

Cox Affair: Far From the Distrust, Isolation and a Series of Miscalculations

"On a Sunday in 1612 King James, taking offense at the independence of his judges, cried out, 'That I am to be under the law, that it is reason to aver . . .'"

—Archibald Cox before Judge John J. Sirica, August 22, 1973.

By Laurence Stern

Washington Post Staff Writer

The confrontation of the tapes was propelled to its nation-rending climax by a series of grave presidential miscalculations in a White House climate of distrust, deepening isolation and a sense of political siege.

This is the consensus of those who were closest to the events of those eight days—starting Oct. 15—that brought President Richard M. Nixon to the brink of political catastrophe.

The immediate instruments of the crisis were nine segments of magnetic tape and Archibald Cox, the Watergate special prosecutor, who was determined to exercise his judicial rights to get them.

The price of the confrontation was enormous for the President—probably more so than he had thought possible. His own chief of staff, Alexander M. Haig Jr., spoke of the outcome as "not pre-planned, not desired, and . . . probably not very well visualized" when the course was finally embarked upon a week ago last Friday.

It brought down upon Washington a deluge of national protest, by wire, letter and telephone, opposing Mr. Nixon's action and fueling the drive in Congress for his impeachment.

It diluted the coin of presidential credibility to the point of raising public conjecture of a link between the worldwide alert of U.S. forces in the Middle East crisis and the battle of Watergate at home. It brought his popularity to an all-time low in Gallup ratings.

It cost him the resignations of two members of his administration, former Attorney General Elliot L. Richardson and his deputy, William D. Ruckelshaus, whose reputations for rectitude stood out among the ranks of the President's men.

Above all, it forced upon him the price of surrender in the contest with Cox and the courts against yielding

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the nine slices of tape in which are imbedded evidence that could implicate him further in the Watergate swamp or could make a perjurer of his chief accuser, former White House counsel John W. Dean III.

It forced him also to bow to public and congressional pressure, including from within his own party, to appoint a new Watergate special prosecutor who would be promised—as was Cox—both independence and cooperation (although within limits) of the White House.

Having surrendered to judicial authority on the issue of the tapes and public pressure on the issue of the spe-

cial prosecutor, the question is what Mr. Nixon has gained to offset the political hemorrhage of the tape confrontation.

The answer may well lie, in large part, in the attitudes of the White House toward Cox—Harvard law professor, intimate of the Kennedys, embodiment of the Yankee Democratic establishment-in-exile with its spiritual capital in Cambridge.

"We had strong apprehensions about Cox from the day he was appointed," said one high-ranking White House spokesman. "Why did the President accept him? At the time he was chosen we felt, as an institution, that the Senate had a cocked pistol between our eyes. If we

didn't take him, we would lose our nominee for Attorney General."

The White House official added: "Don't forget a lot of people in the White House complex were interviewed by Cox's people. They would come back and say, 'Those bastards! I just ran into Bobby Kennedy's former administrative assistant and he asked me these rotten questions.'"

Haig, at the White House briefing Tuesday, acknowledged that "there are many of us who have been somewhat concerned about the political alignment of Professor Cox's staff as distinct from Professor Cox himself, and what on occasion appear to be roamings outside the jurisdiction of the charter.

Five days before Haig spoke, The Miami Herald had carried an eight-column banner proclaiming: "Cox Begins Tax Probe of Rebozo." One disgruntled reader was C. G. (Bebe) Rebozo of Key Biscayne, who caught a plane to Washington the next day for an overnight visit as a White House guest of his close friend, Richard M. Nixon.

On Friday the President spoke with irritation, as one ranking White House official recalled it, of the Watergate special prosecutor's investigation of the Howard Hughes matter—namely, the possible tax liabilities growing out of a \$100,000 cash payment from billionaire Hughes to Rebozo in 1970. Rebozo described the donation as a campaign contribution, though it was given in a non-election year. He said he put it in a safe and returned it three years later, last spring.

