

Transcripts Show Nixon, Ehrlichman and Haldeman

By DAVID E. ROSENBAUM

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WASHINGTON, May 3—At 4:42 o'clock the afternoon of April 17, 1973, President Nixon stood on the stage in the White House press room and, before the television cameras and scores of waiting reporters, read a three-minute statement of his position in the Watergate case.

It was the first time the President had commented publicly on the case since the cover-up had begun to come unhinged four weeks earlier. And, as White House transcripts of Presidential conversations show, the statement had been carefully drafted, in hours of private conversations, to protect the President and his two top aides, H. R. Haldeman and John D. Ehrlichman.

The statement is being published in the Saturday editions of The New York Times along with the edited transcripts of the Presidential conversations from April 17 onward that were released Tuesday by the White House.

The April 17 statement had two parts.

First, the President said, all White House officials would appear before the Senate Watergate committee, which was about to start public hearings, but the President's aides reserved the right to refuse to answer any question on the ground of executive privilege.

'This Is the Operative Statement'

Second, the President said in his statement that "serious charges" had come to his attention and "no individual holding, in the past or at present, a position of major importance in the Administration" would be given immunity from prosecution.

The President then walked out of the press room without answering questions, but his press secretary, Ronald L. Ziegler, was immediately confronted with a barrage of hostile inquiries. The press secretary hedged for a while and then finally said:

"This is the operative statement. The others are inoperative."

In other words, all the President's explanations since the Watergate burglary nine months before and all Mr. Ziegler's repeated proclamations of White House innocence were, in one word of jargon, retracted.

Ever since the President was told the details of the Watergate case by John W. Dean 3d on March 21, Mr.

Nixon, Mr. Hadleman and Mr. Ehrlichman had been planning what they would say to the public.

They had worked out what they called a "scenario," asserting their own lack of any involvement in the scandal and laying the blame upon Mr. Dean and John N. Mitchell, the former Attorney General.

A Call From Petersen

The President and his advisers would have preferred to hold off on their public statement, but there was no time. On the night of April 16, Henry E. Petersen, an Assistant Attorney General, told the President on the telephone that he had just received a call from a Los Angeles Times reporter and that it was possible that the reporter had new details on the case.

The next morning, according to the transcript, the President and Mr. Haldeman had the following exchange:

Mr. Nixon: I would like a policy. I think, Bob, we have to think, I must say, we've got to think about a positive move. I think it ought to be today.

Mr. Haldeman: I agree.

Mr. Nixon: I think it should be at 3 o'clock today. We have already—I hope the story doesn't break today in—

Mr. Haldeman: Even if it does you can get into cycle with it.

Mr. Nixon: Yeah. Well, I don't want to be answering it.

Why did Mr. Nixon and his advisers decide, after months of intransigence, to agree that the aides would appear before the Senate Watergate committee?

The answer, as the transcripts make clear, is that Mr. Haldeman and Mr. Ehrlichman desperately needed a public forum to get their story out. And, by preserving the ability to claim executive privilege, they thought they would have to testify only on questions they were comfortable with.

Mr. Nixon and Mr. Haldeman had the following exchange the morning of April 17:

Mr. Haldeman: At this point, the way we're in the soup now, we can lose nothing by going [before the Watergate committee].

Mr. Nixon: That's right.

Mr. Haldeman: I think we may gain.

Mr. Nixon: That's right. I couldn't agree more. So, if you can prepare

me with at least that much, I'll agree. That I can say that today.

Mr. Haldeman: Well that's a hell of a bomb shelter right there.

As for the other part of the President's public statement, in which he ruled out immunity from prosecution, the principal purpose was to prevent Mr. Dean from testifying against Mr. Haldeman and Mr. Ehrlichman.

"Dean is trying to tell enough to get immunity and that is frankly what it is, Bob," Mr. Nixon told Mr. Haldeman.

And Mr. Haldeman responded, "That is the real problem we've got."

Later, Mr. Nixon commented that Mr. Dean was "going to do anything to save his ass" and noted that, on the question of approving hush money payments to E. Howard Hunt Jr., one of the convicted Watergate conspirators, Mr. Dean might even involve the President. "You've got to remember (unintelligible) he put this a lot higher," Mr. Nixon said.

Why He Put Out Statement

On April 19, in a conversation with John J. Wilson, the attorney for Mr. Haldeman and Mr. Ehrlichman, Mr. Nixon made his motives explicit.

