

Excerpts From Ehrlichman's Testimony

Special to The New York Times

WASHINGTON, July 30—
Following are excerpts from
the transcript of testimony
today by John D. Ehrlichman
on the 31st day of hearings
on the Watergate case before
the Senate Select Committee
on Presidential Campaign
Activities:

MORNING SESSION

MR. DASH: Mr. Ehrlichman, I will just ask a couple of questions to get back to the Ellsberg [psychiatrist] break-in, [on] the sincerity of your statement that you felt it was legal.

Is it not a fact, that this is the first time you have asserted publicly before any investigating body the claim that the break-in of Dr. Fielding's office was legal for national security?

MR. EHRLICHMAN: Well, I think unlike the other investigative bodies this one goes far beyond mere fact and gets into these associated questions.

Q. But you have spoken publicly on this subject, have you not, on this so-called Ellsberg break-in? A. Well, I do not know what you call speaking publicly. I have talked to the press.

Q. And you also appeared on Mike Wallace's program "Sixty Minutes?" A. Yes, I did.

Q. Do you recall in that interview your statement that there was no way to condone that action? Now, if in fact you believed that, at that time, that it was legal, would you be saying there was no way to condone it?

A. Well, I think you will remember my testifying here, Mr. Dash, that at the time it was reported to me, I did not condone it. It was simply beyond my contemplation that there would be a resort to the break-in in order to do this job that they were assigned to do, this investigation.

Q. But you have testified and spent quite a bit of your time testifying that the break-in was actually a legal act in the interest of national security. A. I believe that is a sound position.

National Security Issue

Q. Now, did you also testify that you spoke to the President in March [1973]

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about it and that he also indicated to you that he believed that national security required it or that it was justified under national security? A. Yes, he did.

Q. If he did that in March, why would it be necessary for the President in his May 22d statement to make a public apology actually, and take personal responsibility for what he said was illegal means that he was not made aware of in advance. Rather, would he not have stated, as President, if he thought that this was a legal act, in the interest of national security, that all acts of the plumbers group were legal, and in the interest of national security? Why would he feel it necessary to apologize to the people of America and take responsibility and say he had no foreknowledge of any illegal means?

A. Well, you are asking the wrong person, Mr. Dash, to explain the President's statement of May 22. I was gone like three weeks at that point, and had no part in the preparation of that statement.

My statement here with regard to my understanding of the law is not meant to speak for the President nor anyone except myself. This is my view based on the advice of eminent counsel, and I think it is a sound one.

Q. When did you first get

that view? You said based on the advice of eminent counsel? Is it not true that you have recently been advised by counsel based on the statutes provided for you that this was a legal act?

A. Well, certainly. I had no occasion to brief it until I left the White House, Mr. Dash.

Legality of Break-In

Q. Then you never really believed at the time or had

any viewpoint when the break-in took place that this was legal? A. Well, I certainly had a viewpoint, and I certainly had a strong feeling of the propriety of the President's actions in attempting to plug these leaks.

Q. That is not my question. A. Yes, it is.

Q. Mr. Ehrlichman, that is not the question, the question is the break-in. A. Mr. Dash, are you going to interrupt my answers?

Q. No, and you have used

Q. No, and you have used the questioning for making speeches throughout the hearing.

A. Let me give my answer and if you do not feel it is responsive why don't you point out where it is not?

Q. I hope you will give a responsive answer.

A. I will do my very best. I understand your question to be whether or not I had a belief or impression that the thing that the President had assigned here in creating this special unit was legal and proper, and my answer to you is that I had a continuing impression that the charge given to Mr. Krogh on the 24th of July was in all respects within the President's constitutional prerogatives. I had then a present impression at that time that this was well within the President's national security powers, and that has continued to be my impression forward.

Now, since I left the White House and have retained counsel obviously, they have done some intensive briefing on the subject and you have seen the fruits of that in the colloquy between the chairman and Mr. Wilson. It is a much more refined and precise and substantiated position on the law than I had any occasion to make prior to this time.

President Advised

Q. Is it also true that you were totally ignorant, Mr. Ehrlichman, of the fact that actually the President and

Mr. Haldeman had been informed that surreptitious entries, or break-ins for national security purposes were clearly illegal and constitute the crime of burglary prior to the break-in? Were you ever aware of that?

A. Well, if you are speaking of the Huston, the Tom Huston memos [of 1970 on an intelligence operation], of course, the subject there was an entirely different subject, and that was domestic intelligence, domestic security. Here you are dealing in the area of foreign intelligence and national security and it is quite another subject.

Q. Have you reviewed that document, Mr. Ehrlichman? A. No.

Q. Well, Mr. Ehrlichman, the document deals both with national security and with internal security and when that document was presented by this committee here in testimony the chairman, with the support of the committee, excised out those areas of national security. But it dealt with a total plan of dealing with intelligence-gathering both involving foreign countries and national

security as well as internal security, and let me read to you—

A. What is the document, Mr. Dash?

Q. The document is the so-called Huston Plan, and we have it here with Mr. Murphy, who has been in custody of the plan which we can show you. The part that has been put into the record as excised out of the national security parts.

SENATOR BAKER: Mr. chairman, before we go on, just to make sure that the witness is familiar with it, why don't we supply him with either the original copy which Mr. Murphy has here or other copies?

Accurate Copy

MR. DASH. I can supply him with the copy which appeared in The New York Times. (It has been compared by Mr. Murphy with the original and it is accurate with the original but we can also show him the one, let's show show him the one Mr. Murphy has. A. Is it a question whether I am familiar with this document?

Q. No, no, I asked whether or not you were aware whether the President and Mr. Haldeman had been ever informed prior to this break-in that such break-ins for national security were in fact

clearly illegal and constitute the crime of burglary? A. I was not.