The President, according to the White House aide, remarked that the Rebozo investigation was an "illustration" of how Cox was out to get him. That remark, the official insisted, was not a presidential confession of guilt but rather an expression of Mr. Nixon's feeling that the Hughes-Rebozo inquiry was confirmation of what he had already believed of Cox.

Campaign irregularities were a major facet of the wide-ranging investigations that were being conducted under Cox's direction.

"There was a feeling growing in the White House

that Cox ought to go," related another high-ranking presidential appointee who left the government as a result of last week's events. "You've got to assume that the White House tone and atmosphere is set by the President. Cox was involved in a lot of areas that were constant irritants to the President. He was expressing this to Haig and (chief White House Watergate lawyer J. Fred) Buzhardt and they in turn were expressing it on.

"Cox was the personification of evil as far as most of the White House staff was concerned," he said.

In the final days of the crisis Haig and Buzhardt, with the assistance of special counsel Charles Alan Wright, became the President's chief tacticians in maneuvering through the battle of the tapes.

Haig, formerly a four-star general, issued orders to wavering administration officials like a battlefield commander under hostile artillery fire.

"Your command in chief has given you an order," he told Ruckelshaus on that Friday after the former deputy attorney general followed the lead of his boss, Richardson, in refusing to fire Cox.

If he felt so strongly about it, Haig advised Ruckelshaus, he could fire Cox and resign the following week. But Ruckelshaus persisted in his refusal.

In reprisal, despite an immediate letter of resignation from Ruckelshaus, the White House announced he

had been fired. But the President later confirmed at his Friday night press conference that Ruckelshaus, like Richardson, had resigned from the administration because of disagreement over the Cox firing.

The background of the historic collision with presidential authority within the executive as well as with the co-equal branches of Congress and the judiciary goes back to last June 25.

It was on that day that former White House counsel John W. Dean III first hinted at the existence of the tape recordings that were to become central to the dispute.

Overshadowed by the sensational disclosures of the rest of his testimony was Dean's remark that at their White House meeting last April 15 "the President almost from the outset began asking me a number of leading questions which made me think that the conversation was being taped and that a record was being made to protect himself."

After Cox's appointment the following month, the Watergate Special Prosecution force asked the White House if a tape of the conversation existed, as Dean had suspected. Buzhardt said there was no tape of the conversation, but that the President had dictated his recollections of the meeting with Dean.

Would the White House surrender that piece of evidence, the Cox staff asked. It would be taken under consideration, Buzhardt replied.

Then on July 16 former White House aide Alexander Butterfield electrified the Senate Watergate hearings with the disclosure that all of President Nixon's conversations in the White House and Executive Office Building had been bugged since 1970.

Cox renewed his demand for the recording of the April 15 Nixon-Dean conversation and eight other conversations which he deemed relevant to the investigation and prosecution of the Watergate case as well as the obstruction-of-justice issues in the insuing cover-up.

Cox issued subpoenas for the nine tapes on July 23, and the Senate Watergate committee followed suit that day. Cox was confident of prevailing over the White House in a legal challenge that seemed certain to go to the Supreme Court.

"My feeling is the reverse of Dickens," he told the Senate Judiciary Committee in May. "I don't think the law's an ass."

White House attorneys seemed confident, on the other hand, that there would be no "definitive" Supreme Court ruling on the issue — the condition upon which the President announced he would comply and surrender the tapes.

But on Aug. 22 U.S. District Court Judge John J. Sirica ordered the White House to give him the tapes and said he would decide what went to the Cox grand jury. On Oct. 12 the U.S. Circuit Court of Appeals rejected the President's claim of absolute privilege on the

tapes and upheld Sirica.

On Sept. 11, during arguments on the case before the Court of Appeals, Sen. John Stennis (D-Miss.) made an unexplained appearance in the jury box, reserved for VIPs, to listen to the case. During a presidential trip to Mississippi last spring, Stennis had urged the President to "tough it out" on Watergate. Later, he would be Mr. Nixon's choice as an impartial verifier of the contents of the Watergate tapes under the White House "compromise" agreement that went up in smoke last Tuesday.