Speaking of Mr. Dean, the President said, "they must have told him what

Discussing Stance They Will Take in Public

I—they—I think—have told Dean that, 'If he'll—if he can get Haldeman and Ehrlichman—he gets immunity.'"

And the President went on to say, "See, that's why I put out a statement that no major figure should be given immunity."

In the end, Mr. Dean did not get complete immunity. He pleaded guilty to one count of obstruction of justice and is expected to be the principal witness against Mr. Haldeman and Mr. Ehrlichman in their trial, which is scheduled to begin in September.

One repeated concern for the President and his assistants on April 17 was their knowledge that Mr. Haldeman and Mr. Ehrlichman were going to be called to testify before the Watergate grand jury. There was the following exchange in their early afternoon meetings:

Mr. Nixon: Have you given any thought to what the line ought to be—I don't mean a lie—but a line, on raising the money for these defendants? Because both of you were aware of what was going on, you see—the raising of the money—you were aware of it, right?

Mr. Ehrlichman: Yes, sir.

Mr. Nixon: And you were aware—you see, you can't go in and say I

didn't know what in hell he wanted the \$250 for.

Mr. Haldeman: No—I've given a great deal of thought (unintelligible).

Mr. Nixon: Well, I wonder. I'm not—look—I'm concerned about the legal thing, Bob, and so forth. You say that our purpose was to keep them from talking to the press.

Mr. Ehrlichman: Well, that was my purpose—and before I get too far out on that, I want to talk to an attorney and find out what the law is—which I have not yet done.

Later in the meeting, Mr. Nixon cautioned his aides against committing perjury before the grand jury. "Believe me," he warned them, "don't try to hedge anything before the damned grand jury. I'm not talking about morality, but I'm talking about the vulnerabilities."

Until his April 17 statement, Mr. Nixon had insisted in his public remarks that Mr. Dean had conducted a thorough investigation and had resolved that there was no White House connection in the Watergate case.

In fact, as the transcripts show, Mr. Dean never investigated, and the President knew that. But Mr. Haldeman and Mr. Ehrlichman had apparently either forgotten that Mr. Nixon's earlier statements were not true or believed them to be correct.

There was, for example, the following exchange on the afternoon of April 17:

Mr. Haldeman: Didn't you at some point get a report from Dean that nobody in the White House was involved.

Mr. Ehrlichman: Didn't we put that out way back in August?

Mr. Nixon: It was never in writing. He never came in orally and told me Dean—John Dean I never saw about this matter. You better check, but I don't think John Dean was ever seen about this matter until I saw him when John Ehrlichman suggested that I'd better see John Dean.

Later in the meeting, Mr. Nixon acknowledged that he knew that silence money had been paid to Mr. Hunt. He told Mr. Ehrlichman:

"I suppose then we should have cut—shut it off, 'cause later on you met in your office, and Mitchell said, 'That was taken care of,'"

The President was referring to a meeting that Mr. Mitchell attended on March

22, the day after the money was allegedly paid, when the former Attorney General said that Mr. Hunt was no problem any longer.

After the President made his brief statement in the press room on April 17, he, Mr. Haldeman and Mr. Ehrlichman had another long meeting, this one in the President's private office nextdoor to the White House in the Executive Office Building. Mr. Ehrlichman and Mr. Haldeman had just returned from their first meeting with Mr. Wilson, their attorney.

There was no alternative, Mr. Nixon and his aides agreed, but for Mr. Haldeman and Mr. Ehrlichman to resign from the White House staff, something they did not officially do until two weeks later. But the three men, longtime friends, became sentimental about their loyalty to one another.

Mr. Ehrlichman commented that, even if he and Mr. Haldeman were acquitted, they would be "damaged goods" and could never return to serve the President. Mr. Nixon replied:

"Right. You can't go back in the Government, but I will tell you one thing, you are not damaged goods as far as I am concerned."

Could Work for Foundation

Mr. Nixon said that the two men could always work for the foundation that was the parent organization for the construction and maintenance of his Presidential library. He told his aides:

"We ought to expect the worst, but I think that I would like both of you to consider 50 per cent of your time also for editing, etc., and so on, with the foundation. The foundation is going to be a hell of a big thing, it's bound to be. These first four years [of the Nixon Presidency] are terribly important."

Even if he was indicted and acquitted, he declared, he would probably be disbarred. "I think we've just about had it," he remarked.

Mr. Haldeman, on the other hand, was in a fighting mood.

"I hope to get funding for the ability to clear my name," he told Mr. Nixon at the end of the meeting, "and spend the rest of my life destroying what some people like Dean and [Jeb. S.] Magruder have done to the President."