

Ehrlichman Says He Was Told That

EX-AIDE TO NIXON TESTIFIES IN SUIT

Calls Magruder or Dean
His Source for Data on
1972 Campaign Plans

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said. Mr. Dean had been asked, in his role of handling political matters for the White House, to watch the criminal investigation as it developed after the break-in. Mr. Dean, he said, had reassured the President's staff that there had been no White House involvement.

But when the Senate Watergate committee began its investigation, Mr. Ehrlichman said, the White House reopened its inquiry.

He said that he and H. R. Haldeman "pressed continually" for a written report on Mr. Dean's investigation and Mr. Dean said he "just couldn't get to it." Mr. Haldeman also resigned recently as a major Presidential aide.

Mr. Ehrlichman went on:

"Finally, the President said, 'We will send him to Camp David and have him hole up there until he can produce it.' So, on about the 22d of March, I guess it was, he went to Camp David. He was there for six days. He came down on the night of the 28th and delivered nothing.

"It was within 24 hours after that that the President relieved him."

President's Suspicions

Mr. Ehrlichman added:

"The President called me in on the 30th and said, 'My suspicions [of Mr. Dean] are crystallized and I want you to get into this.'

"He said it was evident to him at that point that Dean was in the thing up to his eyebrows. The President, incidentally, had a number of conversations with Dean starting, I think, the last week in February and running through the time that he was sent to Camp David."

He said that while the President's suspicions about a cover-up were growing, he and Mr. Haldeman "generally tried to avoid learning too much" about the situation.

He said he could picture himself in the office of a lawyer for the Democrats "and being asked for something that somebody had inadvertently told me, and so I didn't run around with a butterfly net trying to collect facts" during the early stages of the President's growing suspicion about Mr. Dean.

For the most part, however, Mr. Ehrlichman's deposition dealt with matters that occurred before the 1972 break-in at Watergate.

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Mitchell Chose 3 Sites

to Bug Democrats

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Early "Prospectus"

He said his former assistant, John J. Caulfield, came to him 18 months before Watergate with "a prospectus for the creation of a private detective agency; [which] is about the best way I can describe it, which he proposed to have the Government go out and form."

He said the idea was to "contract with the Presidential campaign" and that he was shopping around for a sponsor.

Mr. Ehrlichman said, "I gave him this prospectus back and sent him on his way."

He said proposals for intelligence gathering went back to 1971 and a project he identified as "Sandwedge" but did not explain.

He said that when Mr. Magruder became worried about the widening Watergate investigation in early April, he outlined in detail a number of proposals that went to high officers of the Committee for the Re-election of the President.

A number of earlier proposals "would surface and die" tracing back to 1970, he said.

He said Mr. Magruder outlined a series of at least three meetings attended at various times by Mr. Mitchell, Liddy, Mr. Dean, Mr. Magruder and Frederick C. LaRue, an aide at the re-election committee.

Plan in January, 1972

The first presentation made by Liddy for "establishment of an information and intelligence gathering facility" was presented at a meeting of all but Mr. LaRue in January, 1972, he said.

"This was so grandiose and so extreme in its concept that it was rejected by the other three gentlemen out of hand," he said.

Mr. Ehrlichman said it was called the \$1-million plan. A second, modified proposal, called the \$500,000 plan, was also rejected by the same three.

The money figure related to the cost of the plans, he said.

The group was asked to work out another proposal, Mr. Ehrlichman said.

Mr. Magruder and Liddy, who were working on the plans, were not getting along and, according to Mr. Ehrlichman, Mr. Magruder said at one point that Liddy had threatened to kill him.

He was also undecided on whether to go ahead with the bugging proposals, Mr. Ehrlichman said.

At that time Mr. Magruder said to Mr. Ehrlichman that he had received a telephone from

Charles W. Colson, then special counsel to the President, urging him to go forward with the intelligence gathering operations. However, Mr. Ehrlichman said, it was his understanding that at no point did Mr. Colson recommend illegal activities.

The final plan was presented to Mr. Mitchell in Florida in March, 1972, and was for \$200,000 to \$250,000, Mr. Ehrlichman testified.

At that meeting he said, Mr. Mitchell was said to have indicated the bugging sites. He described it this way:

"This is based either on a conversation which Mr. Dean had with Mr. Mitchell—or Mr. Magruder had with Mr. Mitchell and reported to Mr. Dean—one or the other and I can't recall which."

