

Ervin Cuts Off '62 Nixon Link

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Senate Watergate committee Chairman Sam J. Ervin Jr. (D-N.C.) ruled yesterday that a California court decision critical of President Nixon's 1962 gubernatorial campaign was too "far back" to be considered in the Watergate hearings.

Sen. Daniel K. Inouye (D-Hawaii) had tried to fully introduce the 1964 court decision that found illegal sabotage of the Democratic opposition had been approved by Mr. Nixon and H. R. Haldeman, then his campaign manager.

But John J. Wilson, Haldeman's attorney, objected that the 9-year-old court decision was "outside the scope" of the Watergate committee investigative authorization. Ervin agreed, saying, "I do not believe we ought to go back that far."

San Francisco County Superior Court Judge Byron Arnold ruled on Oct. 30, 1964, that, contrary to the state election law, a Nixon campaign committee had conducted a deliberately mislabeled postcard poll aimed at undermining Democratic support for California Gov. Edmund G. Brown, who won the election.

Judge Arnold, a registered Republican, found that, "this postcard poll was reviewed, amended and finally approved by Mr. Nixon personally . . ." Judge Arnold added that Haldeman also "approved the plan and project."

Inouye first referred to the California court decision yesterday morning when he asked Haldeman, "Have you ever been cited by any court in the United States for illegal or unethical campaign activities?"

Haldeman said he wasn't sure what "cited" meant. Then Inouye started to quote from a deposition Haldeman had given in the California post-election civil case.

When Wilson objected, Inouye attempted to argue that the California decision "is relevant to the investigation to have some understanding of Mr. Haldeman's approach to political campaigning" and as evidence of Haldeman's credibility.

When former White House counsel John W. Dean III appeared before the committee he was questioned about his dismissal in 1965 from a

Washington law firm, Welch and Morgan, for alleged unethical conduct.

Majority counsel Sam Dash told a reporter yesterday he thought Inouye's inquiry on the 1964 California court decision "was just as relevant."

Dash said, "I think Sen. Ervin was concerned about Wilson's constant crying out."

Mr. Nixon and Haldeman were not defendants in the California case. The court enjoined several other persons who had worked in the 1962 Nixon gubernatorial campaign and a dummy organization they established under the name "Committee

for the Preservation of the Democratic Party in California" from ever engaging in such illegal tactics again.

Judge Arnold said the Nixon postcard poll "purported to express the concern of genuine Democrats for the welfare of the Democratic party" and alarm at the prospects of the re-election of Gov. Brown.

Judge Arnold noted that, contrary to state law, nowhere on the postcard "was it stated that the defendant committee and its mailing . . . were supported by the Nixon for Governor Finance Committee." Arnold's decision was not appealed.