

Partisan Clashes Mark Quiz

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Washington Post Staff Writers

The testimony of White House lawyer Richard A. Moore, appearing as a rebuttal witness in defense of the Nixon administration, provoked sharp partisan clashes among members of the Senate select Watergate committee yesterday.

Moore was caught between friendly questions by two Republican members of the committee and its staff seeking to substantiate his contention that President Nixon had no knowledge of the cover-up and skeptical questions from the Democratic members.

At one point, Sen. Edward J. Gurney (R-Fla.) and committee chairman Sam J. Ervin Jr. (D-N.C.) engaged in a testy exchange when Ervin suggested that a speculative question Gurney had asked Moore was improper. Gurney, however, insisted that Moore should be allowed to answer the question and Ervin acquiesced.

Later, employing a technique he has often used when trying to make his point rather than elicit information, Ervin himself asked Moore a series of leading questions based on Moore's contention that President Nixon had no knowledge of the Watergate affair until after March 21, 1973.

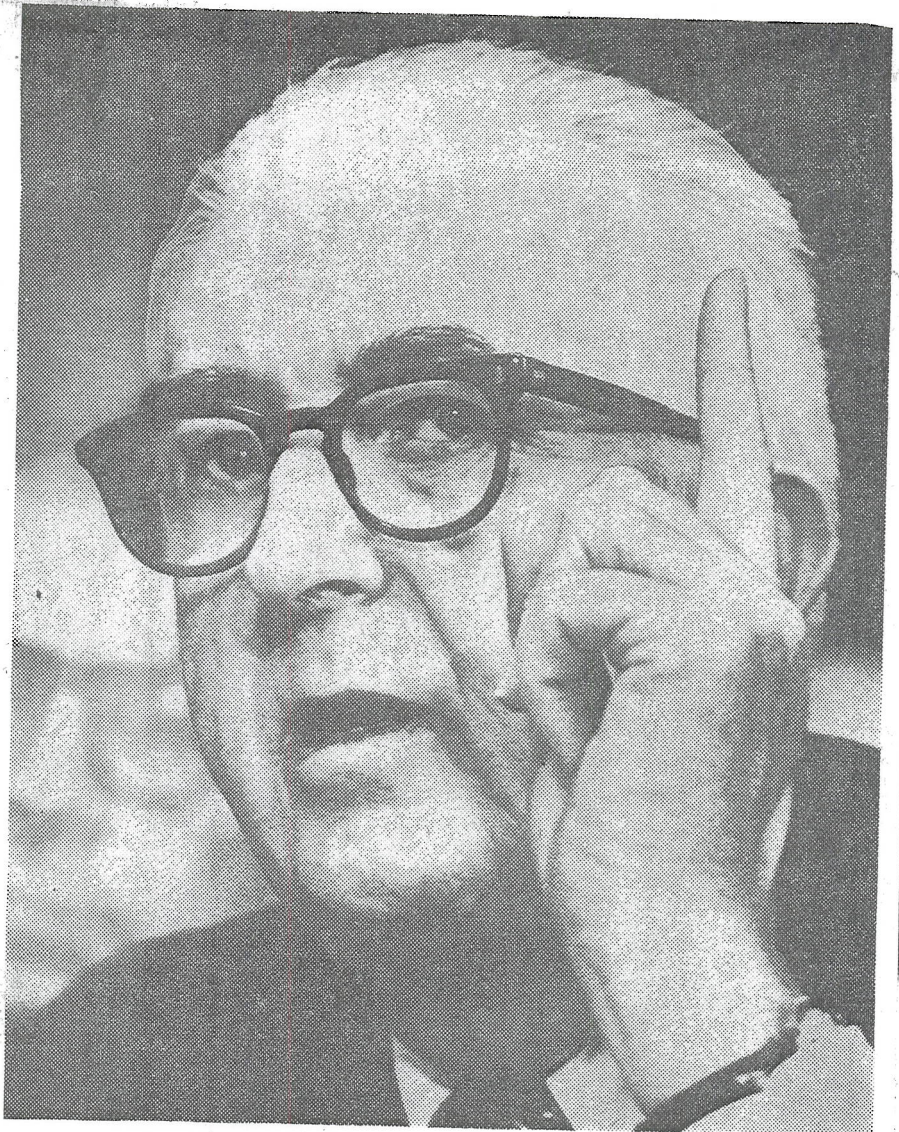
Ervin based his questions on earlier testimony by Moore that President Nixon had asked Moore on May 8 if he could have known about the Watergate affair before March 21. Moore quoted Mr. Nixon as telling him: "I have racked my brain. I have searched my mind. Were there any clues I should have seen that should have tipped me off?"