He said it was "that the proposal for the electronic surveillance of the three locations was a written proposal and that Mr. Mitchell had actually in writing selected those premises

which were to be bugged from a number of choices."

He said he recollected that Mr. Dean told him later he had confronted Mr. Mitchell and Mr. Mitchell agreed it had happened that way.

"Do you mean that Dean told you that Mitchell had actually signed a piece of paper in which the subjects or objects of electronic surveillance were proposed, thereby indicating his approval of the project?" the Democratic lawyer, Mr. Dunie, asked.

"Not necessarily signed. But in writing indicated his choices by circling or checking or some other way selecting his choices," Mr. Ehrlichman replied.

He said that when the bugging went into effect, the reports appeared in summary form under such code names as Gemstone, Sedan Chair, Ruby and Crystal. He said that some reports went to Gordon C. Strachan, an assistant to Mr. Haldeman.

DEAN DATA SOUGHT

JUN 6 1973

White House Reverses Stand on Making Items Available

NYTimes

By JOHN HERBERS

Special to The New York Times

WASHINGTON, June 5—In a reversal of position, the White House said today that it had left open the possibility that logs of President Nixon's conversations with John W. Dean 3d about the Watergate case would be made available to investigators.

At a news briefing, Gerald L. Warren, deputy press secretary, indicated that the documents might be made available voluntarily even though the White House considered them Presidential documents and therefore not subject to subpoena.

Shortly thereafter, however, the chief counsel for the Senate Watergate committee, headed by Senator Sam J. Ervin Jr., said that the logs would be subpoenaed by tomorrow.

Yesterday, Mr. Warren said that it would be "constitutionally inappropriate" for the logs on telephone conversations and meetings with the discharged White House counsel to go to either the Federal prosecutors or Senate investigators.

Conflict Looms

This seemed to raise an immediate conflict with Archibald Cox, the special prosecutor in the case, who said at the same time that he had been assured of access to all White House papers bearing on the Watergate matters, and "if there is any waffling on it, I intend to make the waffling plain."

Today, at the daily White House news briefing, Mr. Warren said that he had a "speech of contrition" on the matter. All that he had been authorized to say, Mr. Warren said, "was that Presidential logs of visitors and phone calls are considered to be Presidential papers, and as such their production cannot be required under subpoena."

"I did not intend to state to you what information would or would not be made available," he said. "This question and the procedures to handle it are under consideration by the President's counsel. This is a matter of concern which I am sure the counsel's office will undertake with Professor Cox."

This, however, will not settle the matter as far as the Senate Watergate committee is

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concerned if the White House persists in considering the logs as Presidential papers that "cannot be required under subpoena." A few hours after Mr. Warren spoke, Samuel Dash, chief counsel for the Senate committee, said that "by tomorrow" the committee would "subpoena the White House logs."

Mr. Dash said that this would be the committee's second subpoena of White House documents. Earlier, he said, the committee issued an order for "entry slips" showing who went into the executive office of the President during a specified period of time, and that the White House had turned them over. These apparently had not been considered Presidential papers.

ney General Elliot L. Richardson have taken a strong position on access to White House information. Mr. Richardson, discussing the issue of the White House logs yesterday, said that the question of executive privilege might eventually have to be decided by the courts. If so, he said, President Nixon will have to be represented by his own counsel rather than by his Attorney General, as has been customary in the past.

So shaken was the White House staff by the mix-up on the White House logs that Mr. Warren said a new procedure would be established on questions relating to Watergate. Hereafter, he said, such questions would be submitted to White House lawyers under a system of delayed answers, and on occasions one of the lawyers would be brought into the news briefings to help the President's official spokesmen.

Earlier today, Senator Hugh Scott of Pennsylvania, the Senate minority leader, came out of a meeting that President Nixon had with Republican Congressional leaders and charged that an unfair movement was under way in the country to "get the President." The movement is composed, he said, largely of those who were disappointed in the results of last year's Presidential election.

Statistics on Wiretapping

To back up his support of the President, Senator Scott said that he had persuaded Mr. Nixon to release the number of wiretapping and bugging cases conducted by the Federal Bureau of Investigation for national security since 1945 to show that such surveillance was greater under previous Administrations. He listed the numbers so authorized and carried out as follows:

In 1945—519; 1946—364; 1947—374; 1948—416; 1949—471:

Yesterday, Mr. Warren acknowledged that the President had talked frequently with Mr. Dean on the Watergate scandal before Mr. Dean was dismissed April 30 as White House counsel, and Mr. Warren's statement today did not alter that. Mr. Dean's forthcoming testimony could be crucial in determining what President Nixon's role might have been in the White House cover-up of the bugging of Democratic headquarters last June 17.

