

Judge Says He Refused Secret Post

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A federal judge in Seattle said yesterday that former presidential adviser John D. Ehrlichman asked him in late 1970 to head a White House committee on domestic intelligence.

Judge Morell E. Sharp said he turned down the offer after discovering to his surprise that the committee's existence was to be kept secret.

"I was not about to participate in a secret activity," he said. "I was happy to turn my efforts elsewhere."

He said he understood that the committee was later created not as an arm of the White House, but as an adjunct of the Justice Department's recently abolished Internal Security Division.

President Nixon subsequently appointed Sharp a federal judge for the western district of Washington state. He was a state Supreme Court judge when approached by Ehrlichman.

Sharp said he withdrew his name from consideration for the committee post at a high-level White House meeting in late January of 1971 with Ehrlichman, former White House chief of staff H.R. Haldeman, former Attorney General John N. Mitchell, ousted White House counsel John W. Dean III, and "maybe" Robert C. Mardian, then assistant Attorney General in charge of the Internal Security Division.

President Nixon said May

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JUDGE MORELL E. SHARP
... White House choice

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22 in a 4,000-word statement on the Watergate scandal that an Intelligence Evaluation Committee—the group which Sharp was asked to head—was created in December of 1970 "to improve coordination among the intelligence community and to prepare evaluation and estimates of domestic intelligence."

Mr. Nixon said he understood that "its activities are under investigation." But he said that "if it went beyond its charter and did engage in any illegal activities, it was totally without my knowledge or authority."

In July, 1970, the President had approved a secret White House plan for spying on domestic radicals—including proposals for what Mr. Nixon called "surreptitious entry—breaking and entering, in effect."

Mr. Nixon approved the plan over warnings in background memos that portions of it were "clearly illegal," but then rescinded it after five days because of objections from then FBI director J. Edgar Hoover.

The President indicated that the Intelligence Evaluation Committee was subsequently set up simply to improve working relationships

"among our intelligence agencies." Its members included representatives of the White House, Central Intelligence Agency, FBI, National Security Agency, Secret Service, and departments of Justice, Treasury and Defense.

Then nearing the end of an appointive term on the Washington state Supreme Court, Sharp said Ehrlichman called him on the West Coast in the fall of 1970. "He said he had several things I might be interested in," including the intelligence committee, Sharp recalled.

Sharp said he came to Washington, D.C., to meet

with Ehrlichman around late October or early November.

"He indicated and I assumed, that the committee was to evaluate existing intelligence agency reports," the judge said. He said he also got the impression that its formation and assignment would be made public.

Sharp said he attended two formative meetings of the committee, one around December in 1970 and the other around Jan. 10, 1971, at the Executive Office Building. He said Ehrlichman did not attend, but he believed that Dean and Mardian were present at both.

The judge emphasized that he had "no expertise" in intelligence gathering, but got the impression — from Ehrlichman — that an outsider like himself with a judicial temperament had been sought to smooth over "the bureaucratic jealousies and perquisites" involved.

The offer to Sharp was first disclosed yesterday morning in the Seattle Post-Intelligencer. He elaborated later in a telephone interview with The Washington Post.

He said he was and still is "pretty green" about the federal bureaucracy, but it was evident to him at the second meeting in January that there was a clear "lack of enthusiasm" about the committee's formation.

He said it was at the second meeting that he also learned that the committee was to be kept secret. "I was to be kept secret. 'I don't know who it was who said that,' he stated. "It just seemed to be kind of understood."

Sharp said he then resolved in his own mind that he wanted no part of the job. "I made up in my own mind that I wasn't going to get into the position where I'd have to hedge or falsify — I don't know if falsify is the right word—about what I was doing," he said.

The judge said he was given a temporary office in the new Executive Office Building for the next two weeks, but conveyed his decision during that period to both Ehrlichman and Dean. He said he bowed out formally at the meeting in Ehrlichman's office in the White House in late January.