

Pressure to Alter Hearing

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After the first five days of the Senate Watergate committee's nationally televised hearings, some commentators and at least one senator is urging that the sessions be moved along more quickly, bringing on star witnesses from the top levels of the administration.

Sen. Herman Talmadge (D-Ga.), one of the committee members, told reporters on Friday that it is important to get the highest-ranking witnesses before the committee as soon as possible because any questions about the direct involvement of President Nixon in the Watergate affair "must be resolved."

But Samuel Dash, a balding 47-year-old law professor who is the committee's chief counsel, believes the panel must move methodically to unravel the web of intrigue

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behind the Watergate affair.

"I don't want to be dragged by the rear into a chaotic presentation of this," Dash said in an interview at his office Friday. "It's complicated enough. I want to prepare this as I prepare a trial."

Caution is a watchword of the committee. Some of its sensitive files, carrying a "red line" code to indicate their confidentiality, are circulated among the staff under security provisions every bit as strict as those of secrecy-prone government agencies.

Every night, the notes and other trash produced by the 50 or so members of the committee's staff are fed to the Senate's paper shredder. Committee secretaries are instructed to cut up their typewriter ribbons before discarding them. And on the front door of the staff offices in an obscure corner of the New Senate Office Building is a courteous note from Sen. Sam J. Ervin Jr. (D-N.C.) committee chairman, asking newsmen to wait in the hall because of the "sensitive" work going on inside.

The attitude of secrecy and the need for discretion have become a reflex among the committee's staff. "I am not a source," one staff member protested the other day as he began a brief and hazy conversation with a reporter.

The plan Dash is following for the public hearings, apparent from the list of 20 prospective witnesses issued before the session began, is to establish the broad framework of the 1972 campaign, present details about the break-in and bugging of the Democratic National Committee's Watergate headquarters and to go on from there to what Dash says he thinks "is the most important part—the cover-up." Then, he says, is the time to bring on the "principals."

The principals—former deputy Nixon campaign manager Jeb Stuart Magruder, former White House counsel John W. Dean III, former Attorney General and Nixon campaign manager John N. Mitchell and former top presidential aides H. R. (Bob) Haldeman and John D. Ehrlichman—come at the end.

"We do not call people until we've had testimony that

implicates them," Dash said.

Pursuing a single theme in the hearings also means leaving loose ends and unanswered questions. Dash said that he wants to avoid "tangents." So some witnesses, such as former White House aide John J. Caulfield and former New York City Det. Anthony Ulasewicz—the two bearers of a White House offer of executive clemency to Watergate conspirator James W. McCord—are expected to be recalled later in the hearings to testify about other matters.

Some onlookers at the hearings last week were startled when the senators slid past Ulasewicz's acknowledgement that he conducted outside investigations for the White House and was on the payroll of the President's personal lawyer, Herbert W. Kalmbach. That whole business, Dash said, properly falls at another stage of the hearings.

Although the committee staff has already interviewed Caulfield and Ulasewicz about these outside investigations, an agreement among the senators limited questions put to the two men last week to their role in passing the clemency offer from Dean to McCord.

Briefing sheets given to the senators summarizing the background of witnesses

and information received during staff interviews excluded, for example, Ulasewicz's reported trip to Chappaquiddick after Sen. Edward M. Kennedy (D-Mass.) was involved in a fatal accident there, according to an informed source.

The first link to the White House to come out in the hearings was McCord's testimony about the clemency offer, corroborated by Caulfield and Ulasewicz. McCord testified and Caulfield confirmed that in at least two separate meetings during the Watergate trial last January, Caulfield carried messages from the "top levels of the White House" to McCord, offering some form of clemency, financial aid and help in finding a job after he was released from prison—if McCord agreed to remain silent about the Watergate affair.

McCord was subjected to close questioning by several senators about his motivation in making revelations and his "hearsay" testimony that he was told Mitchell, Dean and Magruder participated in the planning and carrying out of the Watergate bugging.

