

How Ervin's Men Struck Gold

By Jules Witcover

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At about 5:30 p.m. on Friday the 13th of July, three men and a woman sat at a conference table in a small interview room of the Senate Watergate committee and learned a secret that could make or break the case against President Nixon.

A fourth man, former White House aide Alexander P. Butterfield, sat with them, as he had for three hours, answering question after question about his role as "executor" of the President's daily schedule.

Butterfield, now federal aviation administrator, was what the Watergate committee staff calls "a satellite witness." He was called in, in a kind of dragnet technique, to discuss in private what he knew as a result of his proximity to major figures in the case. Butterfield's main entree was his boss, former White House chief of staff H. R. (Bob) Haldeman.

The interrogators were Donald G. Sanders, an assistant minority staff counsel, and staff investigators Scott Armstrong and Gene Boyce. Marianne Brazer, a staff secretary, took notes.

Sanders recalled to Butterfield that former White House counsel John W. Dean III had testified that at the close of a key meeting with President Nixon in the Oval Office last March 21, Mr. Nixon had done something rather strange.

The President, Dean said, had moved off to a corner of the room to say in a low voice that he (Mr. Nixon) never should have told another White House aide, Charles W. Colson, about an offer of executive clemency to E. Howard Hunt, one of the convicted Watergate conspirators.

Could he state to his own knowledge, Sanders now asked Butterfield, whether

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there was any validity to Dean's public implication that this conversation in the Oval Office was being recorded:



ALEXANDER BUTTERFIELD
... held the key

A concerned look came over Butterfield's face. He paused for a long moment before replying.

He had expected Butterfield said, that there was the possibility that he might be asked about this matter. He was very concerned, he said, because of the national security and international considerations.

Nevertheless he said, he had determined beforehand that if he were asked under oath, he would have to answer. Though he was not now a sworn witness, he said, he didn't see much difference, and he proceeded to respond.

The world now knows what came next. For nearly an hour, Alexander P. Butterfield, one of only a handful of men who knew, told how the Oval Office and other key rooms in the White House were wired in the spring of 1971 to automatically record all the President said and all that was said to him—"for posterity."

Fragmented Monologue

It took the four committee staff members only the first minute or two to grasp what they had. After months of searching, probing, they had stumbled over the key to the whole Watergate riddle.

The details came out in fragmented monologue at first, but with the right questions from Sanders, Armstrong and Boyce, the

pieces soon came together. In this frightening era of the electronic snoop, the exalted office of the President of the United States had become the prime target—with his knowledge and consent.

More relevant to the case at hand, Butterfield's startling revelation meant this: the big answers to the big questions posed repeatedly by Committee Vice Chairman Howard H. Baker Jr. (R-Tenn.)—"How much did the President know and when did he know it?"—were at hand.

At the same time, the dry and legalistic argument between the committee and the Executive over executive privilege—whether the President can be obliged to turn over internal presidential papers and other materials—now became high human drama.

Was John Dean telling the truth when he said Mr. Nixon knew of the Watergate cover-up before the President admitted knowing? The tapes, at last, would tell—in the recognizable voices of the principals.

Throughout the narrative, Butterfield was a man speaking with heavy heart. Repeatedly, he expressed distress to his interrogators that he had to be the one to bring it out. And then, at about 6:30 p.m., the ordeal was over.

Hit Gold

Armstrong and Sanders dashed from the room, Armstrong to inform Samuel Dash, chief majority counsel, and Sanders to tell Fred D. Thompson, the chief minority counsel. Dash and Thompson didn't need to have it spelled out. They had hit gold, and they so advised their bosses, chairman Sen. Sam J. Ervin (D-N.C.) and Baker.

Meanwhile, down Pennsylvania Avenue at the White House, where President's lawyers continued to toil over defenses on other aspects of the case, they knew nothing.

On Saturday, as Dash and Thompson contemplated their next move, Butterfield, still with deep concern, prepared to leave Tuesday for the Soviet Union, where he was to attend a trade conference.

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On Sunday afternoon at 2 p.m., the phone rang at Baker's home in Northwest Washington. It was Butterfield. Could he come by? Baker said of course.

When the star witness arrived, "about to jump out of his eyeballs," he immediately plunged into his story—which Baker, unknown to Butterfield, already had heard from Thompson. What Butterfield wanted to know was whether he would be called to testify in public, because he was about to go to the Soviet Union.

Baker told him he was certain he would, and that he would call Ervin and tell him of Butterfield's travel plans.

Garment Called

"Have you advised the White House (of what he had told the committee staff?" Baker asked.

"No," Butterfield replied. "Well, you should," Baker said.

Shortly afterward, the phone rang at the home of Leonard Garment, counsel to the President who is handling the Watergate defense along with special counsel J. Fred Buzhardt. It was Butterfield following Baker's advice, but Garment was out, visiting his children at summer camp. Butterfield called Buzhardt and told him generally what he had done—nearly two days after the momentous deed.

"Butterfield vomited all over the table on Friday," one White House insider commented sarcastically later, "and didn't tell the lawyers here until Sunday. I can tell you, there's been no move to strike a medal for him."

When Garment returned Sunday night, he and Buzhardt got together, phoned Butterfield and heard chapter and verse from him.

On Monday, the full committee met in executive session in advance of the public hearings. Those who didn't know about the bombshell were told then, and the committee voted to subpoena Butterfield at once and put him on the stand Monday afternoon.

Agents Called

When a staff aide tried to reach him at his Federal Aviation Administration office, he was told Butterfield was in a car somewhere around town. But the witness finally was tracked down and, to his chagrin, served with the subpoena—with three hours' notice. Almost at once, he phoned Garment again. The President's lawyer told him he had no choice but to testify.

The committee also moved to bring several Secret Service agents in to testify about the automatic bugging system. Buzhardt called the committee and said he would confirm its existence in a letter to Ervin, and the agents would not have to be called.

The short letter was written, including in it information that the system still was in use and—the countereffort already was underway—the Nixon White House's contention that a "similar" system was employed in the Johnson administration.

With the letter in hand, Buzhardt and Garment watched Butterfield's testimony on television at the White House, then dispatched it to the hearing room at once, where Ervin read it.

The committee moved swiftly to get Butterfield on the public record not only because he was scheduled to leave the country but be-

cause there was concern that the White House might attempt to prevent his appearance by claiming executive privilege.

"If we'd waited a day," said one staff counsel later, "we never would have gotten Butterfield."

As it was, when the committee subpoenaed four Secret Service men, their appearance was challenged by the White House. The four came to committee offices with lawyers and a letter from Mr. Nixon to Secretary of the Treasury George P. Schultz, who has jurisdiction over the Secret Service. The committee decided not to make the executive privilege fight over these four.

There now was, after all, a much bigger and better prize to fight over—the presidential tapes that until 5:30 p.m. on Friday the 13th were one of the best-kept secrets in a White House and administration that specialized in secrecy.