presidential domestic adviser John D. Ehrlichman, Haldeman was a soft-spoken, cordial witness, smiling often, occasionally appearing even shy in response to the questions of committee members.

Haldeman's gentle manner in responses to even the most hostile questions was in contrast to the otherwise increasingly acrimonious atmosphere of the hearings, with the ranking minority member, Sen. Howard H. Baker Jr. (R-Tenn.), and minority counsel Fred Thompson clashing openly with majority counsel Samuel Dash.

At the same time, Haldeman's lawyer, John J. Wilson, attacked Dash and argued with Ervin over questions being asked of Haldeman.

Among the several clashes between Dash on the one hand and Baker, Thompson and Wilson on the other was a prolonged discussion about whether Haldeman was obligated, under the subpoena issued to him by the committee, to turn over the March 21st tape when it came into his possession in July. Ervin finally settled the dispute by ruling that Haldeman was not obligated under the committee subpoena to turn the tape over.

Haldeman had told the committee in his opening statement that he had listened to two of the tape recordings of important meetings held between Mr. Nixon and White House counsel Dean during which the Watergate affair was discussed.

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Haldeman, under further questioning yesterday, acknowledged that through his lawyers he had informed the White House on Sunday of his intention to discuss his knowledge of the tapes that President Nixon has refused to turn over either to the Senate committee or to special Watergate prosecutor Archibald Cox.

In addition, Haldeman revealed that he had had several other tapes in his possession although he chose to listen to only two—recordings of Sept. 15, 1972, and March 21, 1973 Nixon-Dean meetings—, explaining that he thought it improper to listen to tapes of the other meetings, in which he had not participated. He testified he was present at all of the Sept. 5 meeting and 40 minutes of the March 21 meeting.

Haldeman also revealed that three weeks ago around July 10 or 12, he had kept several of the tapes for two nights in a closet in his home and that the tapes were left there unguarded while Haldeman was away from the house.

Sen. Lowell P. Weicker Jr. (R-Conn.) said that under the "concepts of fairness in the American way . . . it is grossly unfair to any witness who is before this committee and testifies on the basis of something which has been given to him and to him alone."

Haldeman conceded that

Haldeman Returns To Hearings Today

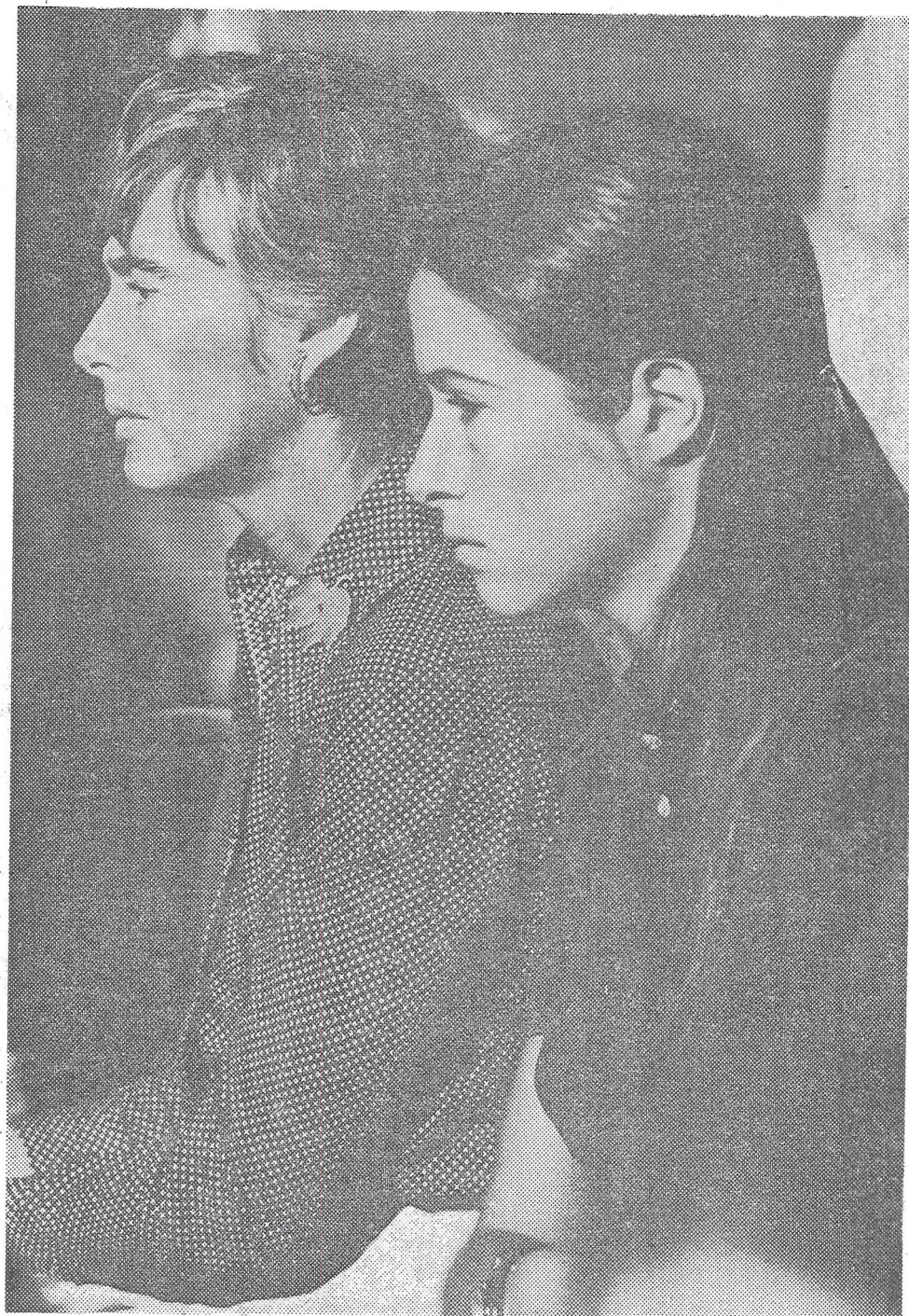
The Senate select Watergate committee will resume its hearings at 9:30 a.m. today. H. R. (Bob) Haldeman, former White House chief of staff, will continue to testify.

