Nixon okay, Watergate probe continues

Nixon to leave hospital Friday

WASHINGTON (AP)-President Nixon made final decisions on Phase 4 economic controls, met with White House lawyers on Watergate matters and received word yesterday that he can leave the hospital Friday.

On his fifth day at Bethesda Naval Medical Center, Nixon was doing so well in his recovery from viral pneumonia that his chest therapy and medication were cut down.

The White House said he would go to the presidential retreat at Camp David, Md., when he leaves the hospital, for a long weekend of recuperation. He will be back in Washington in time for a state visit by the Shah of Iran next Tuesday.

Nixon had a noontime session with Treasury Secretary George Shultz on the anti-inflation Phase 4 package that will be announced today.

He also conferred during the morning with his two White House lawyers, Leonard Garment and J. Fred Buzhardt. The two had gone to the hospital Monday night to talk with presidential aides after testimony before the Senate Watergate have been tape recorded since the spring

A 3 p.m. hospital report said the President continued his first day of "increased activity in staff work without

Nixon was reported "feeling well and his general improved physical state remains stable." His lungs were reported to be clear for the first time since he was hospitalized last Thursday Vice President Spiro T. Agnew had an

afternoon appointment at the hospital.
So did Senate leaders of the two
parties, Democrat Mike Mansfield of Montana and Republican Hugh Scott of Pennsylvania.

White House Press Secretary Ronald Ziegler said the senators had requested the visit, described like Agnew's as a 'courtesy call.'

The White House physician, Dr. Walter R. Tkach, had recommended that Nixon go to his Florida or California homes, where he would be assured of sunshine. But the doctor said, "I lost the

For a period of 7 to 10 days after the President leaves the hospital, his doctors want him to rest for an hour in the morning and in the afternoon. Tkach said that Nixon will have to gauge his work, and if his fatigue is marked, longer rest periods will be recom-

Tkach said the President lost two pounds during his illness and now weighs

Tkach said that Camp David was "well equipped medically" for any presidential needs. It is some 65 miles from the White House and a helicopter

Kalmbach testifies top aides used him

WASHINGTON (AP)-While the Senate: Watergate committee continued gentlemanly battle with President Nixon over presidential records and tapes, lawyer Herbert W. Kalmbach testified yesterday that he had been "used" by top White House aides.

Kalmbach described as self-serving remarks made to him by John D. Ehrlichman last April in a telephone conversation which Ehrlichman taped the day before Kalmbach went before a federal grand jury.

In the conversation, which Kalmbach said with bitterness he did not know was being taped, Ehrlichman suggested that Kalmbach recite certain details of testimony to the grand jury.

And Ehrlichman, the former domestic counsel to Nixon, told Kalmbach that a scheme in which Kalmbach solicited funds for Watergate defendants had been masterminded by ousted White House Counsel John W. Dean III.

Kalmbach repeated again and again in his second day of testimony, however, that while he first accepted Dean's assurance that the fund-raising

operation was proper, he soon developed doubts, went to Ehrlichman and was reassured by Ehrlichman that it was Kalmbach's testimony dealt mostly

with his gathering \$220,000 which he passed on to Anthony T. Ulasewicz for distribution to Watergate defendants and their lawyers. Kalmbach said he thought the money

was for humanitarian purposes. Dean earlier testified it was to keep the defendants quiet.

Ulasewicz, a former New York policeman and White House investigator, is due to testify as the leadoff

witness today.

The tape of the Kalmbach conversation with Ehrlichman came into the committee's possession when it subpoenaed Ehrlichman's relevant materials.

Kalmbach also told the committee he never told Nixon about his mounting suspicions of Watergate scandal because he thought it would be presumptuous to go to the President with what he termed rumor and sixth-sense suspicions of wrongdoing which had nonetheless caused him to drop out of the fundraising operation.

The committee also sought yesterday to interview Secret Service officials in connection with the White House taping disclosures

But Nixon ordered Secretary of the Treasury George P. Shultz that no Secret Servicemen be allowed to testify about White House duties or observations.

Through the morning session Kalm-bach repeated details of the fund-raising which he had outlined when he first took the witness chair Monday.

