

Evidence Shows Shield Strategy

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After John Dean confronted him with the Watergate coverup on March 21, 1973, President Nixon and his chief aides sought as much to construct a protective shield for themselves as to make public disclosures, the House Judiciary Committee's evidence indicates.

The committee's book of evidence covering the period March 22 to April 30, 1973, documents intensive efforts to keep the scandal clear of the President at the time he was vowing that an investigation of his own would stop at nothing to bring all the facts out.

The effort, which culminated in the dismissal of Dean and the resignations of two of those aides, H. R. (Bob) Haldeman and John D. Ehrlichman, on April 30, included these key elements, according to the committee presentation:

- Mounting the appearance, more than the substance, of a thorough, in-house investigation, first by Dean and, when he failed to produce a satisfactory report, then by Ehrlichman.

- Planning how to deal with the Senate Watergate Committee, including which Nixon aides should testify, whether executive privilege should be invoked, and the "babysitting" of Sen. Howard H. Baker Jr. (R-Tenn.), the ranking minority member.

- Seeking to determine what witnesses before the Watergate prosecutors and the federal grand jury were saying, by having then Atty. Gen. Richard G. Kleindienst get that information from Assistant Atty. Gen. Henry E. Petersen and report daily to the White House.

- Urging such witnesses to make sure they did not implicate the President or his ranking aides.

- Developing a record, in the course of the in-house investigation, that would demonstrate that the President had urged key figures in the case, including former Atty. Gen. John N. Mitchell and convicted Watergate conspirator G. Gordon Liddy, to tell all they knew.

The committee's book of evidence covering this period contains little material not previously published. There is, however, a key memorandum by former White House counsel Charles W. Colson that suggests Haldeman favored action to prevent convicted Watergate conspirator E. Howard Hunt from telling all.

One of the charges in the federal indictment against Haldeman and others is that on March 21, 1973, after a meeting with the President in the Oval Office, hush money to Hunt was authorized and paid. A critical point in the impeachment inquiry is whether Mr. Nixon knew of, authorized or failed to stop the payment.

In his memo for the files dated March 23, 1973, Colson wrote:

"Bob Haldeman just called and asked what representations I had made to Howard Hunt with respect to the commutation of his sentence. I told him that I had made no representation."

Hunt's lawyer, William O. Bittman, had called him, Colson wrote, and told him Hunt "did not want to go to jail, that he was going to jail, but didn't

want to stay in jail beyond the end of this year." In reply, Colson said, he told Bittman "essentially that I considered myself Howard Hunt's friend, that I would do anything anytime that I possibly could for Howard."

Colson wrote that Hunt "could get any impression he wanted" from that, "but that I was explicit in my recollection that I had not said anything that would give anyone cause to have any specific understandings. In fact, there was no understanding . . .

"Bob then asked me what would happen if Hunt 'blew.' I said I thought it would be very bad, that from what I knew he would say things that would be very damaging.

"Bob said, 'Then we can't let that happen.'"

The Colson memo did not elaborate on what Haldeman intended to do.

The book of evidence for this period also included previously unpublished recommendations Colson said he and his law partner, David Shapiro, made to Mr. Nixon through Ehrlichman on April 13, 1973, on how to handle the Watergate matter. They included ordering anyone "involved in authorizing, planning or approving" the Watergate either to come forward or be exposed; waiving of executive privilege for them and others who could testify on campaign matters, like Haldeman and himself; appointment of a special independent counsel and firing of Dean; summoning Liddy to the Oval Office to be "told by the President himself "to tell the whole truth" as the only way to be considered for clemency.

Ehrlichman, for his part, however, was following a different strategy, the Judiciary documentation indicates.

The evidence paints Ehrlichman spending most of his efforts to contain the damage rather than investigate the extent of the scandal, as both President Nixon and Ehrlichman have insisted.

According to the official White House version, Mr. Nixon instructed Ehrlichman to pick up John Dean's investigation after Dean appeared to be implicating himself.

