

White House Said to Curb Ehrlichman Access to Data

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WASHINGTON, June 5 — Highly reliable sources said today that the White House, apparently breaking a specific agreement worked out two days ago with a Federal judge, had refused to permit John D. Ehrlichman and his attorneys to have full and direct access to Mr. Ehrlichman's personal notes of Presidential meetings.

The sources said that Mr. Ehrlichman and his attorneys, William C. Frates and Andrew C. Hall of Miami, were told yesterday by two Presidential lawyers, James D. St. Clair and J. Fred Buzhardt Jr., that the Ehrlichman notes would be screened by the White House

to remove unrelated matters before being turned over.

Court insiders said that the revised White House policy would undoubtedly concern Judge Gerhard A. Gesell of United States District Court, who has already threatened dismissal in the case, and also may expose Mr. St. Clair to contempt of court charges.

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Judge Gesell has called for a hearing Friday on the White House compliance.

During a court hearing Monday in the "plumbers" case, Mr. St. Clair assured Judge Gesell that Mr. Ehrlichman and his attorneys would be allowed to review directly all of the more than two years of notes that had been subpoenaed by the Ehrlichman attorneys.

Complicating Mr. St. Clair's position, a number of sources said, was the fact that late last week Mr. Buzhardt, who works closely with Mr. St. Clair, informed the special Watergate prosecutor's office that he planned to go through the Ehrlichman notes to weed out information he deemed extraneous.

"What St. Clair said to the judge Monday morning was not what Buzhardt told the special prosecutor's office Friday," one well-placed official said.

Mr. St. Clair could not be reached for comment. A White House aide assigned to Mr. St. Clair's office to handle press queries, told of The New York Times's account, responded with the following quotation from Mr. Buzhardt: "This is not true."

"That's all I've got," the aide said.

The subpoenaed notes in question were accumulated by Mr. Ehrlichman between January, 1971, and April 30, 1973. On his resignation, his personal papers, under prior White House rules, reverted back to a central White House filing system.

One source close to Mr. Ehrlichman noted that "John didn't know he was being taped and he took notes every time he talked to the President or reported to the President." The source said, "They're almost verbatim notes—just incredible."

Mr. Ehrlichman, a former, high-level Presidential aide who is one of four defendants in the "plumbers" case, has maintained that the notes of Presidential instructions, all made on yellow legal pads, are essential to his defense.

Judge Gesell initially had threatened to dismiss the case if the White House did not provide the notes and other materials deemed relevant to the defendants. That threat seemed to diminish after Mr. St. Clair, in a letter sent to the judge last week, agreed to

permit Mr. Ehrlichman and his attorneys "access" to the files.

An official transcript of Monday's hearings shows that Judge Gesell sought to learn the limits of the "access."

"Let me ask Mr. St. Clair," the judge said in response to a query on that point from Mr. Frates. "I took the letter to mean that you and one of your colleagues, at least, and Mr. Ehrlichman could review those notes that fall within the time frames of this case, with a view to selecting from it those notes that appeared to be essential and necessary for the defense." "Or even might possibly be," Mr. St. Clair acknowledged. "It would be broader than that."

Under subsequent questioning in court from Mr. Frates, Mr. St. Clair also agreed to provide a private room for Mr. Ehrlichman and the attorneys in the White House, as well as any stenographic equipment needed to help process the personal papers. Mr. Frates again brought up the question of access to the documents, telling Mr. St. Clair that "I assume there is not going to be any problem in making all of those [personal notes] available for our perusal."

"I don't believe there is a problem," Mr. St. Clair said.

Sources close to Mr. Ehrlichman emphasized that the former Presidential domestic adviser was planning to go to trial June 17 in the "plumbers" case, despite the guilty plea announced Monday by Charles W. Colson, another former high-level White House aide who had joined in subpoenaing his personal notes.

Mr. Ehrlichman, Mr. Colson, and four other men were indicted last March for conspiring to burglarize the office of Dr. Daniel Ellsberg's former psychiatrist in 1971. At the time, the men were involved with the White House special investigations unit, informally known as the "plumbers," that was authorized by President Nixon in July, 1971, to stop newspaper leaks of sensitive materials.

One of the investigations unit's first assignments was to learn what it could about Dr. Ellsberg, a former Pentagon official who has said he gave the press the Pentagon papers, a top-secret history of United States's involvement in Vietnam.

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