Channel 4 (NBC-WRC) will televise the hearings live, and Channel 26 (WETA) will rebroadcast the session, beginning at 8 p.m.

no other witness, including Dean, has been allowed to listen to tapes of conversations with the President, which were automatically recorded whenever they occurred in the White House Oval Office, the Executive Office Building Office or on several of President Nixon's telephones.

Referring to persons who may be indicted for their involvement in the Watergate affair, Weicker said he was concerned that Mr. Nixon's refusal to turn over the tapes has handicapped those who may be charged and hampered the federal grand jury investigating accusations.

"And here we have a case," Weicker said, "where in fact, this information has been denied individuals—never mind the committee—individuals, who may or may not be indicted, who may or may not go free depending on the information contained in those tapes and yet one individual, one private citizen, does have a



By Bob Burchette—The Washington Post

H. R. Haldeman's wife Jo and daughter Susan watch Watergate hearing.

right to them and, as I say, just one the basis of fairness . . . it certainly doesn't seem to me to be the way we do things either in the Congress or in our daily lives here."

Under hard questioning by Ervin, who became angry at Wilson's interruptions, Haldeman first denied communicating with the White House about his two hour opening statement and then acknowledged that he had posed a question about discussing the tapes to the White House through his lawyers.

Wilson said that he and his cocounsel, Frank Strickler, had discussed Haldeman's testifying about the tapes with White House lawyers on Sunday, July 29, two days before Haldeman testified about them.

President Nixon said on July 23, in refusing to make the tapes the committee sought available to it, "The tapes, which have been under my sole personal control, will remain so. None has been transcribed or

made public and none will be."

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On Tuesday, Wilson read a letter from special White House counsel J. Fred Buzhardt stating that if Haldeman was "asked to testify as to facts which he learned about meetings or portions of meetings which he did not attend, but of which he learned solely by listening to a tape recording of such meeting." President Nixon had instructed that Haldeman should invoke executive privilege.

Haldeman did invoke executive privilege in a pro forma manner, quickly adding that he would comply with the committee's instructions if it overruled the invocation of privilege.

Ervin did overrule the privilege after a brief recess and Haldeman then gave his recollection of the tape, coupled with his interpretation of what the tape meant. According to Haldeman, the tape showed that President Nixon had not been aware of the cover-up that Dean

was describing to him and that President Nixon was asking leading questions to elicit facts.

This sequence of events was characterized by Ervin yesterday as a "leak in the tapes," and "a little planned action in which the White House allows Mr. Haldeman to use the tape which the White House denies to this committee and (lets) Mr. Haldeman make the interpretation for this committee."

Buzhardt's letter, Ervin said, represented a "powder puff objection. If they had really meant the objection to be sustained, they would have been right here raising Cain about it themselves."

Although Haldeman showed a clear recollection of the tapes, despite his assertion that he had turned his notes on them over to the White House, he was frequently unable to give the committee any clear details about a number of other incidents in which he was involved concerning the Watergate affair.

