

Ervin Terms Dean's Files 'Great Shock'

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Sen. Sam J. Ervin Jr. said yesterday that documents that had been held by former White House counsel John W. Dean III "would be a great shock to the American people if they were released."

Ervin, talking to reporters in Winston-Salem, N.C., said, "I interpret the papers as being an effort or a

plan to set up an operation to spy on the American people in general or at least on those who didn't agree with the administration. The result of the operation would be carried in a pipeline to the White House."

Dean, fired as presidential counsel on April 30, turned nine documents classified "top secret" over to Chief U.S. District Judge John J. Sirica on May 4. Sirica subsequently turned copies of the documents over to prosecutors investigating the Watergate affair and to the Senate select Watergate committee, of which Ervin is chairman.

The precise contents of the documents have not been disclosed. Ervin said he will ask government intelligence agencies to review the documents "to see what should not be released." He said he believed most of them could be made public.

In his statement of May 22, President Nixon referred to the documents Dean had turned over to Judge Sirica. According to Mr. Nixon, the documents are part of an "unused plan" developed in 1970 to resume domestic intelligence operations that had been suspended in 1966 by the FBI.

"These in turn," Mr. Nixon said, "included authorization for surreptitious entry—breaking and entering, in effect—on specified categories of targets in spec-

ified situations related to national security. . . The same plan, still unused, is being headlined today."

According to Mr. Nixon, approval of the intelligence operations was given to the FBI, CIA, National Security Agency and the director of Defense Intelligence on July 23, 1970, but was withdrawn five days later after FBI Di-

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disruption laid to Charles
W. Colson. Page A10.*

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rector J. Edgar Hoover objected.

Mr. Nixon said the 1970 plan was aimed at countering a "wave of bombings and explosions" that had struck American colleges and cities.

Although President Nixon said the plan is still "unused" methods described in it have been employed in at least one intelligence gathering operation ordered by the White House since 1970.

After the Pentagon Papers appeared in The New York Times, June 13, 1971, Nixon said in his May 22 statement, he approved the creation of a special investigative unit in the White House "which later came to be known as the 'plumbers.'"

Egil Krogh, then a White House aide, was put in charge of the "plumbers."

"I told Mr. Krogh that as a matter of first priority," Mr. Nixon said in his May 22 statement, "the unit should find out all it could about Mr. (Daniel) Ellsberg's associates and motives (in releasing the Pentagon Papers)."

Krogh has filed an affidavit before U.S. District Judge W. Matt Byrne, who presided in the Pentagon Papers trial, saying that he gave approval for Watergate conspirators E. Howard

Hunt Jr. and G. Gordon Liddy to break into the offices of Ellsberg's psychiatrist to obtain copies of documents about Ellsberg.

Newsweek Magazine reported this week that "undercover agents" for the administration made other surreptitious entries to undermine the defense in criminal proceedings involving the Black Panthers, the Chicago Seven and Daniel and Philip Berrigan.

Sen. Stuart Symington (D-Mo.), said on May 22 that the 1970 plan had been drafted by Tom Charles Huston, a White House aide. Symington said the documents "set no limits" on the amount of burglary the intelligence agencies could commit.

Symington said the documents "appear on their face to reflect recommendations and possibly decisions to permit violations of the law in the domestic collection of intelligence on United States citizens."

In a related matter, Sen. Edward J. Gurney (R-Fla.), a member of the Senate Select Watergate committee, yesterday called on Ervin to change the committee's procedures to bring "key witnesses" to testify immediately when the hearings resume June 4.

In a letter to Ervin, circulated to the other five members of the committee and to the press, Gurney said "the central issue is the Presidency." Gurney said that communications he has received indicated that a "vast majority" of people "strongly feel that the committee should come to grips with the important facts much faster and more decisively. I subscribe wholeheartedly with this feeling."

The committee, Gurney said, has heard from "minor witnesses" who can "shed little real light on the involvement of the President" even though their testimony "has provided huge black headlines based solely on hearsay or opinion."