By Monday, Oct. 15, the President was in the position of having been reversed in two courts, with uncertain prospects, to say the least, in the Supreme Court.

He was faced with having to surrender the tapes by judicial decree, on the one hand, and stand by as the Watergate special prosecutor pursue widening evidence of financial irregularities involving his campaign and some of his closest friends and financial supporters. His own tax record was coming under increasingly critical scrutiny. And a war was under way in the Middle East that threatened to disrupt the detente which was being advertised as the Nixon administration's greatest pillar of achievement abroad.

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End of Nixon's Troubles

Impeachment Demands and Continuing Investigations

By Lawrence Meyer
Washington Post Staff Writer

President Nixon's dramatic decision to finally turn over nine White House tape recordings and other materials to Chief U.S. District Judge John J. Sirica still leaves him facing three congressional resolutions for his impeachment and others calling for new investigations of his conduct in office.

"The President's belated action" on the tapes, the 29 cosponsors of one House impeachment resolution said in a statement last week, "removes only one of the grounds on which we sought impeachment."

Although White House actions connected with the Watergate affair are

the focus for much of the consideration of impeachment, the congressional and remaining prosecutorial investigations extend far beyond Watergate to include:

- President Nixon's personal finances.

- Receipt by President Nixon's close friend, Charles G. (Bebe) Rebozo, of \$100,000 in cash from an emissary of Howard Hughes in 1969 and 1970.

- Government actions affecting Rebozo's monopoly bank and a new savings and loan association in Key Biscayne.

- Campaign contributions made to President Nixon by dairymen who received an increase in milk price supports in a reversal of Administration policy.

- The settlement of the federal anti-trust action against ITT.

- President Nixon's short-lived decision to implement a domestic surveillance plan that his advisers had told him contained "clearly illegal" elements.

Involved in the ITT matter is a pledge of a \$400,000 campaign contribution by ITT to the Republican Party and the settlement of the Justice Department's antitrust suit against the international conglomerate.

A March 30, 1972 memo from the special Presidential counsel Charles W. Colson to then White House chief

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of staff H. R. (Bob) Halde- man warned that Senate Judiciary Committee hearings then in progress could produce revelations about the ITT case that "would lay this case on the President's doorstep." Such testimony was not given at those hearings.

The Colson memo also mentions other internal administration memos, some of which Colson said had been destroyed, that would "directly involve" President Nixon. Colson also suggested that one memo would contradict the testimony under oath of former Attorney General John N. Mitchell about Mitchell's knowledge of the campaign commitment made by ITT before the antitrust settlement was made.

The Senate committee staff also is investigating the two separate contributions of \$50,000 each made in 1969 and 1970 by an emissary of billionaire recluse Howard Hughes to Charles G. (Bebe) Rebozo, Mr. Nixon's close friend.

According to Rebozo, he held the contributions in a safe deposit box for three years and then returned them to one of Hughes' lawyers. Mr. Nixon said at his press conference Friday night that the money was intended to be a contribution for his 1972 campaign.

Richard G. Danner, managing director of the Hughes-owned Sands Hotel and gambling casino in Las Vegas, said in a Sept. 4 deposition that the first \$50,000 was intended for Mr. Nixon's 1968 presidential campaign—even though it was given after the fact—and that the second \$50,000 was for the 1970 congressional campaigns.

A deposition by Robert A. Maheu, former manager of Hughes' Nevada operations, gives no clear indication of why the first \$50,000 contri-

bution was made, but states that the second \$50,000 payment was connected to efforts by Hughes to persuade Mitchell, then attorney general, to overrule objections by the Justice Department's antitrust division to a proposed acquisition of another hotel and gambling casino in Las Vegas.

Although Maheu and Danner disagree about the purpose of the contributions, their sworn statements also conflict with President Nixon's explanation.

Maheu also states in his deposition that Rebozo "had been chosen by Mr. Nixon as the person to whom the money should be delivered."

Questions also have been raised about the Nixon administration's decision to refuse to grant a bank charter to Florida businessmen seeking to open a competitor to Rebozo's bank on Key Biscayne. The administration twice overruled strong recommendations from two federal bank examiners recommending the competitive charter.

