

Weicker vs. Ehrlichman on

Lowell P. Weicker (R-Conn.) of the Senate Watergate Committee, and John D. Ehrlichman engaged in a sharp dialogue yesterday on the uses of political intelligence gathering. Following is the text of their exchange:

7/28/73

W. Ross

Wicker: Mr. Ehrlichman, I am going to refer to your opening statement before the committee and specifically on page 11 of that opening statement, and in the bottom of paragraph you state: "The counsel has always had political duties. The President is the nation's chief executive but he is also by longstanding tradition his political party's leader. Any President has the political role to play whether he is going to run for re-election or not. But if he is a candidate then he is practicing politician. Every such politician wants information, and the President, in his politician role, is no different from the others. He needs and wants information about issues, supporters, opponents, and every other political subject known to man.

"For the year 1969 to 1970 when I left the post of counsel, I attempted to gather purely political information for the President as I was expected to do, out of real concern for reciprocity, attempted to use only conventional nongovernmental sources of information; as one might hire political aides in a political campaign. Tony Ulasewicz was hired to do this chore of information-gathering. He was paid from existing Nixon political money by check under an appropriate employer's tax number. Among other assignments he executed potential opposition for vulnerability. So far as I am aware, in my tenure as counsel, Mr. Ulasewicz conducted his assignments legally and properly in all respects."

I would like to read to you from testimony given by Mr. Ulasewicz to this committee.

"Senator Wicker. Now, I would like to, if I could, try to get into the general nature of the investigations, the other investigations which you conducted. Is it a fact that these investigations or some of these investigations were background checks on individuals intended to develop questionable facets of the personal lives of these individuals?"

"Mr. Ulasewicz. That is correct, sir.

"Senator Weicker. Now, when we are talking about questionable facets, would this include sexual habits?"

"Mr. Ulasewicz. These were allegations and that might be included in the category, I guess.

"Mr. Ulasewicz. These were allegations and that might be included in the category, I guess.

"Senator Weicker. That would be included in the category. Drinking habits?"

"Mr. Ulasewicz. Yes, sir.

"Senator Weicker. Domestic problems?"

"Mr. Ulasewicz. Yes, sir.

"Senator Weicker. Personal social activities?"

"Mr. Ulasewicz. Yes, sir."

And then finally, in concluding his testimony whereby he characterizes his information-gathering, Mr. Ulasewicz responded.

"Senator Weicker. I repeat my question, how would you categorize the information you turned over to Mr. Caulfield?"

"Mr. Ulasewicz. I would say—

"Senator Weicker. Was it of a national security nature?"

"Mr. Ulasewicz. No, sir.

"Senator Weicker. Was it of a domestic security nature?"

"Mr. Ulasewicz. No, sir.

"Senator Weicker. Dirt?"

"Mr. Ulasewicz. No, it would be of a political nature.

"Senator Weicker. Political dirt?"

"Mr. Ulasewicz. All right, sir."

Now, since in your opening statement you indicated that you were the one that was responsible when you were counsel to the President in turning over political information or information of issues, supporters of opponents or any other, and since you are the one who hired Mr. Ulasewicz, I wonder if you might not comment to this committee as to the information which you turned over to the President and again on the characterization that Mr. Ulasewicz gave his own job.

Ehrlichman: I do not know what period Mr. Ulasewicz was referring to in your, in response to your question, senator. I can only speak for about six or seven months that his tenure and mine overlapped. I think that the investigations which he did at the time that I was counsel in 1969 and the first month or two of 1970, perhaps, did not in any way relate to the political campaign of 1972. So, I do not know whether this is in the scope of your inquiry or not. But just generally—

Weicker: I think it is very much in the scope of the in-

quiry on the election campaign of 1972 and, I believe, if I am not mistaken, this covers the period after the 1968 election up until the 1972 election.

Ehrlichman: Well, in any event, the one principal investigation that I recall which Mr. Ulasewicz reported to me on, and I am sorry that I do not have—I do not think there were very many major ones of a political nature, my under-

standing of what he did had to do with Black Panthers and other violent group intelligence, and that is the other thing that stands out in my recollection. But Mr. Ulasewicz was sent to Edgartown to keep track of the development of the Chappaquiddick story and it slips my mind as to just what the date of that was but I do recall his keeping us informed on a regular basis of developments as they became available there.