"He said, 'Maybe there were,'" Moore testified.

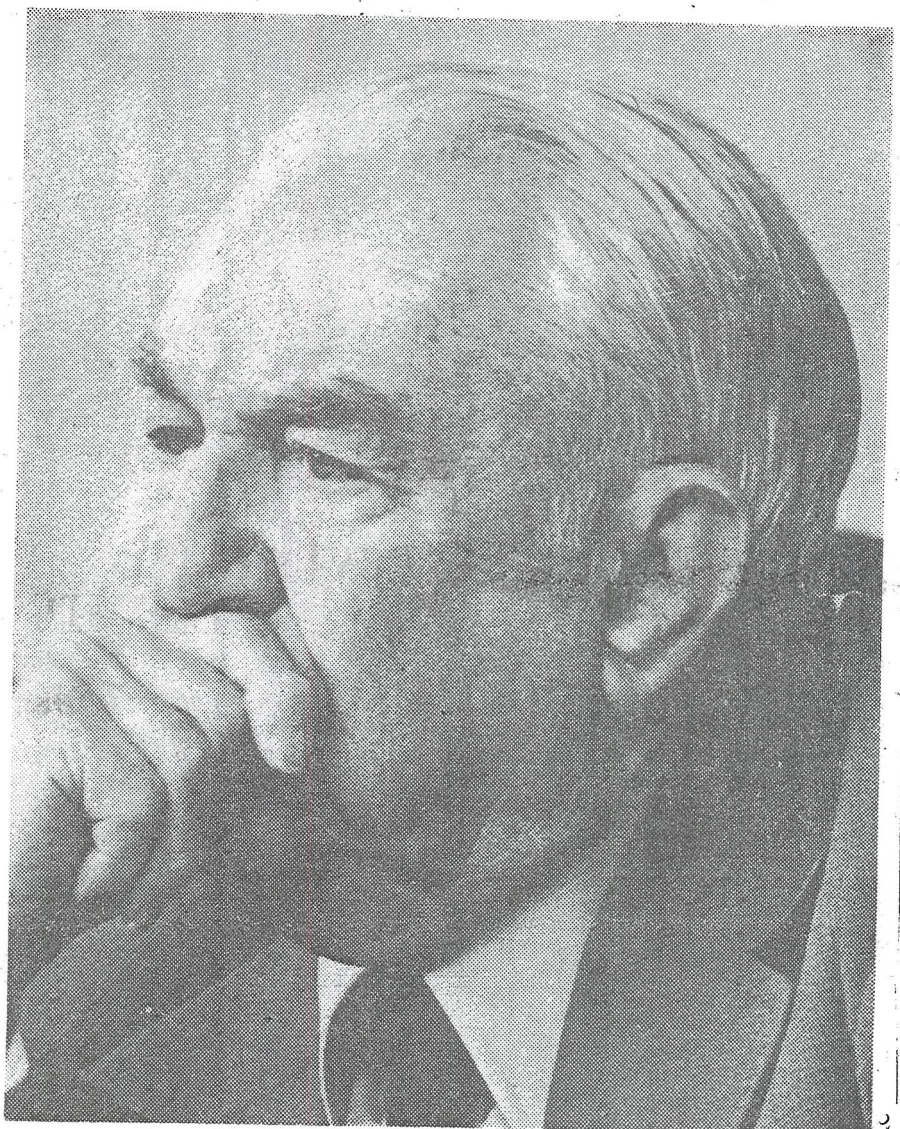
In reference to this, Ervin, his voice crackling with indignation, read Moore a list of news stories that began shortly after the June 17, 1972, arrest of five men inside the Democratic National Committee's Watergate headquarters. The stories detailed the involvement of officials at the White House and the Committee for the Re-election of the President in the Watergate affair.

