

Justice Aide Sought to Delay

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In their April, 1973, meetings, President Nixon and Assistant Attorney General Henry E. Petersen discussed political strategy as well as details of the Watergate scandal, as the first transcript printed in today's Washington Post shows.

Petersen told Mr. Nixon he would "go ask Senator (Sam) Ervin to hold up" his Watergate committee hearings. If they were not delayed, Petersen advised the President, a 1952 court decision—the Delaney case—might be used as precedent to block trails of men close to Mr. Nixon who had been implicated in Watergate.

In addition, insofar as the edited transcripts released by Mr. Nixon last week may be judged conclusive, Petersen was the first to suggest that the President proclaim he had uncovered "major developments" in Watergate.

When Mr. Nixon made that statement on April 17, 1973, it was greeted by members of Congress and others as evidence that the President was now moving to get to the bottom of the scandal.

And in a later conversation, not included in today's transcripts, Petersen assured Mr. Nixon that he would not be investigated.

"I've said to (U.S. Attorney Harold H.) Titus, 'We have to draw the line. We have no mandate to investigate the President. We investigate Watergate,'" he told the President on April 27, 1973.

Just this week, in a draft report, the Senate Watergate committee staff sharply questioned the relationship between Petersen and Mr. Nixon, saying that it resulted in "aiding the White House in its efforts to keep ahead of the prosecutors' investigations of the rapidly expanding Watergate affair . . . It is an easy assumption that the President kept Haldeman and Ehrlichman informed of what he learned from Petersen."

The President did speak to his aides about Petersen, the transcripts show, telling his chief domestic affairs adviser John D. Ehrlichman on April 16, 1973. "I've got Petersen on a short leash."

Aside from Petersen, those speaking with Mr. Nixon in conversations

printed today include White House counsel John W. Dean III, chief of staff H. R. (Bob) Haldeman, Ehrlichman, and press secretary Ronald L. Ziegler.

The conversations took place on April 16 and 17, 1973, at a time when dramatic events were taking place outside the White House as well.

On April 16, in one of the more bizarre press involvements in Watergate, columnist Jack Anderson began printing material taken from transcripts of grand jury proceedings. The first ones were from the testimony of Watergate conspirator James W. McCord, and described offers of executive clemency and payments of hush money.

Also on April 16, Watergate prosecutor Earl J. Silbert sent a memorandum to Petersen describing testimony that Watergate conspirators E. Howard Hunt Jr. and G. Gordon Liddy had broken into the office of Dr. Lewis Fielding, Daniel Ellsberg's psychiatrist, in 1971.

Within a month, the Ellsberg trial was thrown out of court and White House attempts to damage Ellsberg for

Ervin Watergate Probe

political reasons broadened the Watergate scandal.

Exposed were abuse of the Central Intelligence Agency by high White House aides in both the Ellsberg matter and the Watergate coverup, and conversations between Ehrlichman, Mr. Nixon and the Ellsberg judge in which the judge was sounding out about the possibility of becoming director of the FBI.

Also on April 16, even as Mr. Nixon and Petersen were discussing him, Sen. Ervin (D-N.C.), announced that his committee would begin Watergate hearings on May 17, 1973. It was reported that the President's personal attorney, Herbert W. Kalmbach, had been subpoenaed by the committee.

On April 17, Martha Mitchell, in a telephone call to United Press International reporter Helen Thomas, said that her husband, the former attorney general, was being cast as a Watergate scapegoat. She criticized Mr. Nixon and said she wanted to make an appearance before the Ervin committee.

This was the backdrop as the President met with his closest aides on the 16th and 17th. The President, Halde-

man and Ehrlichman had agreed on the need to make some public statement even before Attorney General Richard G. Kleindienst spoke to Mr. Nixon about the gravity of Watergate on April 15. One plan was to have Haldeman make an airing of the issues as seen from the White House point of view.