Weicker: And so you transmitted this information to the President?

Ehrlichman: In summary form. He produced almost nothing that was not a matter of newspaper reporting, as it turned out. So there was very little to, there was very little to pass on that would have been of any moment that you could not have read in an ordinary newspaper.

Weicker: Well, of course, Mr. Ulasewicz testified that part of the information which he received was a matter of public record, other information that he received was a matter of, was received or gotten in an investigatory way. But why did you feel the necessity to have somebody like Mr. Ulasewicz investigate the Black Panthers?

Ehrlichman: Oh—

Weicker: Is there some reason why possibly the law enforcement army, is this another area that J. Edgar Hoover was weak on?

Ehrlichman: No, he had his connections with the New York police department at one point in time, had been in intelligence involving violent groups of that kind, and he had sources, particularly in the New York police department intelligence division, and so he would be the recipient of information because of that former association.

Weicker: Well, I know but that still is not a satisfactory answer. Was there some inadequacy on the part of normal—

Ehrlichman: I previously

Weicker: Normal law enforcement agencies.

Ehrlichman: Right. I previously testified, I think, Senator, we were not getting accumulation of intelligence from the police and the sheriff's offices and the state police of various municipal and state organizations, than that it was some time, I think it was probably the second year or possibly into the third year before there was set up in the Justice Department a facility for accumulating all of this. Mr. Ulasewicz in the sixth or seventh months that he worked in the counsel's office when I was counsel, did a kind of a make-shift job of getting some of this information and feeding it in.

Weicker: So in fact during this period of time we all slept better at night knowing Mr. Ulasewicz was on the job, is that right?

Ehrlichman: Well, I don't know about that, Senator.

Weicker: I am going to pursue this for a minute because let's get into the hiring of Mr. Ulasewicz. Was he brought down to the White House and interviewed for a job by the personnel at the White House. Just how was he hired?

Ehrlichman: No, he was hired because he was well known to Mr. Caulfield. Mr. Caulfield recommended him highly, and he was hired by me after a very brief meeting but principally on Mr. Caulfield's say so and recommendation.

Weicker: Well, but where did you hire him?

Ehrlichman: Where did I hire him?

Weicker: Right.

Ehrlichman: Well, I met him in an airport while I was on a trip to New York, as I recall, and Mr. Caulfield, as I recall it, arranged a meeting for us. I hired him, I guess, in the White House, that is I made the decision and authorized Mr. Caulfield and made the arrangements with Mr. Kalmbach to pay him.

Weicker: In your first meeting with him, was it in the VIP lounge in La Guardia Airport?

Ehrlichman: That was the only meeting with him I ever had.

Weicker: That was the only meeting?

Ehrlichman: Yes sir.

Weicker: So that this is some new situation whereby we are going to meet potential White House employees in the lounges of airports or what?

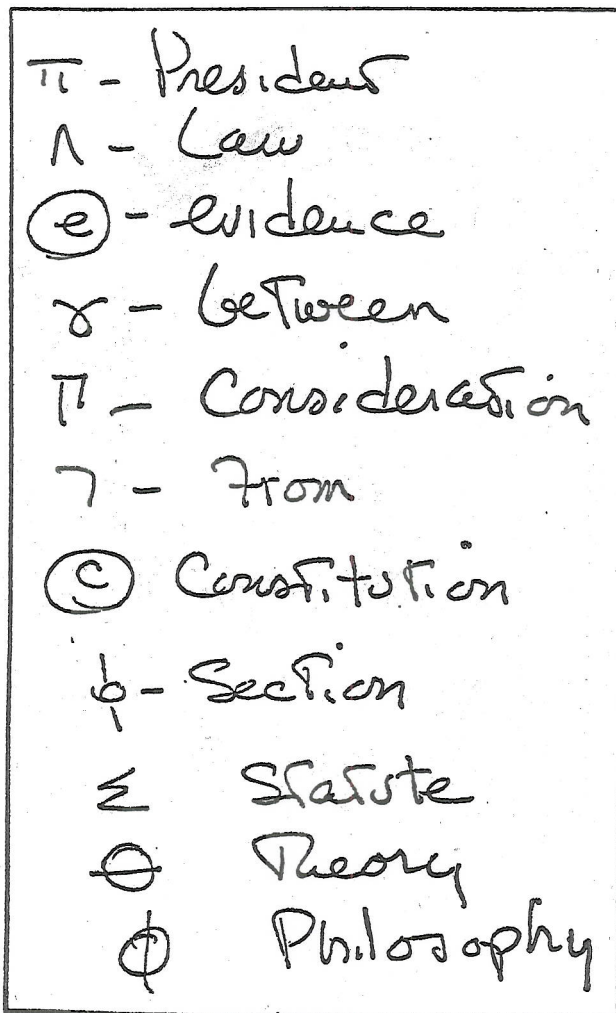
Ehrlichman: As I tried to say in my opening statement, he was not a White House employee.