"Now I have recounted a great many things," Ervin told Moore, "all of which except one, I think you admit, were made known by the news media within two months after the Watergate burglaries were discovered. Can you imagine any better way in which a person interested in the President's campaign and people who read the Washington papers and The New York Times and listened to the radio and watched television could have had more reason to suspect that something was rotten in the Committees to Re-elect the President than were divulged by these news media?"

"The question was, Mr. Chairman," Moore replied, "whether that offense went beyond the seven, beyond Mr. Liddy (Watergate conspirator G. Gordon Liddy), if you will, and I think most that evidence you cited there all is consistent with the President's view which was, and my view, sir, at the time, . . . what the President said on Aug. 29, (1972), that this could and probably was an unauthorized action



Richard Moore reasserts that Nixon didn't know of cover-up.



Photos by James K. W. Atherton—The Washington Post

Sen. Ervin listens intently as Moore answers questions.

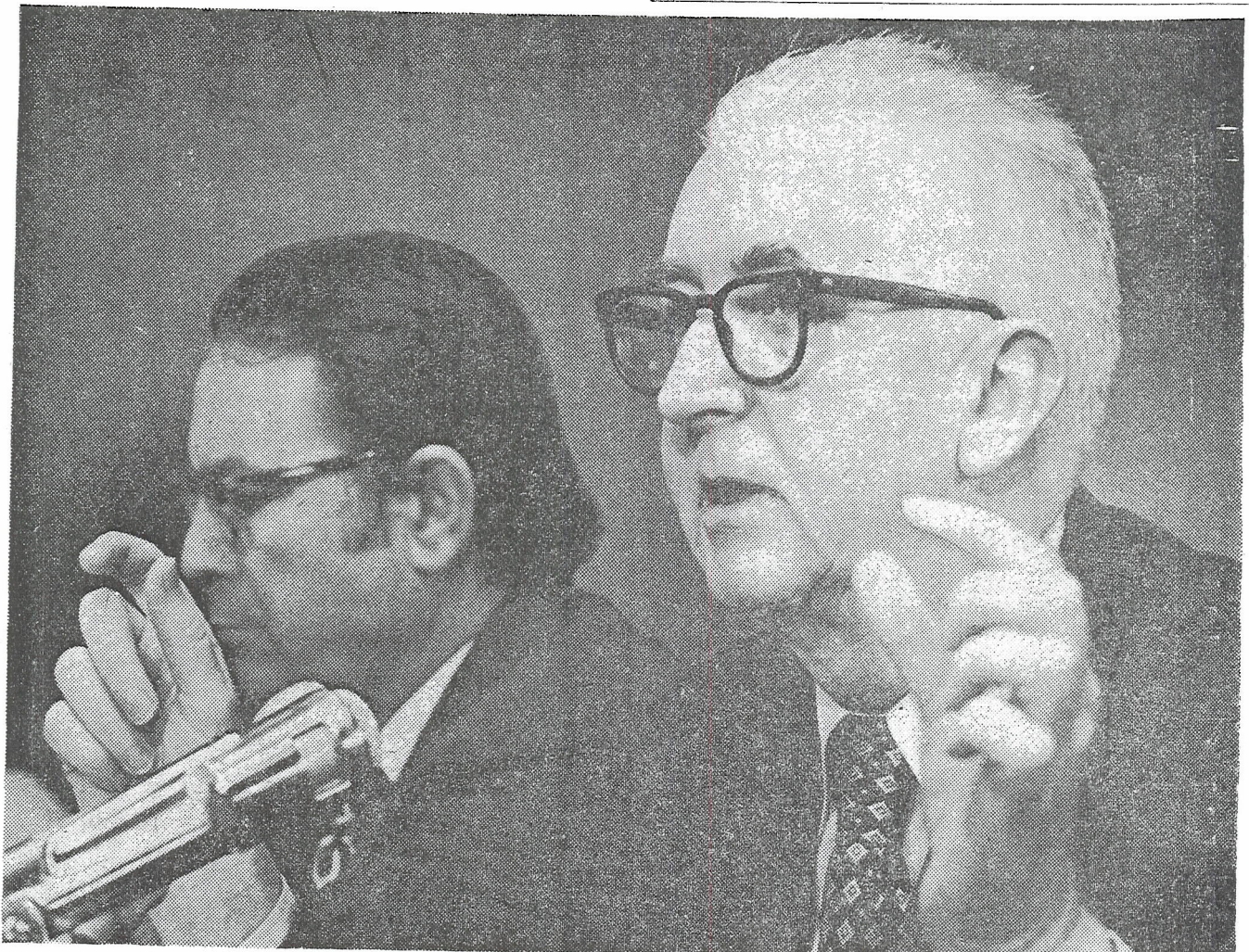
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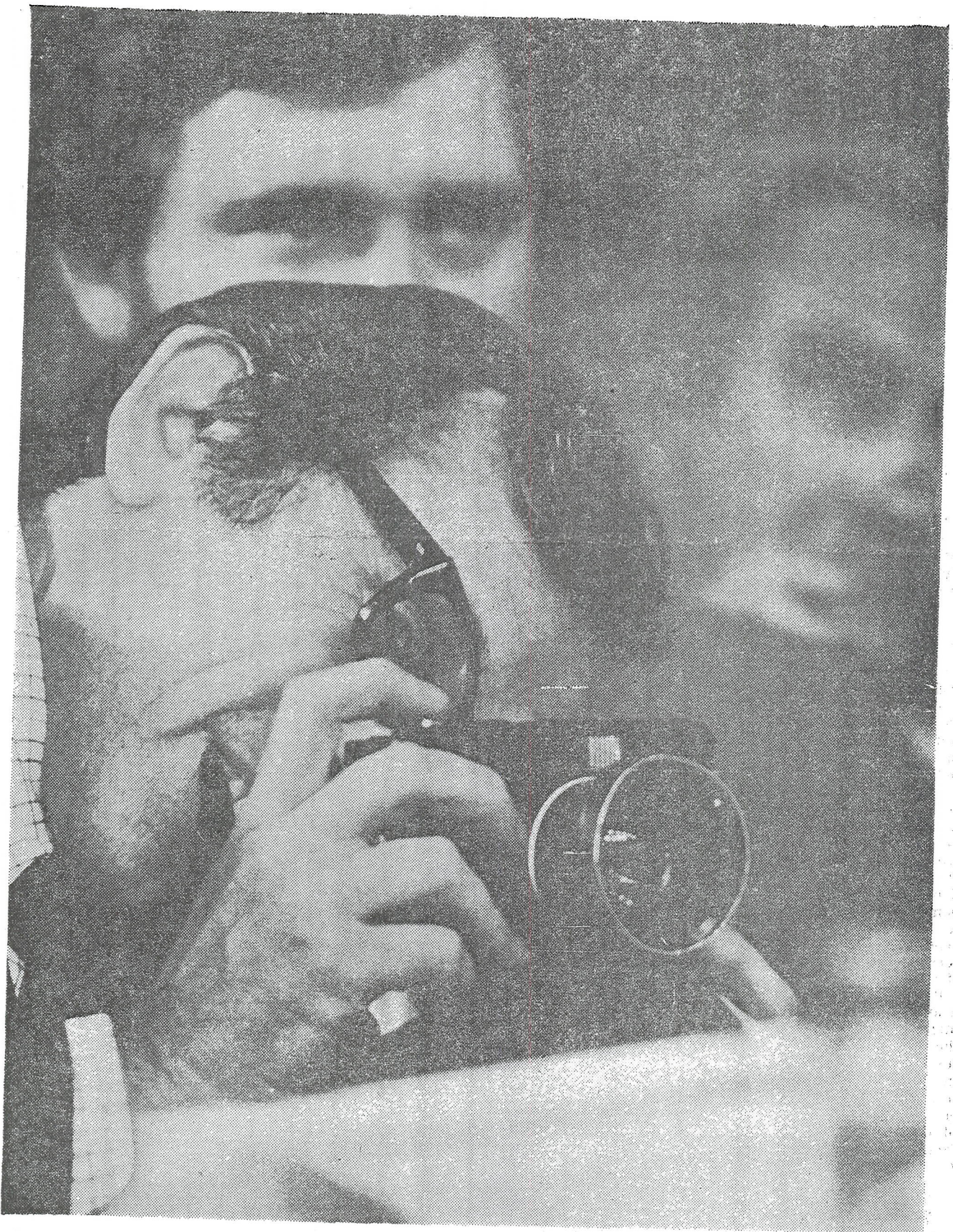
Minority counsel Thompson questions Moore: "Did you have any

