

Watergate Jury Quizzes

Ehrlichman, Haldeman

New Nixon Guide on Privilege

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Washington

Former White House aides John D. Ehrlichman and H. R. Haldeman testified for a total of seven hours before the Watergate federal grand jury yesterday as the White House issued new guidelines on the use of executive privileges by presidential assistants.

An informed White House source said that the new guidelines are designed to facilitate the examination of White House aides questioned by the grand jury, the FBI or the Senate select committee.

The new guidelines state at the outset that "the President desires that the invocation of executive privilege (the right not to answer certain questions) be held to a minimum."

LAWYER

The guidelines were delivered yesterday to the Senate select committee and to John J. Wilson, the lawyer for Haldeman and Ehrlichman, who was at the U.S. district courthouse here with his clients.

Ehrlichman was before the grand jury for about five hours and 45 minutes. Haldeman testified for an hour and is expected to be called back, but it is not known when.

When asked whether his clients expect to be indicted, Wilson said: "Nobody knows what a grand jury will do."

He added later, "They have no fear of being convicted."

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Both Ehrlichman and Haldeman declined to discuss their testimony with reporters when they left the courthouse last night. Both men said that they had not invoked the Fifth Amendment in response to any question. In addition, Halde-

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man said that he had not invoked executive privilege and had answered all questions.

Ehrlichman and Haldeman both reportedly have been implicated in the attempt to cover up the Watergate affair after five men were arrested inside the Democratic national committee's headquarters on June 17. The grand jury also is understood to be investigating whether either had any role in the bugging and burglary of the Democrats' headquarters.

Although President Nixon announced Monday that he had accepted resignations from Haldeman and Ehrlichman, Ehrlichman said yesterday, "I'm still working. I'm still on the payroll. I agreed to an orderly transition."

The only comment that Ehrlichman would make on his testimony was to tell reporters, "I think we made a lot of progress."

Haldeman told reporters, "I have answered all the questions they asked. I'm cooperating to the fullest I can and will continue to do so. I'm confident that any questions of failing to meet the standards that I have set for myself and the President has set for the White House will be cleared up."

"The President desires that the invocation of executive privilege be held to a minimum. Specifically:

The guidelines, dated May 3, state:

"1. Past and present members of the President's staff questioned by the FBI,

the Ervin (Senate Select) committee or a grand jury would invoke the privilege only in connection with conversations with the President, conversations among themselves — involving communications with the President — and as to presidential papers. Presidential papers are all documents

produced or received by the President or any member of the White House staff in connection with his official duties.

"2. Witnesses are restricted from testifying as to matters relating to national security not by executive privilege, but by laws prohibiting the disclosure of classified information — e.g., some of the incidents which gave rise to concern over leaks. The applicability of such laws should therefore be determined by each witness and his own counsel.

"3. White House counsel will not be present at the

FBI interviews or at the grand jury and, therefore, will not invoke the privilege in the first instance. If a dispute as to privilege arises between a witness and the FBI or the grand jury, the matter may be referred to White House counsel for a statement of the President's position."

As outlined by the White House source, the new guidelines appear to be a further softening of the hard, sweeping position the White House took earlier on its right to invoke executive privilege.

In a related development, the Washington Evening Star-News reported yesterday that lawyers for former White House counsel John W. Dean III, fired Monday by the President, are negotiating with the prosecution in attempt to secure immunity for Dean.

Dean reportedly is ready to give testimony — in return for immunity — that would implicate Haldeman and Ehrlichman in the Watergate scandal.

Former deputy Nixon campaign manager Jeb Stuart Magruder has reportedly told prosecutors that Dean and Former Attorney General John N. Mitchell helped plan and approved the bugging. Mitchell has denied the charge.



AP Wirephoto



UPI Telephotos

H. R. HALDEMAN JOHN EHRLICHMAN
The two aides after giving testimony