

Damaging Watergate Disclosures Reflect Factions and Strategies of the Principals

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INFIGHTING BRINGS
FLOOD OF REPORTS

Issue of Immunity for Dean
Places Prosecutors at Odds
With Ex-Counsel's Lawyer

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WASHINGTON, April 30 —

In all the brilliant rocket fire of Watergate news — articles about burglaries and “burn bags” and disputes about who warned the President and who operated behind his back — a coherent system of factions and strategies is still at work.

So, at least, say “sources close to the case” — the code phrase for friends, relatives, lawyers and associates of the principals and the prosecutors, who continue to feed the heavy traffic of tactical rumors and “scoops” about the scandal in the capital.

The hottest fighting, and the origin of numerous news articles, appears now to be the war of nerves between lawyers who want immunity for the ousted White House counsel, John W. Dean 3d, and Federal prosecutors who want Mr. Dean's testimony against superiors.

Only with Mr. Dean's cooperation, say his lawyers, can the Government indict H. R. Haldeman and John D. Ehrlich, the fallen chiefs of the White House staff.

Yet the prosecutors, wary against a possible bluff, are still threatening to indict Mr. Dean and take their chances on making a case against his bosses — later, or with other evidence.

Internecine Warfare

The encounter is the central, and most illustrative, example of the combat, in which old comrades in the Nixon army have now turned on one another, hoping to bargain for their own freedom by putting the finger on other wrongdoers.

Mr. Dean, the man who did the original White House investigation of Watergate, is in an extraordinary position: He is deeply implicated in the official cover-up, if not in the Watergate raid itself; but as the in-house investigator, who had access to all the Federal Bureau of Investigation's information, he probably knows more than anyone else about the involvement of others.

The Justice Department is extremely reluctant to grant immunity from prosecution to such an apparently central figure. Yet if Mr. Dean turns hostile and silent before the

grand jury, as the Watergate burglars did, it may be impossible for the prosecutors to reach beyond Mr. Dean to the men who directed him.

Thus, Mr. Dean's lawyers believe they have forced a painful choice on the prosecutors: If they give Mr. Dean immunity they will be accused of letting a prime suspect go free; but if they indict Mr. Dean and he refuses to cooperate, they will be charged with a “cover-up,” that is, with sacrificing their case against other conspirators.

Dean's Importance Clear

Some of the most sensational news stories of the last week, some of them seemingly unrelated to Mr. Dean's struggle, derive directly from it.

In The New York Times last Saturday, for example, authoritative sources were reported to have confirmed that Mr. Dean was asking for immunity — news that may have weakened his position by publicizing his concern for himself.

The next day, however, The Washington Post reported from sources in the Dean camp that Mr. Dean had written a comprehensive and damaging history of the whole Watergate affair, and that he also had information about other allegedly illegal activities undertaken by the Nixon Administration since 1969. “Sources close to the case” immediately interpreted the story as an effort to make it more difficult than ever for the prosecutors not to indict higher-ups.

Two of last week's big disclosures — about the reported burglary by two Watergate figures in the office of Daniel Ellsberg's former psychiatrist and about the “burn bag” destruction of one conspirator's files by L. Patrick Gray 3d, then acting director of the F.B.I. — can also be traced to Mr. Dean.

Sources Reported

Both disclosures are understood to have been made by Mr. Dean to Earl J. Silbert, the chief Watergate prosecutor in the United States Attorney's office here. And both disclosures fit Mr. Dean's over-all strategy: to give provocative hints at the kind of explosive information he can deliver if he himself is assured of his freedom.

Mr. Silbert, in relaying the information about the Ellsberg case to the prosecution at Dr. Ellsberg's trial over disclosure of the Pentagon papers, said only that he had learned of the matter from a Watergate witness on April 15. That was the day — a Sunday afternoon — when he and Mr. Dean conferred.

The story about Mr. Gray's destruction of documents from the White House safe of E. Howard Hunt was released by Senator Lowell P. Weicker, a Connecticut Republican. Mr. Weicker was acting on Mr.

Gray's behalf, after Justice Department officials told Mr. Gray that the story was certain to come up before the Watergate grand jury. But the Justice Department officials had heard the story in turn from Mr. Silbert, who heard it first from Mr. Dean.

It is Mr. Dean's ability to give, or withhold, more such stories that fortifies his negotiating position with the prosecutors.

Others Seek Leverage

In other areas of the Watergate battlefield, the basic maneuver by former Nixon campaign and Administration officials is essentially the same — to get some leverage with the prosecution by demonstrating the ability to implicate others.