Weicker: I see.

Ehrlichman: And he was never held out to be and as a matter of fact, the very point of having him was that we were not gathering political information with government people. I didn't feel that we ought to have government people in that business. That we ought to

have a fellow who is established on the outside, who was paid on the outside, and you have this anomaly of having to conduct some political activity, both of a fund-raising and of a staff and of an investigatory nature, and you do it with political funds, and they have to be outside people.

Weicker: Well, isn't it true, I am certain neither one of us is in the position of being a novice here politically, that the reason why you would want him on an outside payroll is that you would not want to claim him if he were found out. Would that be a fair description?



John Ehrlichman's symbols, with explanations of them.

Ehrlichman: Well, I don't think the way it was set up there would be any way to disclaim him, senator. Because he was being paid very directly from Nixon campaign funds in the hands of a trustee committee, and there just was no way to disclaim him. Everybody would be able to find out Mr. Ulasewicz' employer through just the employer number, if nothing else.

Weicker: Well I will tell you, maybe everybody found out. Maybe everybody knew. But we had to do an awful lot of digging around here to find out who Mr. Ulasewicz was and what role he had to go ahead and play.

I would like to have your concept and this is very important, now we are questioning into the real events of the real business of this committee, what's your concept of political information? You see, unfortunately, unfortunately, thanks to the Committee to Re-Elect the President, and some of the witnesses who have appeared here, everybody thinks that the senators at this table and others engaged in politicking run around hiring Ulasewicz types to dig up dirt on each other, and I just can't allow that to fly without contesting it because really it's going to make elections rather interesting in the future if it does.

I wonder if you might, since you were the one who was responsible for hiring this man, and since we have had a description by this man of exactly what his job consisted of which was dirt, I wonder if you might tell the committee what your concept is of politics here in the United States insofar as this type of activity is concerned?

EHRlichman: Well, I think that certainly there is room for improvement in the practice of politics in this country, there is no argument about that. But, at the same time, I think that each candidate who contests the candidacy of an incumbent has the obligation to come forward and contest the fitness of that incumbent for office both in terms of his voting record and in terms of his probity, and in terms of his morals, if you please, and any other facts that is important or germane to the voters of his district or state or the country, for that matter. I think a candidate for office assumes that burden of proof. He assumes the burden of proof of showing the unfit-

ness of the incumbent and I don't think in our political system that is limited to his voting record or his absenteeism. If it were, we would countenance the perpetuation of scoundrels in office who were thieves or who were fraudulent or who were profligate or who were otherwise unfit for office, so I think it's perfectly competent for a challenger to meet head-on the issue of the fitness of an incumbent.

Weicker: Do you mean to tell me and this committee that you consider private investigators going into sexual habits, drinking habits, domestic problems and personal social activities as a proper subject for investigation during the course of a political campaign?

Ehrlichman: Senator, I know of my own knowledge of incumbents in office who are not discharging their obligation to their constituents because of their drinking habits, and it distresses me very much, and there is a kind of an unwritten law in the media that that is not discussed, and so the con-

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stituents at home have no way of knowing that you can go over here in the gallery and watch a member totter onto the floor in a condition which, of at least partial inebriation, which would preclude him from making any sort of a sober judgment on the issues that confront this country.

Now, I think that is important for the American people to know, and if the only way that it can be brought out is through his opponents in a political campaign then I think that opponent has an affirmative obligation to bring that forward.

