

The Washington Merry-Go-Round

Nixon 'Behavior' Swayed Grand Jury

By Jack Anderson

President Nixon's "guilty behavior" convinced the Watergate grand jurors last summer that he was implicated in the Watergate cover-up, according to informed sources.

Most damning was his action after hearing the evidence against his three closest advisers—H. R. Haldeman, John Ehrlichman, and John Mitchell. The case against the trio was laid out for the President on April 15 by the then-Attorney General Richard Kleindienst and Assistant Attorney General Henry Petersen.

They presented most of the evidence which has now become the basis for the grand jury indictments: Our sources say Petersen also warned the President that it looked as if Haldeman and Ehrlichman had directed a criminal cover-up.

Petersen advised the President to fire Haldeman and Ehrlichman but urged him NOT to fire his counsel, John Dean. Petersen explained that Dean was cooperating with the prosecutors.

The President set out, apparently, to do exactly the opposite. On April 16, he huddled with Haldeman and Ehrlichman. Out of this came the decision to fire not the pair Petersen had suspected of running the cover-up but the counsel who was helping the prosecutors make their case.

The President dictated to Ehrlichman a letter of resigna-

tion for Dean and then called in Dean and asked him to sign it. Dean refused, saying he was "not willing to be the White House scapegoat for Watergate."

The grand jurors believe that the President tried to thwart Dean, who presumably, was cooperating with the prosecutors in the hope of getting immunity for himself. For on April 17, the President issued a Watergate announcement:

"I have expressed to the appropriate authorities my view that no individual holding, in the past or at present, a position of major importance in the administration should be given immunity from prosecution."

Meanwhile, he asked Petersen for more specifics about Dean's confessions and other information gathered by the prosecutors. He resisted the pressure to remove Haldeman and Ehrlichman until April 30 when he finally felt compelled to accept their resignations.

But on nationwide TV he called them "two of the finest public servants it has been my privilege to know." In another statement issued by the White House he praised them still more. "Throughout our association," he said, "each of these men has demonstrated a spirit of selflessness and dedication that I have seldom seen equalled."

After they left the White House he met with their lawyer and permitted Haldeman to

monitor the controversial White House tapes that had been denied to the courts. For a short term, they even kept their limousine privileges and arrived in a White House limousine for questioning by the grand jury.

The sealed grand jury evidence, according to our sources, also implicates the President in an alleged conspiracy to buy the silence of the Watergate defendants. Their demands for money were discussed at a March 29 meeting in the President's office.

Dean testified that he told the President that the pay-offs could run \$1 million. Mr. Nixon told him "that was no problem," swore Dean, "and he also looked over at Haldeman and repeated the same statement."

Haldeman agreed under oath that the President had said raising \$1 million was no problem. But Haldeman insisted that the President had added: "That would be wrong." The grand jury, which had access to the White House tapes of the meeting, charged that Haldeman had lied about this.

Here are other incidents that raise questions in the minds of the grand jurors about President Nixon:

• As early as July 6, 1972, then-FBI chief Pat Gray warned the President that "people on your staff are trying to mortally wound you in the Watergate case." Gray testified that "frankly I expected the President to ask me some questions

for two weeks after that." But Mr. Nixon never bothered to ask which aides were hurting him.

• The President ordered Petersen not to follow up on the discovery that Watergate conspirators had also been involved in the 1971 break-in at the office of Daniel Ellsberg's psychiatrist. "That's a national security matter," Mr. Nixon allegedly said. "You stay out of that."

• In April 30 speech, the President announced that on March 21 he had "personally ordered those conducting the investigations to get all the facts and to report them directly to me." The three men responsible for the investigations — Kleindienst, Petersen and Gray—testified in separate appearances that they had not been asked by the President to report the Watergate facts to him.

There are also other circumstances which led all but four of the 23 grand jurors to seek some way to hold Mr. Nixon accountable for the cover-up. They agreed upon the sealed summary after the prosecution informed them it would be impossible to indict a sitting President.

The President's attorneys are upset over the sealed report which they fear could damage him badly. He may wind up choking on the words of his April 30 TV address: "It is essential," he told the nation, "that we place our faith . . . especially in the judicial system."