Ehrlichman has testified in a civil suit that "The President called me in on the 30th and said, 'My suspicions (about Dean) are crystalized and I want you to get it into this.' . . . "He said it was evident to him at that point that Dean was into the thing up to his eyebrows."

Pinpointing the President's order as coming during a noon meeting on March 30, Ehrlichman testified to the Senate Watergate Committee that the President told him to "step into what Dean has been doing here . . . I need to know where the truth lies in this thing."

But the Judiciary Committee evidence indicates Nixon never gave Ehrlichman such an order. The noon meeting, according to the White House edited tape, was a strategy session between Ehrlichman, President Nixon and press secretary Ronald L. Ziegler. A new investigation of the White House staff is mentioned only as a possible new public relations device to tell the press.

At one point in the conversation, Mr. Nixon suggests that Ziegler might say that the President has "called for an investigation of the White House staff," and that every member of the staff under any suspicion "has submitted a sworn affidavit to me denying any knowledge."

Too defensive, replies Ehrlichman, and worse, it alludes to "a piece of paper that becomes the focal point for a subpoena." The conversation continues in a like vein, focusing exclusively on public relations. There is nothing resembling an order that Ehrlichman conduct an investigation.

A similar conversation on March 27 also includes the discussion of tactics to limit damage.

At one point, Ehrlichman tells the President that Egil Krogh has admitted to having authorized the Ellsberg break-in and is prepared to resign. "Should he?" the President asks. Ehrlichman replies:

"I don't think he will have to. Number one, I don't think Hunt will strike him. If he did, I would put the national security tent over this whole operation."

"I sure would," says the President.

At the March 27 meeting, Ehrlichman, Haldeman and Mr. Nixon also discuss an approach to Kleindienst for grand jury information. "Ask Kleindienst, John," the President tells Ehrlichman. "Put it on the basis that you're not asking nor in effect is the White House asking; that John Mitchell says you've got to have this information from the grand jury at this time and you owe it to him."

The next day, Ehrlichman tells Kleindienst in a conversation taped by the former that the President's "best information" is that "neither Dean nor

Haldeman nor Colson nor I nor anybody in the White House had any prior knowledge of his burglary," and that "He's counting on you to provide him with any information to the contrary if it ever turns up."

Like others, the conversation serves a dual, contradictory purpose: it builds a record that the President wants his Attorney General to leave no stone unturned in pursuing the truth; it also widens a channel for the President's defenders to get at the grand jury information.

Throughout the period of Ehrlichman's supposed investigation, he reported back to the President. The discussions focus on who is likely to implicate whom.

"Liddy has pulled the plug on Magruder," Ehrlichman tells the President on April 8. However nothing that Dean could say will harm John Mitchell, he adds.

"But it would harm Magruder," the President concludes.

"Right," says Ehrlichman.

Mitchell's own vulnerability and likely posture are increasing concerns. They discuss Magruder "pulling the plug" on Mitchell. "We don't want Mitchell, you know, popping off," says the President.

A week later, on April 14, the President, Haldeman and Ehrlichman have an intensive, 2½-hour conversation about how to approach Mitchell. The subject is not who is culpable, but whether Mitchell will take the fall. The President asks Ehrlichman to summon Mitchell.

Later the same afternoon, Ehrlichman raises the question of meeting Kleindienst to "get this thing wrapped up." The purpose would be to show that the White House had begun its own investigation before indictments came out.

"I had ordered an independent investigation at the time McCord had something to say," the President agrees. "Right."

The findings were sufficiently serious to be turned over to the Justice Department, Ehrlichman suggests.

Still later, Ehrlichman phones Kleindienst to report on his investigation, which comes as a surprise to the Attorney General. "The conversation and what ensued the night in my home was the most shocking day of my life," Kleindienst later told the Watergate grand jury in secret testimony made public by the Judiciary Committee.