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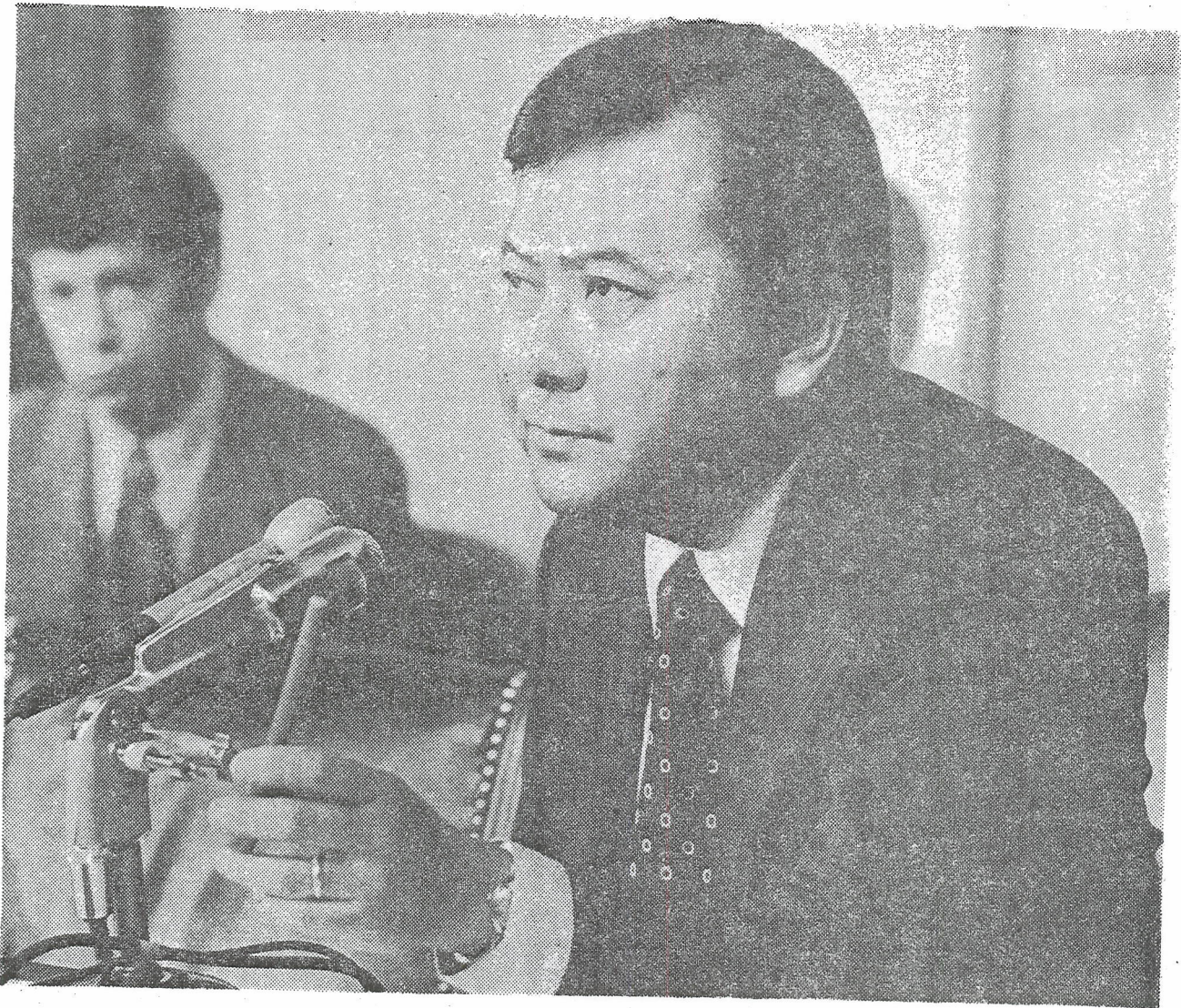
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knowledge concerning who was responsible for the Watergate break-in?"