Q. But you did testify, Mr. Ehrlichman, that in March of this year you spoke to the President and discussed this particular entry [into Dr. Ellsberg's psychiatrist's office] and he said that he knew that it was legal and justified for national security. Did he mention to you that he had received any kind of a contrary advice at any other time?

A. Well now, that question makes an assumption not in evidence, Mr. Dash, that the President said he knew it was legal. I don't believe I have ever testified to that. Maybe some other witness had, but I don't know where you got that idea. I could not answer the question with that assumption in it.

Q. I thought that was your testimony. I asked you the question earlier whether or not in March you talked to the President and the President said that he believed it was legal and justified for national security and I thought you answered in the affirmative.

A. Well, I certainly would not want to give you the impression that the President had given me a legal opinion on this at that time. But what the President said was that he felt that it was important, and it was necessary, that in the context of the massive thefts, the turnover to the Russian Embassy [of the Pentagon papers] and all the context of that operation that he certainly could not criticize the men who had undertaken this in good faith believing that they were responding to the urgency of the circumstances.

Q. All right. The testimony you do leave with the committee, is that your own personal evaluation as to its legality was a recent one after advice of counsel? A. Well, I certainly would not want to leave that impression either, Mr. Dash, and I would simply stand on my actual answers.

Q. Well, the record will so show.

AFTERNOON SESSION

MR. EHRLICHMAN: I think under the rules I am entitled to make a brief closing state-

ment and I would like to avail myself of that privilege.

SENATOR BAKER: You are indeed and you may proceed.

MR. EHRLICHMAN: Mr. Vice Chairman and members of the committee, I prepared for this hearing with just two objectives: first to state the truth as nearly as recol-

lection and research could enable me to do and thereby to establish the falsity of the charges made against me by your star witness. For nearly five days I have submitted to your cross-examination to permit a test of the truth of my testimony. In my opening statement I listed a number of questions which I asked



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John D. Ehrlichman, left, leaving the Old Senate Office Building, near the Capitol, during recess for lunch.

you to inquire about because I believe they are central to this matter and because I have some information about them.

In the past five days, a great deal of time has been spent mostly on a few of them. As a result, there is now remaining one matter which I believe is important enough to mention in passing to the committee. I did not have an opportunity to review with the committee my notes of my second interview with Gordon Strachan. I think it is important to the committee to know that as you read those notes the question which I continually put to Mr. Strachan all the way through was, "Is there anything else? Are you giving me the whole list? Are these all the people in the White House who are involved, and have you told me everything you know about their involvement?" In other words, the list you see in the Strachan notes is intended, as I recall the interview with Mr. Strachan, to be an exclusive list, and that does not appear on the face of the notes, and I think it's important for you to have that.

Secondary Objective

My secondary objective here was to be prepared to raise a voice for the President, who is unrepresented here. As your questions developed, I had no opportunity to do so as his advocate, I only shed some light on facts which disproved a few of the false allegations which have been advanced against him here. I do not apologize for my loyalty to the President any more than I apologize for my love of this country. I only hope that my testimony here has somehow served them both.

I could not close without commenting on Gordon Strachan's answer of the other day to the question, "Do you have any advice for the young Americans who are expressing their disenchantment with government

and the political process?" Gordon said, "stay away." And your gallery laughed. But I don't think many other Americans laughed at that answer, I certainly didn't, nor do I agree with Gordon's advice.

Our political system and our real governmental institutions are not just the buildings and the laws and the traditions that one sees here in the city of Washington. Our Government and our politics are only as idealistic as the people in those buildings who administer the laws and run the campaigns and fulfill the traditions. If some young Americans know that their ideals or ideas or motives are sounder or purer than those of the people now in politics or government, than I think Gordon should have said to them, "Come and do better. Don't stay away."

Motivated People

Somehow, in politics and government it seems that there is always someone to fill the job. If you don't take it, you can be sure that somebody else will. We are either going to have highly motivated able people running the political campaigns and filling the offices in government or we will surely have seat-warmers and hacks who will fill these places and the country will be the worse for it. People must be attracted who will come here to fight for what they believe in and to work long hours to get things done. I hope that young people don't stay away, I hope they come here and apply their idealism and their enthusiasm and their high moral principles. I hope they come and test their ideas and their convictions in this marketplace. I hope they do come and do better.

With young Americans," if you come here come with your eyes wide open. If you go to work for the President and the executive branch

there are very few in the congress or the media that are going to throw rosebuds at you. If you favor change in what our Government is and what it does in our society you will have to fight for it. No such thing has been won here by default, at least not recently, and be prepared to defend your sense of values when you come here, too.

You will encounter a local culture which scoffs at patriotism and family life and morality just as it adulates the opposite, and you will find some people who have fallen for that line. But you will also find in politics and government many great people who know that a pearl of great price is not had for the asking and who feel that this country and its heritage are worth the work, the abuse, the struggle, and the sacrifices. Don't stay away. Come and join them and do it better."

Mr. Vice Chairman, this select committee has an awesome responsibility to find the truth. Such a search cannot be made by one whose eyes are clouded by pre-conception or partisanship, it can only be found by those with open mind, free of bias and unfairness. I am confident that the truth is there to be seen. It only needs the see-ers.

Thank you, Mr. Vice Chairman.



Senator Sam J. Ervin Jr., center, committee chairman, discussing secrecy of documents as John D. Ehrlichman, right foreground, testified. At the

committee table, from the left: Fred D. Thompson, minority counsel; Senators Howard H. Baker Jr. and Ervin, and Samuel Dash, chief counsel.

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