By the same token, Haldeman also expressed a lack of knowledge about details of events in which he participated.

Under questioning by chief counsel Dash, Haldeman said he was not familiar "in any detail" with the recommendations of a 1970 plan developed by a federal interagency committee and approved by President Nixon to increase domestic intelligence activities, including wiretaps, burglary and monitoring mail to gain information about domestic dissidents and potentially violent groups.

"Did you read the recommendations that went to the President?" Dash asked Haldeman.

"I am not sure I did or not," Haldeman replied. "If I did, it was not in any detail. I had an idea it was a proposal for expanded intelligence activity."

Despite Haldeman's testimony, a top secret memorandum dated July 14, 1970 released by the Senate select committee, carries Haldeman's statement to Tom Charles Huston, the White House aide in charge of coordinating the intelligence plan, that President Nixon was approving the plan.

Haldeman notes in the memo that President Nixon did not want to follow a particular procedure outlined by Huston in one part of the plan. "I realize," Haldeman said in the memo, "this is contrary to your feelings as to the best way to get this done. If you feel very strongly that this procedure won't work you had better let me know and we'll take another stab at it. Otherwise let's go ahead."

At another point in his testimony, Haldeman acknowledged that he had approved the disbursement of \$400,000 in Nixon campaign funds left over from the 1968 election and held by President Nixon's personal lawyer, Herbert W. Kalmbach. The money was spent, according to Kalmbach, to oppose the gubernatorial election effort of George C. Wallace in Alabama.

Kalmbach had testified that he had given the money, at Haldeman's direction, to unknown persons in hotel lobbies. When pressed for details by the committee about the transaction, Kalmbach had referred the committee to Haldeman.

Haldeman yesterday expressed little more knowledge of the transaction than provided by Kalmbach.

The following exchange occurred between Haldeman and Sen. Herman E. Talmadge:

Talmadge: Who transmitted that money?

Haldeman: I do not know.

Talmadge: Mr. Kalmbach testified that he himself handled two secret funds in different hotels, that it was given to people unknown to him, a total of about \$400,000, and he understood that it was to go for political purposes in Alabama. He did not even know the name of the individual to whom he gave it, who they were, had never seen them before. Would you verify that statement?

Haldeman: I cannot verify it. I have heard the statement by Mr. Kalmbach.

Talmadge: Well, how did you handle this money? You requested it, then. You stated in your own statement, "money to go to the governor's race in Alabama."

Haldeman: That is right. I requested the money be allocated for this purpose. I was not directly involved in the process of making the transfer of funds.

Moments later, Sen. Daniel K. Inouye (D-Hawaii), asked Haldeman, "Just for the record, who was this candidate (in Alabama), sir?"

"I am not sure what his name was. He was the man who opposed Gov. Wallace in the primary for the nomination for governor," Haldeman replied. (The candidate was the incumbent governor, Albert P. Brewer.)

"Was he aware of the nature of the support," Inouye asked.

"I do not know," Haldeman replied. "I had nothing to do with the dealings with the candidate or his campaign people and I do not know what the arrangements were."

"You had the job of approving the \$400,000 expenditure and you were not curious as to how it was spent?" Inouye asked.

"No, sir," Haldeman replied, "because this was worked out by other people who were advising the President on the political situation in the South."

Baker, the Senate Committee's vice chairman, struck the same theme, eliciting a similar response from Haldeman, during his questioning:

"How in the world," Baker asked, "could you run such a tight ship and still on the morning of June 17, 1972 have the papers emblazoned with the charge that five defendants, later seven, had been caught in the Demo-

cratic National Committee headquarters at the Watergate, followed on closely with the identification of one of them as the security officer of the Committee to Re-elect the President, soon involving the general counsel for the Committee to Re-elect the President, soon involving the transaction of funds, the number of other things that this record is burdened with now for many weeks, how could you run a tight ship and know all these things and not suspect that something was going on?"

"There is no intimation on my part, I don't believe—well, I will speak for myself," Haldeman replied, "There is no intimation on my part that I didn't suspect that something had gone on. I knew that something had gone on. I didn't know what. I still don't know what exactly in terms of who did what, when and how."

One of the major disputes of yesterday's hearing came over Haldeman's testimony that President Nixon's campaign and Republican campaigns across the country had been the targets of violence, fires, bombings, harassment and other criminal acts that were undertaken by the Democrats in 1972—some instances, Haldeman said, with the knowledge of Democratic presidential candidates or their staffs.