Just a month after the Treasury Department's comptroller of the currency ruled that the rival group had shown only a "marginal banking need" in Key Biscayne, the Federal Home Loan Board granted two directors of Rebozo's bank a charter for a new savings and loan institution in Key Biscayne. Rebozo will be the landlord for the new institution.

In addition, questions have been raised concerning Mr. Nixon's personal finances, including a \$200,000 tax savings he realized by the donation of prepresidential papers to the National Archives, the purchase of his home in San Clemente, Calif. with the aid of a loan from industrialist Robert Abplanalp who later purchased property back from Mr. Nixon with Rebozo as a silent partner, and the expenditure of nearly \$10 million in public funds to make

improvements in and around Mr. Nixon's homes in San Clemente and Key Biscayne.

The most recent revelation concerning expenditures of public funds for Mr. Nixon's retreats was the report that almost \$2.4 million—more than was spent by his three immediate predecessors combined—has been spent on Camp David since Mr. Nixon assumed office five years ago. Of this total, \$150,000 was spent for a swimming pool next to the presidential lodge in 1969.

The Senate select Watergate committee is expected to inquire further into the ITT settlement when it resumes its hearings next week.

The Senate committee staff also is investigating the relationship between contributions of \$427,500 from three dairy cooperatives in 1971 and 1972 much of it to secret Nixon campaign committees, and the reversal of a decision by the Department of Agriculture not to increase its milk price support levels.

Dairy co-op leaders said the President's decision rais-

ing the price support level from 75 per cent to 85 per cent of parity added from \$500 million to \$700 million to dairy farmers income. A document recently unearthed by the White House in connection with civil litigation shows that top White House aides and fund raisers originally expected \$2 million in contributions from segments of the dairy industry.

The most extensive public record to date, however, concerns the Watergate affair. President Nixon's own public statements as well as the testimony of present and former aides before the Senate select Watergate committee form a foundation for efforts to tie the

President to the Watergate cover-up.

"Many times in the history of our country," Mr. Nixon said on May 9, "administrations have failed to meet the test of investigating those charges that might be embarrassing to the administration because they were made against high officials in an administration.

"We have had such a situation, we have been confronted with it, we are dealing with it, and I will simply say to you tonight that this nation—Republicans, Democrats, Independents, all Americans—can have confidence in the fact that the (Attorney) General, Elliot Richardson, and the special prosecutor that he will appoint in this case will have the total cooperation of the executive branch of this government."

Less than six months later, Elliot Richardson resigned as Attorney General after stating his unwillingness to comply with an order from President Nixon to fire Special Watergate Prosecutor Archibald Cox. According to Cox' statements at a press conference earlier in the day he was fired, President Nixon had been giving less than "total cooperation" to the special prosecutor's investigation of the Watergate affair.

President Nixon's actions concerning Cox and the tapes form the basis of an impeachment resolution introduced by Rep. Jerome Waldie (D-Calif.) and co-sponsored by 29 other Democrats. The resolution accuses Mr. Nixon of obstructing the administration of justice by forcing the resignation of Richardson, by firing Deputy Attorney General William D. Ruckelshaus and by firing Cox, contrary to the President's promise to the Senate, made through Richardson, not to interfere with the special prosecutor's investigation.

But the charges outlined in the Waldie resolution form only one potential basis for impeachment. In a statement by Waldie on Oct. 23, he described Mr. Nixon's actions as "a cover-up of a cover-up, an obstruction of processes of justice aimed at those guilty of obstructing justice."

President Nixon's own public statements acknowledge that he took steps to confine the original Watergate investigation so that it would not reveal activities of the special White House investigations unit popularly known as "the plumbers."

It was the plumbers, a group that included Watergate conspirators E. Howard Hunt Jr., G. Gordon Liddy, Bernard L. Barker and Eugenio R. Martinez, who were responsible for the break-in at the offices of Daniel Ellsberg's psychiatrist in September 1971.