Weicker: Now, this is getting very interesting.
(Laughter)

Weicker: Again we contrasted similar situations yesterday and again I am just not going to let these things get laid on the table without giving another side to the argument.

I have had eight election campaigns, eight years, six against Democrats and two against Republicans, I suppose it would be considered self-serving that I have never done anything like that so I won't, so I will refer to my opponents. I know of no Democratic opponents out of the six and no Republican opponents out of the two that has ever done what Mr. Ulasewicz was doing or what you are, in effect advocating here.

Now it seems to me it is up to the constituency, whatever that constituency happens to be, to make a determination of the fitness of the man or woman that they go ahead and elect but do you really want to bring the political system of the United States, of our campaigns down to the level of what you are talking about right now?

Ehrlichman: Well, I conceive of it this way, senator. I know that in your situation your life style is undoubtedly impeccable and there wouldn't be anything of issue like that.

Weicker: I am not within

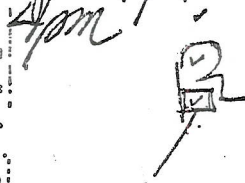
Ehrlichman: I thought you were.

Weicker: Believe me, I am not. I worry about you seeking people on the landscape here and I have a greater worry now before you here, and I will put it that way.

Ehrlichman: I think you will agree with me, senator, that someone with a serious drinking habit is of doubtful fitness for the kind of heavy duty that you bear, for instance, or that any senator bears in the Senate of the United States. That is certainly a material question that has to be raised in a political campaign, at least so it seems to me.

Now, if that is not something that the incumbent's opponent should bring out, then you are leaving the constituency to the tender mercies of the journalists in the community as to whether or not that is reported to the constituency because they don't have any way of knowing really, especially the constituency which is remote from here,

Apr 14, 1973



Les Magruder
& 2 attys
Jim Sharp
Jim Bierbauer

9/71 Sandwedge Carl Dean JSM

11/71 Mitch Lid Dean
↳ new man Sandw

12/71 Dean Lid Mag - 2 counsel

Dean & Lid have proposal
\$1 mil!

↳ quite active

L: D said \$1 mil.

charts & budgets.

4 meet - JSM rejects

4 meet a wk later 1/2 mil
also rejected

JD: shouldn't deal w/ Mitch

Lid & JSM - 1/4 mil
JSM no

CC

Magruder - 1

Another page of Ehrlichman notes from meeting that took place April 14, 1973.

where people get here very seldom to make an observation. So, I would be very concerned about that and it seems to me that would be a very legitimate subject of inquiry. Maybe my standards are all haywire and everybody in the Congress ought to be immune from scrutiny on that subject, but that just seems to me to be an indefensible position on your part.

Weicker: You think we have no scrutiny around here?

Ehrlichman: Certainly.

Weicker: You think we have no scrutiny around here?

Ehrlichman: Well, in all candor—

Weicker: I mean I have got news, let's count them, they are all over here at this stage of the game and they are all the time not just to hear you and I talk. If there is anything, it is quite obvious in Washington, D.C., is

that every aspect of our lives, legislatively, personally and in every way is subject to the scrutiny of a free press and subject to the scrutiny, at least the Congress is subject to the scrutiny of a free press.

(Laughter)

I add also, subject to the scrutiny of our constituency.

Sen. Baker. Our wives.

Weicker. I will add our wives, right.

(Laughter)

I want to state right now, and I, obviously you and I are at loggerheads on a very basic issue here and one that I think not only relates to Mr. Ulasewicz's activities, and I am not so sure we don't come right back to the break-in in Daniel Ellsberg's office again, that I am quite satisfied that our systems, our institutions, are perfectly capable of passing decent judgments, fair judgments, hard judgments on political figures, public offi-

cial without the covert operations of men like Mr. Ulasewicz.

Ehrlichman: Senator, I would only disagree with you by saying this much: I think that your assumptions with regard to the full reporting by the media of the personal conduct of people in public life gilds the lily unduly.

Certainly you members of this committee are being subject to, subjected to scrutiny by the television and by the writing press to a degree and your conduct is being evaluated and measured in a way that seldom happens to a member of the United States Senate or the Congress of the United States, and I think it is possible for some members to exist under a, in a sheltered situation for years and years and years here, and perpetuate themselves in office, so to speak, because you know and I know that the advantages are heavily in favor of the incumbent.