But on April 16, Mr. Nixon told Ziegler, "Don't say, don't—we seem to, we've gotten into enough trouble by saying nothing so we'll say nothing today. You know, actually, thank God we haven't, thank God we haven't had a Haldeman statement. Believe me. (Unintelligible) thank God we didn't get out a Dean report. Right? Thank God. So, we've done a few things right. Don't say anything."

The White House transcripts of these days, rich in drama, are almost equally resplendent with comic overtones. On April 16 and 17, the President, Haldeman and Ehrlichman determined that they would make a final break with Dean. But they couldn't get him out of the White House. Dean refused to leave unless Haldeman and Ehrlichman went also.

On the afternoon of the 16th, Ehrlichman told Mr. Nixon that an FBI agent, seeking to interview Dick Howard, an aide to Charles Colson, told Howard that he might "want to go and talk to Mr. Dean while I'm on my way over there in case you want to get any advice."

The agent apparently was familiar with earlier stages of the Watergate inquiry, when Dean sat in on a great number of FBI interviews with White House employees.

"Fortunately," Ehrlichman said, Howard "talked to Colson. Colson—I had told him that Dean was over the hill."

The next day Ehrlichman told Mr. Nixon that Colson was "very concerned" and felt that "Dean had to be dealt with summarily. His partner (David Shapiro, Colson's law partner) has a tie-in with the U.S. attorney's office and they seem to know what is going on there. Very simply put, I think his argument will be that the city of Washington generally knows that Dean had little or no access to you."

"True, that's quite right," Mr. Nixon

See GUIDE, A23, Col. 1

GUIDE, From A22

responded, "Dean was just a messenger."

Ehrlichman described how Dean, if perceived as "a messenger," could give testimony damaging to Mr. Nixon: "Knowledge imputed to us is knowledge imputed to you and if Dean is (unintelligible) and testified that he imputed great quantities of knowledge to us, and is allowed to get away with that, that, that will seriously impair the presidency ultimately. 'Cause it will be very easy to argue — that all you have to do is read Dean's testimony — look at the previous relationships — and there she goes! So, he says the key to this is that Dean should not get immunity. That what he wants to tell you."

Ehrlichman and Mr. Nixon discussed firing Dean immediately. "Now you got another problem," Ehrlichman told Mr. Nixon and Haldeman on the 17th, "and I don't know what's been going on in the last week or so, but I imagine he's carted stuff out of here by the

bale. I just don't know."

Later, with Ziegler present, Mr. Nixon said to Ehrlichman that he was "just thinking what it is worth to us to get him out of that damned office. I relieve him of his duties?"

The transcript, in which Mr. Nixon is referred to as "P" and others by the initials of their last name, shows the discussion of Dean picked up by Ehrlichman:

E. Well, the alternative is somehow or other to pass the word to everybody in the place that he's a pirhana. I don't know how you do that.

P. What? What do you mean everybody in the place?

E. I mean people like the White House police. That if they get a subpoena they shouldn't ask him what to do. The Secret Service, a guy like Dick Howard.

H. Who should they ask?

E. Damned good question . . . Well, if he's here, people will go to him for advice. I'm just sure of it.

P. Okay. I've told him he's not to give any advice and he's not to have

anything to do with this case at all. All right?

At one point a suggestion was made that Dean be told not to come to work, but that was vetoed because it was felt that Dean wouldn't pay attention to such an order.

One reason Mr. Nixon gave for not firing Dean immediately was the fear that Petersen might be replaced by another investigator. "This guy gets relieved, and says, well I told the President that he ought to fire Haldeman and Ehrlichman, and he fires Dean."

So the leader of the free world, as his associates sometimes called the President, was unable to keep Dean away from the office. John Dean kept coming into the office, and among papers he did "cart out" were many that are now thoroughly familiar to the American people, including the so-called enemies list and the Huston plan, which described a program of illegal domestic spying that was approved by Mr. Nixon in 1970.

Dean was not fired until April 30, when Haldeman, Ehrlichman and Attorney General Kleindienst resigned.