Within a few days of the June 17, 1972 break-in at the Watergate offices of the Democratic National Com-

mittee, the FBI had discovered that \$114,000 in five separate checks had passed through Barker's bank account from two sources. Kenneth Dahlberg, later identified as a fund-raiser for President Nixon's reelection campaign and from Manuel Ogarrio, a Mexican lawyer.

What the FBI did not know until sometime in July, 1972, according to the testimony of former acting FBI Director L. Patrick Gray, was that the money belonged to the Committee for the Re-election of the President.

Within a matter of hours after the break-in, the Washington metropolitan police and the FBI had found evidence connecting Hunt to the Watergate operation. Barker and Martinez were already in police custody.

The arrest of Barker and Martinez coupled with the leads to Hunt provided at least one possible motive for the White House cover-up—concern that the Ellsberg break-in and the other activities of the plumbers might be exposed.

The Dahlberg check and the checks from Ogarrio—which have come to be known as the "Mexican money"—provided a second possible motive for the cover-up since they were the only documentary evidence

in the hands of law enforcement authorities linking the five men caught inside the Watergate with the Nixon re-election committee.

Had the Dahlberg and Mexican checks been suppressed in some way, a major link to the re-election committee would have been eliminated. Testimony before the Senate committee indicates that the White House did, in fact, attempt to suppress the Dahlberg and Mexican checks.

Mr. Nixon, for his part, has given the following account in his May 22 statement of what he had done and why:

"Elements of the early post-Watergate reports led me to suspect, incorrectly, that the CIA had been in some way involved. They also led me to surmise, correctly, that since persons originally recruited for covert national security activities had participated in Watergate, an unrestricted investigation of Watergate might lead to and expose those covert national security operations.

"I sought to prevent the exposure of these covert national security activities, while encouraging those conducting the investigation to pursue their inquiry into the Watergate itself. I so instructed my staff, the Attorney General and the acting director of the FBI.

"I also instructed Mr. Haldeman (White House chief of staff H. R. (Bob) Haldeman) and Mr. Ehrlichman (presidential domestic adviser John D. Ehrlichman) to ensure that the FBI would not carry its investi-

gation into areas that might compromise these covert national security activities, or those of the CIA."

Former CIA Director Richard Helms testified that he had informed acting FBI Director Gray on June 22 "that the CIA had no involvement in the break-in. No involvement whatever."

On June 23 both Helms and deputy CIA Director Lt. Gen. Vernon A. Walters were summoned to an afternoon meeting at the White House where they met with Haldeman and Ehrlichman. Helms and Walters later testified in substantial agreement that at the meeting Haldeman did most of the talking. Helms said he assured Haldeman that the CIA had nothing to do with the break-in.

Nevertheless, according to Helms and Walters, Haldeman instructed Walters to speak to Gray, "and indicate to him," Helms testified, "that these operations—these investigations of the FBI might run into CIA operations in Mexico and that it was desirable that this not happen and that the investigation, therefore, should be either tapered off or reduced or something, but there was no language saying stopped, as far as I recall."

The testimonies of Walters and Gray differ in detail and emphasis over what happened in the following days. What emerges clearly, however, is an attempt by the White House, according to Gray's testimony, to stop the FBI from interviewing Ogarrio and Dahlberg on the grounds that the CIA had an "interest" in them.

Walters and Helms, according to their testimony and Gray's, at no time expressed any "interest" in either man, however, and by July 6, Gray said, he had decided to proceed with the interviews.

The importance of the interviews was underlined by Gray in his testimony when he pointed out that the checks written by Ogarrio and Dahlberg were "the only money chain that we had right at that point in time. Without it, the FBI and the prosecution team had nothing to connect the Watergate burglars financially with the re-election committee.

The other concern referred to by President Nixon in his May 22 statement as justification for limiting the Watergate investigation was that the activities of the plumbers might be exposed.

President Nixon said in his May 22 statement that in instructing White House aide Egil M. (Bud) Krogh Jr. on the duties to be performed by the plumbers, "I did not authorize and had no knowledge of any illegal means to be used." Mr. Nixon went on to say, "As President, I must and do assume responsibility for such actions despite the fact that I, at no time approved or had knowledge of them."