Referring to McCord's testimony, Dash said, "I think it stands . . . To a great degree, I think he was telling the truth."

At one point, after Mc-



Samuel Dash, left, counsels caution, while Sen. Talmadge seeks speedy resolution.

Cord had been subjected to especially hard questioning by the ranking minority member of the committee, Sen. Howard H. Baker Jr. (R-Tenn.), Dash and Ervin questioned McCord again on points covered by Baker.

"There's a minority and a majority," Dash said. "And there are times that a certain member of the committee may feel that a witness should be discredited."

Dash says that "there will be differences in my tone" when a witness whose testimony he believes in is being discredited. And where he doubts testimony, Dash said, he will "cross-examine". On the other hand, Dash said, "If I feel certain questions have been put to a witness which make what he has to say misunderstood, I will put certain questions to him" in order to clarify the testimony.

In putting together his staff, Dash said he did not wait for persons to apply, but rather he "reached out" to get "top people" for his committee.

Dash was hand-picked for the chief staff job by Ervin. Dash was a professor at the Georgetown University law center at the time, and had served previously as a district attorney in Philadelphia. He is an expert on electronic eavesdropping.

Dash's deputy counsel on the committee is Rufus Edmisten, who is also chief counsel of Ervin's committee on separation of powers. Edmisten is a graduate of the University of North Carolina and George Washington University Law School.

Dash also has three assistant chief counsels, David M. Dorsen, James Hamilton and Terry Lenzner.

Dorsen, a graduate of Harvard College and Harvard Law School, resigned as first deputy commissioner in the New York City Investigation Department to join the committee.

Hamilton, a graduate of Davidson College and the Yale Law School, was an associate in the firm of Covington and Burling before joining the staff.

Lenzner, a graduate of Harvard College and Harvard Law School, was fired in 1970 as head of the Office of Economic Opportunity's Legal Services Program after a highly-publicized dispute with then OEO director Donald Rumsfeld. Lenzner has also worked as an assistant United States attorney and as a Justice Department lawyer.

Dash also has enlisted as his chief investigator Carmine S. Bellino, who has had wide experience in congressional investigations. Bellino, described by Robert F. Kennedy as "the best investigator in America" when Kennedy was the chief counsel for the Senate select committee investigating labor racketeering and Bellino worked for him, also served as a special White House consultant handling behind-the-scenes investigations during the administra-

tion of President John F. Kennedy.

The minority counsel is Fred D. Thompson, 30, a Nashville lawyer and a former assistant U.S. attorney in Tennessee. Thompson, picked by Baker, is a graduate of Memphis State University and Vanderbilt University Law School.

Thompson has two assistant minority counsels, Donald G. Sanders, former chief counsel of the House Internal Security Committee, and William Shure, a lawyer from New Haven, Conn. who is a graduate of Dartmouth College and the University of Virginia Law School.

Dash says he and Thompson have worked "closely together," although "there are times when certain key witnesses will trust me and my staff more than they trust Fred and his staff. I think they're wrong," Dash says. "Ultimately, we get together and share it all."

In spite of the publicity generated by the hearings, Dash said he believes that the fairness of subsequent court proceedings will not necessarily be endangered for two reasons.

"First, it could be quite a long period of time" before a trial will be possible, Dash said.

Second, he said, courts have upheld the right of Congress to hold investigative hearings.

"This isn't a regular committee of the Congress," Dash said. "We didn't butt in. I think you have to remember that this particular committee was created unanimously by the Senate in a time of crisis where public confidence in the integrity of our government had been shattered."

Daily, Dash said, newspaper accounts were carrying information—some true, some unproven—implicating high officials in illegal acts. In this situation, the committee had to move quickly, and getting the truth before the public may be "more important than sending some people to jail," Dash said.

He said he believes that the hearings can achieve a purpose that a trial with its "narrow, tunnel vision" cannot. "Only a committee hearing," Dash said, "that I hope will be conducted in a professional way, can give you an overview."