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Sen. Baker snaps a picture of Richard Moore testifying.



By James K. W. Atherton—The Washington Post

Sen. Daniel Inouye intently observes witness Moore.

HEARING, From A1

(that) I have described as kind of a James Bond group. . . ."

Moore, who was called to testify by the Senate committee after he was mentioned prominently in the testimony given by former White House counsel John W. Dean III, stated at the beginning of his own testimony Thursday that he was speaking only for himself.

But because Dean's testimony implicated President Nixon in the Watergate cover-up and because Moore was appearing after the White House urged the committee to call him, the senators and staff have treated Moore as a rebuttal witness to Dean.

Moore told the committee, under questioning by Gurney, that it is his "firm conviction" that President Nixon knew nothing about the Watergate cover-up until Dean told him the facts on March 21, 1972.

Weeks later, on April 19, Moore said he talked with President Nixon about the President's announcement two days earlier that "major developments" regarding the Watergate affair had come to his attention and that he had begun "intensive new inquiries into this whole matter."

Moore gave this account of his April 19 conversation with Mr. Nixon:

"Well, when I came in to see him, he had issued his April 17 statement that serious new charges had come to his attention, and so on. So when I came in . . . I paid him a compliment about the statement in terms of what the reactions I had heard and I said, 'I note that March 21st date. John Dean must have been the source of those charges,' and he said something to the effect, 'Oh, did you know about that?' and I said, 'Yes.'

"I said, 'After we met with you the day before, John and I talked about it,' and I said, 'I urged him to go in and tell you,' and . . . 'in fact he (Dean) told me you called him that very night.'

"He (Nixon) said 'Yes, I did,' and I said, 'Now the thing that got me committed was that blackmail business with (Watergate conspirator E. Howard) Hunt, did he (Dean) tell you about that?'

"He (Nixon) said, 'Yes, yes, he (Dean) mentioned that,' that is what he (Nixon) said, and he said, 'Imagine,'—and again, no quotation marks please, I have to give you my recollection—and he said, I think, 'Imagine' or 'Just think of that,' he said, 'I told him it was not only wrong but stupid. That you can't do that. First of all, the demands never stop, and he said, 'Dean said this could go on,' and the word 'to a million dollars.'

