

Nixon's 'Probe Order' Not Supported

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President Nixon's assertion that he began "intensive new inquiries" into the Watergate affair on March 21, 1973, personally ordering "those conducting the investigations to get all the facts and to report them directly to me" is not supported by the edited transcripts of recorded White House conversations released Tuesday.

What the transcripts show instead is that the President and senior White House officials tried to gather information primarily for internal strategy purposes, rather than to turn over new information to the prosecutors, and to put together the semblance of a record, for later use, if necessary, to show that they had attempted to learn what happened.

In his televised speech of April 30, 1973, Mr. Nixon said, "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."

The law enforcement officials in charge of the Watergate investigation, Attorney General Richard G. Kleindienst, Assistant Attorney General Henry E. Petersen and acting FBI Director L. Patrick Gray III, later testified under oath that they had received no such instructions from Mr. Nixon.

When pressed by reporters to detail what he had done to investigate and whom he had ordered to report to him, Mr. Nixon said that he had ordered White House counsel John W. Dean III to write a report concerning what he knew about the Watergate affair. Mr. Nixon said he had asked

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his top domestic adviser, John D. Ehrlichman, to conduct an investigation. And Mr. Nixon said that he had asked Ehrlichman to direct Kleindienst to report directly to Mr. Nixon any information he should have about the Watergate affair.

The transcripts show that the contact with Kleindienst was an attempt to use him as a conduit for information so that Mr. Nixon and his senior staff assistants, Ehrlichman and White House chief of staff H. R. (Bob) Haldeman, could keep abreast of developments inside the federal grand jury, which had resumed its investigation of the Watergate affair.

Increasingly, the transcripts show, Mr. Nixon, Haldeman and Ehrlichman became concerned that

former Attorney General John N. Mitchell would be named as being involved in the planning and execution of the Watergate break-in.

The following transcript excerpt, from a March 27, 1973, meeting in President Nixon's Executive Office Building office shows how Kleindienst was to be approached.

Mr. Nixon: This is a bad rap here. We are not going to allow it. Our real problem is Mitchell. Now what about this? What are you going to do about it? . . . Of course, we ought to know—can't the Attorney General call Silbert (Principal Assistant U.S. Attorney Earl J. Silbert, then in charge of the Watergate investigation), or is that too dangerous for him?

Ehrlichman: Well he doesn't have to do that. Henry Petersen follows that thing on a daily basis.

Mr. Nixon: Henry Petersen?

Ehrlichman: Henry can let Dick (Kleindienst) know, and that's all there is to it.

Mr. Nixon: All right. You just tell Dick. You see the problem is, there, that Dick thinks I am—if he says he has furnished the grand jury things to the White House that there is a problem.

Ehrlichman: It's a tender problem. I think what he has to do—

Mr. Nixon: No, you could say this. Our need—our interest here—you could say it whether there are any White House people involved here and we will move on them.

Ehrlichman: That's right. And the President wants to know.

Mr. Nixon: That is the purpose. Not to protect anybody, but to find out what the hell they are saying.

Ehrlichman: Absolutely. That is the only basis on which to go.

President Nixon has left the inference, through his public statements, that his directions to Kleindienst covered the entire Watergate affair, the June 17 break-in, the decisions leading up to it and the cover-up that followed it. In an Aug. 22, 1973, press conference, Mr. Nixon said Ehrlichman directed Kleindienst "to report to me anything he found in this particular area."

A telephone conversation between Ehrlichman and Kleindienst on March 28, 1973, however, shows that Ehrlichman's instructions to the Attorney General were much narrower.

"OK, now," Ehrlichman

told Kleindienst, according to the transcript of that conversation. "The President said for me to say this to you. That the best information he had and has is that neither Dean nor Halderman nor (special President counsel Charles W.) Colson nor I nor anybody in the White House had any prior knowledge of this burglary. He said that he's counting on you to provide him with any information to the contrary if it ever turns up and you just contact him direct. Now as far as the Committee to Re-elect is concerned he said that serious questions are being raised with regard to Mitchell and he would likewise want you to communicate to him any evidence or inferences from evidence on that subject."

Dean, President Nixon told the Aug. 22, 1973, press conference, had earlier been "given the responsibility to write his own report . . ."

The transcript of a March 22, 1973, meeting in Mr. Nixon's Executive Office Building office shows that Mr. Nixon told Dean, "It (the report) is a negative in setting forth general information involving questions. Your consideration—your analysis, et cetera. You have found this, that. Rather than going into every news story and every charge, et cetera, et cetera. This, this, this—put it down. I don't know but—"

A moment later, Ehrlichman, speaking about the report Dean was assigned to write, said, "That would be my scenario. He presents it to you at your request. You then publish—(inaudible).

"And I am looking to the future," Ehrlichman continued later, speaking to Mr. Nixon, "assuming that some corner of this thing comes unstuck, you are then in a position to say, 'Look, that document I published is the document I relied on, that is, the report I relied on'"

"This is all we knew," Mr. Nixon said.

"This is all the stuff we could find out—" Haldeman added.

Dean, however, did not write the report. He testified before the Senate select Watergate committee last summer that he believed such a report would be used to further the cover-up, a move he said he opposed and which he would not assist.

Finally, Mr. Nixon said on Aug. 22, "I gave a responsibility for Mr. Ehrlichman on

the 29th of March to continue the investigation that Mr. Dean was unable to conclude."

Ehrlichman, however, testified before the senate select Watergate committee that he could not characterize the interviews he conducted as comprising an "investigation." Ehrlichman said, rather that he had conducted an "inquiry."

Ehrlichman's report to Mr. Nixon on April 14 on the results of his inquiries show a concern for public relations at a time when new facts about the Watergate affair, and the possible involvement of White House officials, were becoming known to the Watergate prosecutors and the public.

Mr. Nixon: We have to prick the boil and take the heat. Now that's what we are doing here. We're going to prick this boil and take the heat. I—am I overstating?

Ehrlichman: No, I think that's right. The idea is, this will prick the boil. It may not. The history of this thing has to be, though, that you did not tuck this under the rug yesterday or today, and hope it would go away.

Mr. Nixon: Now. In the scenario, I sort of go out and tell people that I have done this.

Ehrlichman: I don't know. It depends on how it all turns out. If he does not go to the U.S. attorney, if (former deputy Nixon campaign manager Jeb Stuart) Magruder decides to stay clammed up—

Haldeman: What would you do?

Mr. Nixon: Well, that, well, let's suppose they still indict. You don't want them to indict and then have to say that on Saturday, the 14th of April, you, John Ehrlichman—

Ehrlichman: Yeah. But you see the problem there is

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Haldeman: (unintelligible) at least you got the record now.

Ehrlichman (The problem is that that if you were to go out on this kind of hearsay and say we know who did it, then you've prejudiced their rights.

Mr. Nixon: Then your thought is just to make a record of the decision?

Ehrlichman: When somebody comes to (unintelligible) what the hell was the White House doing all this time? Then you're in a position to say, well, we began to investigate personally the external circumstances and we came to some conclusions—we acted on those conclusions.

Mr. Nixon: John Ehrlichman conducted an investigation for the President.