Under questioning, Haldeman offered few specifics or substantiation for his charges and this brought him into a clash late in the day with Inouye and Ervin, who said that investigative agencies had no evidence to support Haldeman's contentions.

Ervin produced a letter dated June 8 to Dash from John H. Davitt, chief of the internal security section of the Justice Department, that stated that internal security files and FBI files revealed "no information" relating to criminal acts allegedly directed by the Democrats against Republicans in 1972.

Davitt's letter said that there was no information "which indicates or alludes to any criminal act or conspiracy perpetrated, or planned by or involving in any way and, Democratic presidential candidate, including Senator (Edmund) Muskie and Senator (Hubert) Humphrey, or the Democratic National Committee, in connection with any violence group or disruption group carrying out or conspiring to commit any unlawful or disruptive act."

Davitt said he also was "informed by the FBI that a search of their files" also disclosed no such information.

In addition, Inouye said, Robert C. Mardian, in his testimony before the Senate committee, had said he knew of no political sabotage or espionage that was undertaken by the Democrats in 1972. Mardian headed the internal security section before joining the Nixon re-election committee last year.

John Dean also has testified that he had been unable to discover any acts of political sabotage or espionage directed at the Nixon campaign by Democrats in 1972, even though the President and other White House officials were certain it had occurred.

(Last Oct. 16, Nixon campaign manager Clark MacGregor charged that The Washington Post had failed to report a number of incidents of what he termed known political sabotage directed by Democrats against the Nixon campaign. (The Post inquired into

each incident, and police and GOP spokesmen in the cities involved said they had no information to link any of the incidents to the Democrats.)

When Ervin finished reading Davitt's letter, Haldeman responded that there was nothing in FBI or Justice Department files about alleged Democratic sabotage or espionage against the Nixon campaign because "there has been no investigation of these matters."

Haldeman added that there are "lots of things that aren't in their files." Ervin said that he had the feeling from Haldeman's testimony that "the country was in a state of insurrection during the last election."

"If you had traveled with us . . ." Haldeman responded, "you would have the impression we were in a state of insurrection."

Earlier in the day, Haldeman's Thompson's questions, said that the Nixon campaign had been the target of "a fairly extensive program of violent demonstration and disruption . . . at a number of campaign stops."

Haldeman also said that Nixon campaign offices in Arizona and Hollywood had been burned or bombed; other headquarters had been damaged; Mrs. Nixon and her daughters, Tricia and Julie, "were subjected to harassment in very crude form in a number of their public appearances," and that delegates to the Republican national convention were threatened with violence and had their tires slashed.

Pressed for specifics, Haldeman said:

"The one specific that comes immediately to mind on that is the occasion of a trip to Los Angeles to the Century Plaza Hotel at which there was a very large demonstration staged out in front. The handbills to notify people of this demonstration . . . where to be, at what time, and that sort of thing, were handed out by the McGovern headquarters and I understand there was a phone call program set up in the McGovern headquarters there for calling people to urge them to come and attend this demonstration."

Pressed for more specifics by Inouye, Haldeman said he had been provided with a list by White House aide Kenneth L. Khachizian and

that he had turned that over to the committee.

Thompson stated that it was the duty of the committee to investigate Haldeman's allegations, and Dash answered that they already were being investigated by the staff.

In other key testimony, Haldeman acknowledged that he had asked that \$350,000 in cash be sent from the Committee for the Re-election of the President to the White House in connection with the 1972 campaign. Previous testimony has alleged that the money, in \$100 bills, eventually went to the seven Watergate defendants, their lawyers and families as part of an effort to buy their silence.

Haldeman said that he had wanted the cash for "polling purposes," but testified yesterday that the money had not, in fact, been used for that. He said that his aide, Gordon Strachan, had had custody of the money and that Strachan, after the election, asked what should be done with it.

He said that he told Strachan the money should be returned to the re-election committee "and that he should work out the means of doing that with John Dean."

As he did throughout his testimony, Haldeman laid the blame on Dean for having the money eventually end up in the hands of the Watergate defendants, their families or lawyers.

Haldeman said Dean had told him there was "a problem" in returning the funds to the re-election committee and later was told by Dean "there was a continuing need for a legal fund" for the Watergate defendants. He said he told Dean to take care of this need. But Haldeman maintained that he was unaware of any plan to try to buy the defendants' silence.

Haldeman said the \$350,000 had originally come from leftover funds from the 1968 campaign that had been in the custody of Mr. Nixon's personal attorney, Herbert W. Kalmbach.

Although saying that none of the \$350,000 was used for polling, Haldeman said other money had been used for polls taken "principally" by the Opinion Research Corp. and some others by Louis Harris Associates.