Whatever position the White House may take on the latest attempt to subpoena its records, today's action constitutes another in a long series of retreats on executive privilege. Before the Watergate disclosures, the White House position was absolute, with Mr. Nixon forbidding his aides or former aides to testify before investigative panels.

Further, Mr. Cox and Attor-

Senator Scott's point was that the surveillance was high in the Truman years, declined in the Eisenhower years and was high again in the Johnson and Kennedy years, except in 1968 when Ramsey Clark, then Attorney General, ordered a cutback, and was never high under President Nixon, who assumed office in 1969.

However, the figures do not explain the full picture. For example, before 1969, most wiretapping was conducted as a matter of national security even though its intent might be to uncover domestic crime. The Safe Streets Act of 1968, which went into effect late that year, provided for officials to obtain a court order for electronic surveillance for matters not connected with national security.

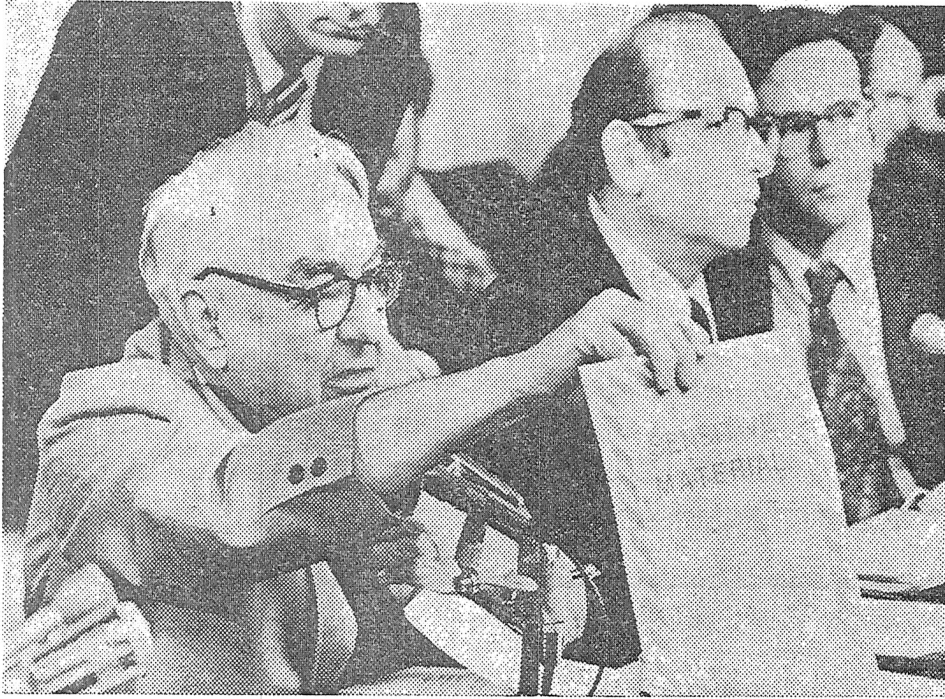
Further Data Promised

Last year, 206 wiretaps were approved by Federal judges. These cases were not based on national security and thus were not included in the figures that Senator Scott released — 108 cases for 1972. Mr. Warren promised to provide further information to bring the picture into focus.

In another matter relating to the Watergate case, Mr. Richardson said that he had a "high regard" for Henry E. Petersen, the Assistant Attorney General who supervised the Watergate inquiry for almost a year. An article in The New York Times prosecuting team had decided to investigate Mr. Petersen's conduct in the case.

"Nothing has emerged in the way of evidence or facts to cast any doubt on the honesty or integrity of Mr. Petersen," Mr. Richardson said. "I had a high regard for Mr. Petersen prior to coming to the Department of Justice, and after becoming better acquainted with him and the role he has performed as head of the criminal division I continue to hold him in such regard."

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Photographs for The New York Times by GEORGE TAMES

Senator Sam J. Ervin Jr., at Watergate hearing, asks Sally J. Harmony if she recognizes envelope used for sensitive items. Mrs. Harmony, ex-aide to G. Gordon Liddy, did not.



Mrs. Harmony said she typed Watergate wiretap memos