Renewed reports today, for example, to the effect that Charles W. Colson, a former White House special counsel, helped instigate the Watergate bugging raid last June, can be traced through several intermediaries to Jeb Stuart Magruder, who was the deputy manager of the Nixon re-election campaign.

For more than a month, Mr. Magruder has been telling friends about a call that Mr. Colson allegedly made to him early last year. Time magazine reported this week that Mr. Magruder had told Federal prosecutors that Mr. Colson telephoned him in February, 1972, and asked: “When the hell are we going to get this bugging plan approved?”

Yet by a curious accident, Mr. Colson learned week ago of Mr. Magruder's hostility and had time to present his own, very different version to the prosecutors, ahead of Mr. Magruder.

Late one evening last month in a bar in Bermuda, where Mr. Magruder and his lawyers were planning their strategy, a friend of Mr. Colson chanced to hear Mr. Magruder mention a telephone call by which Mr. Colson could be implicated.

Remembering the call and forewarned of the attack, Mr. Colson gave his account in a written memorandum to Mr. Silbert, according, once again, to sources close to case. As Mr. Colson recalled the event, G. Gordon Liddy and Hunt, a friend whom Mr. Colson had recruited for the White House staff, appeared in Mr. Colson's office one evening in February, 1972, and complained that they could not get a high-level hearing for their plan of campaign intelligence and counterintelligence.

Call Acknowledged

According to Mr. Colson, bugging was never mentioned in the brief meeting. But he acknowledges that he called Mr. Magruder at the campaign headquarters and told him to give the two men a hearing.

At roughly the same time he

was reporting to the prosecutor, Mr. Colson undertook a lie-detector test in New York on April 4, in which he was asked specifically: “Before last June 17, did you urge anyone to bug the Democratic National Committee headquarters?” He was also asked if he had any foreknowledge of the plot.

On these and other questions, Richard O. Arther, president of Scientific Lie Detection, Inc., certified that Mr. Colson was answering “truthfully.” The results of the test were then made available to The New York Times and published on April 8.

Mr. Colson is understood to be reserving further information, including documents, to buttress his claims of innocence and to implicate others, if necessary.

Meanwhile, in one of the obscure attacks that have become typical of the infighting, friends of John N. Mitchell, the former Attorney General and Nixon campaign manager, made an exploratory effort to implicate Mr. Colson. Today, however, Mr. Mitchell himself announced that the assault against Mr. Colson was being abandoned.

Mr. Mitchell told reporters after testifying before the Watergate grand jury that proponents of the Watergate bugging had discussed their plans repeatedly beforehand in his presence, but that he had rejected them each time. What he wanted to know, Mr. Mitchell remarked, was “who it was that kept bringing them back and back and back.”

Mitchell Issues Statement

The remark was first interpreted as pointing the finger of suspicion at Mr. Haldeman, President Nixon's chief of staff and long an adversary of Mr. Mitchell's in the relatively gentle struggle for influence with the President.

According to this morning's Washington Post, however, “an associate of Mitchell said yesterday that the former Attorney General was implicitly referring to Colson in that remark.” As late as 11 A.M. today, a senior strategist in the Mitchell camp was confirming that Mr. Mitchell had meant to implicate Mr. Colson.

Yet shortly after noon, Mr. Mitchell himself changed the signals. Contrary to The Post's article and the off-the-record tip from his own adviser, Mr. Mitchell declared in a written statement: “I was not referring, ‘implicitly’ or otherwise, to Mr. Charles W. Colson or anyone else in the White House.”

In this atmosphere of savage warfare among principals in the case, newspapermen in intense competition for the latest disclosure find themselves dealing with an almost infinite number of “sources,” but getting few “facts” that are either provable or disinterested.

All of the principal figures in

the news — through investigative reporting and the warfare of managed information — that has been known to plant now, it appears that the saga may unfold itself in the headlines before criminal defense attorneys can be indicted and tried. Final judgment, of course, remains with the courts.

one newspaper but they do not know who the other Dean “associates” are who have given other details to another newspaper.

Tactics Seen Contradictory

It is also characteristic of the combat, and the confusion, that “close associates” who dis-

the Watergate affair now have at least one lawyer. Most of them have a number of other “associates” who talk to reporters for them. Some of them have close associates who give out conflicting stories.

And Mr. Dean, at least, has two intimate friends who have given partial details about his



President Nixon with John D. Ehrlichman, left, and H. R. Haldeman in 1971 Fred J. Maroon