"The President said, 'That isn't the point. Money is not the point. You could raise money, money is not the point, it's wrong, we could not, shouldn't consider it and it's stupid because the truth comes out anyway.'"

Dean testified, however, that he first raised the question of the millions dollars with President Nixon on May 13 and at that time Mr. Nixon said that it would be "no problem" to raise the sum to continue to keep the Watergate defendants silent.

In addition to such contradictions, Moore's testimony leaves unanswered other questions about the sequence of events following March 21.

In his address to the nation on April 30 concerning the Watergate affair, Mr. Nixon said that "on March 21, I personally assumed the responsibility for coordinating intensive new inquiries into the matter, and I personally ordered those conducting the investigations to get all the facts and to report them directly to me, right here in this office."

Mr. Nixon did not say then whom he appointed to conduct the "investigations" to which he referred. Former special assistant to the President John D. Ehrlichman, in a sworn legal statement made in May, said that Mr. Nixon asked him to undertake an investigation of the Watergate affair on March 30.

Dean has testified that Ehrlichman conducted no investigation.

Other reliable reports state that it was not until April 15 that Attorney General Richard G. Kleindienst and Assistant Attorney General Henry E. Petersen met with President Nixon to inform him what the Watergate prosecutors had learned about the Watergate affair. President Nixon then reported, two days later, about the "major developments" in the Watergate case.

From March 21 until April 15, ac-

cording to Dean, Ehrlichman and White House chief of staff H. R. (Bob) Haldeman, both of whom Dean implicated in the cover-up, were laying the groundwork to make him the "scapegoat" for the Watergate affair.

There is no indication in the public record that anyone other than Ehrlichman conducted an investigation for Mr. Nixon between March 21 and March 30.

The federal Watergate grand jury was not reconvened until March 26. Dean did not begin talking to the Watergate prosecutors until after April 2. Former deputy Nixon campaign manager Jeb Stuart Magruder did not begin meeting with the prosecutors until April 14.

Nothing in the public record indicates that the Watergate prosecutors gained any other first-hand knowledge of the Watergate cover-up during this period from sources other than Dean and Magruder.

Neither the testimony before the Senate committee nor statements issued by the White House have clarified what investigations Mr. Nixon conducted after March 21 until March 30, who conducted them, of why Mr. Nixon waited until April 17—two days after Kleindienst and Petersen told him what the Watergate prosecution had learned—to announce the "major developments."

Gurney, who has vigorously denied that he functions as the White House's chief defender on the Senate committee, went to some length yesterday to question Moore about his business experience and civic activities in California, as evidence, Gurney said, of Moore's "credibility" as a witness.

Moore answered the questions in much detail, appearing more relaxed than under the more aggressive examination of assistant majority (Democratic) counsel Terry Lenzner on Thursday. Moore paused at one point yesterday to tell Gurney that "I am doing a little bragging, I suppose, but you gave me a good opportunity."

"Well, that is what I wanted," Gurney said. "... you don't really impress me from your background as being any kind of a Watergate rascal."

Later, as Gurney continued his questioning, he found himself in a snappish exchange with Ervin in which cracks appeared in the generally nonpartisan solidarity the seven-member committee has for the most part managed to maintain.

Gurney was focusing on an apparent contradiction between Moore's testimony and that of Dean about the date President Nixon was first informed that the Watergate defendants were demanding money in exchange for continued silence about White House involvement.

Dean testified that he told the President on March 13, 1972, about the demands for money and discussed with him the possibility of executive clemency for the Watergate defendants. Moore testified, however, that Dean told him on March 20 that Dean had told the President nothing, and that he did not do so until the next day when he went to see Mr. Nixon and "let it all out."

If Dean had in fact discussed the demands for money and the question of clemency with the President on March 13, Gurney asked the witness, "don't you think he would have told you about it?"

Here Ervin interjected angrily that he didn't think the question was a proper one.

"Well, I must say, Mr. Chairman, that I think that question is less free-wheeling than about a million I have heard in this committee room today," Gurney responded.