When Mr. Nixon did learn

of the Ellsberg break-in, on March 17, 1973, according to his statement on Aug. 15, he apparently did nothing to disclose the incident to the judge in the Ellsberg trial. In fact, when he learned that the Justice Department had found out about the Ellsberg break-in, Mr. Nixon by his own admission attempted to stop them from investigating the incident. "I considered it my re-

sponsibility to see that the Watergate investigation did not impinge adversely upon the national security area," Mr. Nixon said by way of explanation in his May 22 statement.

Mr. Nixon was informed by Attorney General Richard G. Kleindienst on April 25 that the trial judge in the Ellsberg trial, U.S. District Judge W. Matt Byrne Jr., should be informed of the Ellsberg break-in.

According to testimony before the Watergate committee, Kleindienst and Assistant Attorney General Henry Petersen had agreed that they would resign if Mr. Nixon refused to allow them to report their findings on the Ellsberg break-in to Byrne.

The report was made and Byrne declared a mistrial, dismissing the charges against Ellsberg and codefendant Anthony Russo.

Mr. Nixon's assertion that the Ellsberg break-in involved a matter of national security apparently was not shared by Kleindienst, Petersen, Byrne or the Los Angeles County grand jury that indicted Ehrlichman, Krogh, Liddy and former White House aide David Young for their alleged participation in the incident.

Despite his acknowledgment that he attempted to restrain both the Watergate investigation and the Ellsberg break-in inquiry, Mr. Nixon said, in his statement of May 22, that it "appears that there were persons who may have gone beyond my directives, and sought to expand on my efforts to protect the national security operations in order to cover up any involvement they or certain others might have had in Watergate."

In addition to questions that have been raised by the Los Angeles grand jury, the Watergate special prosecutor and by members of the Senate committee as to whether the Ellsberg break-in was a legitimate national security activity, the question must be confronted whether President Nixon bears legal responsibility for the allegedly illegal acts of his subordinates whether he was ignorant of those acts—as he claims—or not.

Although the law is not settled on the point, according to legal experts, some constitutional lawyers see precedent for holding Mr. Nixon responsible and culpable for illegal activities engaged in by his aides.

One U.S. Supreme Court

case cited in re Yamashita, involving the commanding general of Japanese forces in the Philippine Islands in World War II who was charged, tried and convicted for war crimes committed by his troops. Yamashita, as the court pointed out in the majority opinion, was tried for his failure to take measures to prevent violations of the law of war.

"The law of war," the court said, "presupposes that its violation is to be avoided through the control of the operations of war by commanders who are to some extent responsible for their subordinates." The effect of the court's opinion was to uphold the conviction of Yamashita, who was executed.

In a dissenting opinion, Justice Frank Murphy warned of "dangerous implications of the procedure sanctioned today. No one in a position of command in an army, from sergeant to general, can escape those implications. Indeed, the fate of some future President of the United States and his chiefs of staff and military advisers may well have been sealed by this decision."

The United States government also has maintained in litigation from time to time that corporation heads are responsible for the acts of subordinates, whether the officers knew of the acts or not.

What Mr. Nixon might have done to prevent the cover-up is not entirely clear from the public record. Haldeman and Ehrlichman testified that Mr. Nixon periodically asked about the status of the investigation and urged on several occasions that the White House issue statement setting forth the full facts on the Watergate affair.

Invariably, according to the testimony of Haldeman and Ehrlichman, White House counsel John Dean prevented full disclosure, arguing that it would jeopardize the rights of defendants to a fair trial.

Former Attorney General John N. Mitchell testified to the Senate committee that Mr. Nixon asked him only once about the Watergate affair, shortly after the break-in.

At that time, Mitchell said, he did not know the full facts. Had Mr. Nixon asked him later about the matter, Mitchell said, he would have cited "chapter and verse" but Mr. Nixon never asked and Mitchell said he never volunteered the information.