You are in a position to favor reporters with stories and so on. It is an uphill struggle for someone to take on an incumbent United States senator under any circumstances, and the press

are not always as tough on others as they might be on the members of this committee in this setting.

So, I think you and I have a difference of opinion but I think that reasonable minds can differ on this subject particularly in the area of drinking, in the area of fitness of that kind to discharge the duties.

Now, certainly there are limits, and I would be the first to agree with you, that here are areas where, of subject matters that would be totally offensive to me as they would be to you, and I don't mean for a minute to contend for matters beyond those limits.

But I do think that that is one of the things that this whole proceeding is about, I think is an attempt to try to define the lines within an inquiry as to an incumbent, his life, his performance, his voting record are subject of proper inquiry.

Weicker: I know, but if this is a matter of proper inquiry in the course of an election campaign, I mean why isn't it a proper, why isn't it proper inquiry as far as all members of Congress are concerned insofar as the relationship between the executive branch and the elective branch. Why not? If this material, in other words, is going to be used between the executive and legislative branches of the government.

Ehrlichman: I don't think I understand.

Weicker: Well, you apparently consider it proper information to figure out to go ahead and win an election. Is it proper information to dig out to go ahead and carry an issue?

Ehrlichman: You mean blackmail? No.

Bear to punch -

H: "Dean said
w. the country"

DS:
E see Fred Fielding
has much info

S: 1- Restate Exec Priv
re Crim. Conduct.

Never intended to cover J
Noone immune to any
inquiry by GS or legis Comm
re act outside scope of
duties criminally -

C: 1- An investigator reports
to π
E & FF
damaging @

2- π orders it be given US Atty

3- Then HH anti-cham on Mon

S: Have π man interview Liddy
Day: no pardon
only clemency comes in telling truth

Colon-3

More of the Ehrlichman notes turned over to Watergate investigating committee.

Weicker: I mean as between the executive and legislative branches of the government.

Ehrlichman: In other words, you have a piece of information and you have a congressman and you say Congress?

Weicker: Yes.

Ehrlichman: No, it is not proper.

Weicker: In an election campaign?

Ehrlichman: I think it is proper to bare legitimate facts in an election that bear on an incumbent.

Weicker: Of course, what you are saying and where we disagree and I want to make this clear, Mr. Chairman, if any other member of the committee wants to comment now I don't think anybody realizes what is being done here right now. You definitely have two different concepts of politics in this country meeting head-on.

Ehrlichman: I might say, senator -

Weicker: Let me finish and then I will be glad to go ahead and listen to you.

Ehrlichman: Pardon me, surely.

Weicker: I always thought we settled these matters on the basis of issues, on what you stood for, on a public stance that your opponents took that was a bad stance, how you can present yours, how you move around in a campaign, but to sit here at this moment in time and tell me that we are going to settle our election on the basis of sexual habits and drinking habits and domestic problems and personal and social activities.

Well, I tell you you stick to your version and I will - am going to stick to mine.

Ehrlichman: Senator, I was going to say in what we have asked the FBI to do, to determine the fitness of an individual for appointment

to the executive branch to the cabinet, the sub-cabinet, to the agency positions and so on, these kinds of questions of fitness, drinking habits, habitual intoxication, immorality, are all considered to be important questions to ask and to settle upon, and the review, as far as I know in the selection of people in this administration has been very rigorous and the standards have been very high.

Weicker: No. 1, please don't put the FBI in the same category as Mr. Ulasewicz now. I just don't think it is a fair comparison at all. I think these are two entirely different entities. I am proud of the Federal Bureau of Investigation.

Ehrlichman: The subjects are the same senator.

Weicker: I might add you keep on talking about the enormous advantages an incumbent enjoys. May I point out according to your theory the President was the incumbent. He was the incumbent.

Ehrlichman: Please don't misunderstand me, I think an incumbent President has an enormous advantage.

Weicker: Yes, but this one not only had an enormous advantage but apparently went around and had this type of information handed to him which added to the advantage that he had. I would say made him rather unbeatable.

Well, in any event let's leave that subject for the time being, although I find it unbelievable.