The hearings, Gurney said, "could be likened to a preliminary impeachment proceeding based on hearsay evidence of the rankest kind, embellished by opinions and innuendo."

Gurney said the committee should call former White House aides H. R.

(Bob) Haldeman, John D. Ehrlichman, Dean, and Charles W. Colson along with former Attorney General John N. Mitchell, Nixon campaign finance director Maurice H. Stans and former Nixon personal lawyer Herbert W. Kalmbach.

Haldeman and Ehrlichman now are scheduled as the two last witnesses on the committee's original list of 20 prospective witnesses for the first round of hearings. Mitchell is 17th on the list.

Chief committee counsel Samuel Dash said last week that he had organized the hearings like a trial. "I don't want to be dragged by the rear into a chaotic presentation of this. It's complicated enough."

Dash said that to change the order of witnesses substantially would leave the public confused. Dash could not be reached for comment yesterday despite several calls to his office.

A spokesman for Ervin said in Washington that Ervin feels "strongly" that the committee is on the right course and should hear witnesses on a "careful, case-by-case procedure." Ervin, the spokesman said, "does not want these people strung out over a long period of time. He think he's doing the right thing in the right manner."

Ervin said in Winston-Salem, however, "I wish top level officials could come before us at this time." Ervin mentioned specifically Dean and former Nixon deputy campaign manager Jeb Stuart Magruder as two wit-

nesses he would like to put on immediately. Ervin blamed the Justice Department, which has delayed for 20 days the grants of immunity from prosecution for Dean and Magruder, for holding up their testimony.

It was not clear from the question Ervin was asked in Winston-Salem whether he agreed with Gurney that all former top officials should be called immediately or just Dean and Magruder.

Gurney's letter came hard on the heels of an interview Vice President Spiro T. Agnew gave The New York Times Wednesday in which he said that the facts in the Watergate case should be "dredged" into the open quickly so that the country and the Republican Party could "get it over with."

Gurney said yesterday that he was unaware of Agnew's statement until he heard about it at lunch yesterday. "I haven't talked to anybody in the administration about Watergate nor have they talked to me," Gurney said, adding that the timing of his letter and Agnew's interview was "coincidental."

The ranking minority member, Sen. Howard H. Baker Jr. (R-Tenn.) said in a telephone interview that he is "sympathetic" to Gurney's point of view but "I reserve judgment until we have our regular meeting of the committee next Tuesday. . . . I think the whole committee felt we ought to speed it up. The question is how and how fast."

Under the committee's rules, Ervin has the power to decide the order of witnesses.

In related developments, Dade County (Fla.) State Attorney Richard Gernstein questioned Watergate conspirator James W. McCord Jr. for an hour yesterday in the Washington office of McCord's lawyer, Bernard Fensterwald.

Gerstein, whose office is investigating possible involvement of the Watergate conspirators in other break-ins and in plans to disrupt the Democratic National Convention in Miami Beach last summer, said McCord had "cooperated fully" and "answered all questions in what I thought was a candid manner."

He said McCord "gave us information and leads that I think will be helpful in our investigation, but declined to discuss the substance of McCord's statements."

Gernstein said he is probing a possible "conspiracy" among the four Watergate convicts from Miami and other Miami Cubans to disrupt the Democratic convention and their possible involvement in Watergate-related break-ins in Washington, New York and Florida.

"We think that a conspiracy may have been hatched in Miami, Fla.," Gernstein said. "I feel that the Cuban men participating in the Watergate were involved in other ventures."

He said the break-ins being investigated include the

May 13-14 1972 burglary of the Chilean Embassy in Washington and last July 4th break-in at Gernstein's own office in Miami. At the time of that break-in, Gernstein had just subpoenaed the bank records for the account of Watergate conspirator Bernard Barker, who had been arrested weeks earlier at the Watergate headquarters of the Democratic Party.