Gray testified that he

warned President Nixon on July 6, 1972, that some of his aides were trying to "mortally wound" him. According to Gray, Mr. Nixon did not pursue the point.

According to Mr. Nixon's account, given at his Aug. 22, 1973, press conference, "whether the term used was 'mortally wounded' or not, I do not know. Some believe that it was. Some believe that it wasn't. That is irrelevant. He could have said that . . .

"I told him to go forward with a full press on the investigation, to which he has so testified. It seemed to me that with that kind of directive to Mr. Gray that was adequate for the purpose of carrying out the responsibilities. As far as the individuals were concerned, I assume that the individuals that he was referring to involved this operation with the CIA."

According to White House aide Richard Moore, on May 8, 1973, Mr. Nixon told him in a conversation: "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 . . . I know how it is when you have a lot on your mind, and I did," but, he said, "I still wonder."

According to Dean, President Nixon had indicated knowledge of the cover-up in conversations with Dean dating from September, 1972. Dean's testimony implicating Mr. Nixon has

which Dean denies conducting—to the investigation done by Ehrlichman, to Mr. Nixon's own interviews with Dean, Mitchell, Haldeman and Ehrlichman and to one other incident.

"I also had a contact made with the Attorney General himself," Mr. Nixon said, "and . . . told him—this was on the 27th of March—to report to me directly anything that he found in this particular area . . ." Kleindienst's testimony did not reflect such a contact.

On April 15, when nothing had yet been made public by Mr. Nixon about any investigation, he met with Kleindienst and Assistant Attorney General Petersen, who, according to their testimony, informed Mr. Nixon of evidence the Watergate prosecutors had implicating Mitchell, Haldeman and Ehrlichman among others. Petersen said he recommended that Haldeman and Ehrlichman be discharged.

Mr. Nixon did not announce the resignations of Haldeman and Ehrlichman, however, for another two weeks. In the interim, Mr. Nixon met twice with the lawyer, John J. Wilson, retained by both men. Neither Wilson nor Mr. Nixon has disclosed what those meetings involved.

In his Aug. 22 press conference, in response to a question, Mr. Nixon denied that he was coordinating any defense of himself with that of Haldeman and Ehrlichman.

"As far as my defense is

been denied by Haldeman, Ehrlichman and President Nixon.

In the course of several meetings between Feb. 27 and March 21, 1973, according to Dean, he laid out the cover-up for Mr. Nixon, giving the most detailed description in the meeting of March 21. Dean said his briefing of Mr. Nixon included allegations involving Mitchell, Haldeman and Ehrlichman.

In his speech to the nation on April 30, 1973, 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."

None of the persons involved officially with the Watergate investigation—Attorney General Kleindienst, Assistant Attorney General Petersen or acting FBI Director Gray—received any such instructions from Mr. Nixon according to their testimony before the committee. Ehrlichman said he was asked by Mr. Nixon on March 29 to conduct an inquiry, but Ehrlichman refused to characterize the interviews he had with half a dozen persons as an "investigation."

In his Aug. 22 press conference, Mr. Nixon said he was referring to an investigation conducted by Dean—

concerned," Mr. Nixon said, "I make it myself. As far as their defense is concerned, their lawyer demonstrated very well before the (Senate Watergate) committee that he can handle it very well without any assistance from me."

Although Mr. Nixon asked Haldeman to listen to tape recordings of presidential conversations—once before Haldeman resigned and once after he resigned in July, 1973—Mr. Nixon has declined to turn over five tapes sought by the Senate committee, which is still seeking them in court. The committee sought the tape in order to reconcile conflicting testimony from Dean, Haldeman and Ehrlichman concerning Mr. Nixon's connection to the cover-up.

In refusing to turn over the tapes to the committee, Mr. Nixon made the following statement: "The fact is that the tapes would not finally settle the central issues before your committee. Before their existence became publicly known, I personally listened to a number of them. The tapes are entirely consistent with what I know to be the truth and what I have stated to be the truth. However, as in any verbatim recording of informal conversations, they contain comments that persons with different perspectives and motivations would inevitably interpret in different ways."