Ervin allowed the question, and Moore, who has studiously avoided any direct criticism of Dean in his testimony, replied cautiously: "I kind of go along with the notion that if that had happened, he might well have told me."

It was not the only time yesterday that partisan differences arose in the committee room.

Gurney, by his relatively gentle handling of Moore, frankly sought to counter Lenzner's aggressive cross-examination on Thursday, a grilling that left the witness stammering and often unable to respond.

The Florida senator said that many of Lenzner's questions were on matters not directly related to Moore's prepared statement, noting that "we both know as lawyers that that (firing

unexpected questions) is one of the ways of attacking the credibility of a witness."

Moore's testimony, Gurney said, "is of extreme importance because . . . (he is) one of the very few witnesses probably that will appear before the panel who was not directly involved in the Watergate in one way or the other."

Moore, for his part, responded warmly to Gurney's overtures and said twice during his day on the witness stand that since Thursday many people have told him "it's nice to hear that someone is willing to admit he does not know exactly where he was at 12:11 p.m. on June 30, 1972"—a Lenzner question he was unable at first to answer.

Minority counsel Fred Thompson, who opened the questioning of Moore yesterday morning, announced at the outset that "I plan to stick pretty much to the confines of your statement and the matters contained therein."

He did so, and was indirectly complimented later by Moore, who said that before the Ervin committee began its hearings there had been concern at the White House about the minority counsel to be selected. "We didn't know you then, Mr. Thompson, and that discussion could have been unnecessary," Moore said affably. Thompson did not respond.

Yesterday's clash between Ervin and Gurney may have been the sharpest involving the Florida Republican, but it was not the first time he has found himself in conflict with the chairman and other members of the Democratic majority.

In late May, Gurney urged Ervin to expedite the hearings by calling major witnesses first and settling promptly, if possible, the question of Presidential involvement in the scandal. (Committee member Sen. Herman E. Talmadge (D-Ga.) also favored this course.) Ervin chose to proceed more slowly.

Gurney has also been sharply critical of Dean, whose testimony implicates the President in coverup of the scandal, and Gurney complained that Ervin had harassed former Commerce Secretary Maurice Stans when Stans testified earlier before the committee.

Gurney has strongly resisted, however, the suggestion that he is "the White House man" on the committee, and has pressed with other members for full disclosure of all facts related to the Watergate affair.

At other times yesterday, Moore was closely questioned by both Talmadge and Sen. Lowell P. Weicker (R-Conn.) about his role in the preparation of a White House response to newspaper stories last fall about links between Nixon staff members and alleged political saboteur Donald H. Segretti.

The stories were denounced by White House spokesman Ronald Ziegler as "hearsay, innuendo and guilt by association."

Moore said he had shared in the formulation of the official response and said that, in retrospect, "I think we should have put out a franker statement."

Segretti has since been linked to a broad and not spectacularly successful effort to disrupt, usually illegally, the campaigns of Democratic presidential candidates in 1972.

Last March, as Talmadge noted at yesterday's hearing, Moore wrote a memorandum to the President noting that Herbert W. Kalmbach—at one time Mr. Nixon's personal lawyer and allegedly the Watergate paymaster—made several payments to Segretti totaling between \$30,000 and \$40,000.

Moore, however, maintained that the White House response to the newspaper stories was justified at the time, before "more information and much more detail" about Segretti came to light.

He said the White House view of the Segretti matter last fall was that the two young staff men involved, Gordon Strachan and Dwight Chapin, had simply enlisted a college "chum" to engage in political pranks.

Chapin, Moore said, had suggested he "just issue a statement saying I (Chapin) thought we ought to have a prankster on our side the way (the Democrats sometimes have). I hired my chum and got word to Mr. Kalmbach to finance it and I did it and I am sorry I did it." The statement was never issued.

Moore returns to the witness stand Monday at 10 a.m. He will be followed by Kalmbach.