Harris, in a statement issued after the hearing yesterday, said:

"At no time has the Harris organization conducted any private political poll for any private source since 1963. Since then our firm has never had any business to do with Mr. Kalmbach, Mr. Haldeman, or any other Republican or Democratic sources."

On the matter of the March 21 recorded meeting involving Mr. Nixon and Dean, Haldeman reiterated his contention of Monday that the President was trying to "draw Dean out" on

the Watergate affair.

Minority counsel Thompson asked whether Mr. Nixon "was suspicious of Dean and wanted to know Dean's own involvement in the (Watergate) matter," but Haldeman responded that the President was "trying to get information.

"Now, why he was trying to get information is not clear to me," Haldeman said. He thought Mr. Nixon concentrated in that conversation on "the most shocking thing to him" which Dean had brought up: namely, Dean's statement that demands were being made for more money by Watergate conspirator E. Howard Hunt Jr. or his attorney, William O. Bittman, or else Hunt would tell the truth about the Watergate affair.

Corroborating in most details Dean's earlier testimony, Haldeman said Mr. Nixon had asked how much money would be needed.

Dean responded that it would eventually take \$1 million, but that would be difficult to raise, Haldeman said. However, Haldeman disputed Dean's version of the President's answer, saying that Dean had not quoted Mr. Nixon fully. Dean testified that Mr. Nixon had responded there would be "no problem" raising \$1 million.

Actually, Haldeman said, Mr. Nixon had said, "we can raise that kind of money but it would be wrong to do it."

In another portion of his testimony, Haldeman quoted Mr. Nixon as saying, in regard to the \$1 million: "We can do that but it would be wrong." Baker noted that "if the period were to follow after 'we can do that' it would be a most damning statement."

But, Baker added, if the tapes "clearly show he said 'but it would be wrong,' it is an entirely different con-

text. Now, how sure are you, Mr. Haldeman, that these tapes in fact say that?" Haldeman responded he was "absolutely positive" and that there was no distortion in the quality of the tape at that point.

In response to Thompson's questions, Haldeman said Mr. Nixon really wasn't interested in knowing whether \$1 million could be raised, "but rather in the direction of what this process was that Dean was describing of blackmail and what was done about it."

Haldeman said that he came into the meeting between Mr. Nixon and Dean long after it began and that it was clear in his mind at the time that the other two men had already discussed the alleged Hunt blackmail effort. He said his later listening to the tape confirmed his recollection.

He said that Dean had told Mr. Nixon of the immediate threat from Hunt for \$120,000 and that Mr. Nixon "asked Dean some leading questions about what he would recommend, how such a payment could be made and so on."

Pressed by Thompson to describe some of the "leading questions" from Mr. Nixon, Haldeman said he asked, "how you would get . . . this kind of money . . . then what do you do with it, how do you deliver it, what has been done in the past with it, what are the processes involved, and that kind of thing . . ."

In his Senate testimony, Dean had maintained that he discussed with Mr. Nixon the matter of payoffs to Hunt and other defendants at their March 13 meeting, but Haldeman said this actually occurred March 21.

Haldeman also contended yesterday that Mr. Nixon obviously knew nothing about any Watergate cover-up at the time of the meeting Haldeman says took place March 21.

Asked by Thompson how he knew this, Haldeman said:

" . . . as they were discussing one of these items . . . the President was asking some questions that I don't think the questions were quite making sense to Dean and he (Dean) said, 'Well, Mr. President, I know that I am covering things with you that you have known nothing about.' It was a clear and flat statement to that effect."

During the conversation, Haldeman said, Dean described events leading up to the June 17, 1972 Watergate break-in arrests, as well as the cover-up, but that he had listed only two possible areas in which White House personnel had been involved. (Dean testified that on March 21 he told "all" to the President.)

One of the problem areas, Haldeman quoted Dean as saying, involved a call a few months before the break-in from White House aide Charles W. Colson to deputy campaign director Jeb Stuart Magruder. Haldeman quoted Dean as saying the call "could be construed as pressure by Colson on Magruder to go ahead with the project."

Colson has said publicly and in a sworn deposition that his call to Magruder was done as a favor to Watergate conspirator Hunt to get Magruder moving on a political intelligence project drawn up by Watergate conspirator G. Gordon Liddy. Colson said he did not know what the intelligence project involved, and that he had no advance knowledge of the Watergate break-in.



By Bob Burchette—The Washington Post

Sen. Herman Talmadge puffs cigar as he and Sen. Daniel Inouye pay close attention to testimony.