Kalmbach, of Newport Beach, Calif., has handled personal legal work for Nixon since March 1969. He said Monday he is still Nixon's attorney, though the White House said several weeks ago he was no longer retained.

Meanwhile at another congressional hearing, former White House aide Egil Krogh Jr. refused to say what he knows about the 1971 burglary of Daniel Ellsberg's psychiatrist.

Committee demands tapes

WASHINGTON (AP)-The Senate Watergate committee voted yesterday to ask President Nixon for tape recordings of presidential conversations bearing on the Watergate affair.

By unanimous vote, the committee also agreed to ask Nixon again for all presidential papers that may shed light on its investigation. "May we hear from you at your earliest convenience?" a letter to the President from the committee chairman said.

Presidential Press Secretary Ronald L. Ziegler indicated earlier in the day that the President regards the tapes in the same category as presidential papers he already has refused to give the committee.

But ranking committee members said they hoped that Nixon would arrange access to White House tape recordings and documents pertinent to the Watergate affair.

Nixon has invoked the doctrine of executive privilege to prevent release of presidential papers and it was announced yesterday that he had invoked it

When the Watergate committee convened for its afternoon session, chairman Sam J. Ervin Jr., D-N.C., said the President had forbidden Secret Service officials to testify "concerning matters observed or learned while performing protective functions for the President or in their duties at the White

devices that record presidential conversations in his offices

and on his telephones were installed and are maintained by the Secret Service.

The committee subpoenaed Alfred C.

Wong, the Secret Service official responsible for the taping. Wong appeared yesterday for a closed-door session with Ervin and Sen. Howard H.

Baker Jr., R-Tenn., vice chairman. He was accompanied by the general counsel for the Treasury Department who said the President had directed him to invoke executive privilege to bar

Wong's testimony. The counsel then read a letter, dated Monday, from the President to Treasury Secretary George P. Shultz, directing Shultz to refuse to permit Secret Service personnel to testify before congressional committees on White House matters. The protective agency is part of the Treasury Department

The existence of the tape recordings was disclosed Monday by Alexander P. Butterfield, a former White House aide, who told the committee they had been installed to compile an historic record of the Nixon administration. He said other participants in conversations with the President were unaware they were being recorded.

The flurry of activity yesterday moved the committee and the President closer to a constitutional confrontation over whether a congressional committee has the power to demand documents from the executive branch.

On July 6, the President wrote Ervin that he could not testify before the committee or provide it documents from White House files because such actions would violate the constitutional doctrine of separation of powers.

He called the doctrine "fundamental to our structure of government. In my view, as in the view of previous presidents, its preservation is vital."

Ervin has contended that the President has no power to withhold material pertaining to political or criminal activities.

Ervin and Nixon are scheduled to meet privately on the controversy after the President is discharged from Bethesda Naval Hospital where he is confined with pneumonia.

Doctors said he should be well enough to leave the hospital Friday.

On another front, it was learned yesterday that special prosecutor Archibald Cox also plans to ask for the presidential tapes. Separation of powers would not bar Cox from obtaining presidential files since the prosecutor is part of the executive branch. The tapes présumably could prove or

disprove allegations made before the committee by ousted White House counsel John W. Dean III, He testified the President knew of and participated in the attempted cover-up of the Watergate scandal.

Dean based his allegations on his accounts of meetings he had with Nixon in his White House office. According to Butterfield, those meetings routinely would have been taped.

hearings that presidential conversations ride of some 25 minutes Designed to alleviate shortage

Senate approves pipeline

WAHIINGTON (AP) —— In an effort to alleviate an energy shortage, the Senate yesterday passed a bill to permit a consortium of oil companies to begin immediate construction of the controversial Alaska oil pipeline. The bill, if approved by the House, would remove all legal barriers that have blocked construction of the controversial pipeline more than

Sen. Mike Gravel, D-Alaska, co-sponsor of one of the bill's most disputed amendments, said after the final 70-22 vote that "I would hope we could begin construction this fall."

The bill declares the federal government gave adequate consideration to an alternative pipeline route through Canada in preparing its environmental impact statement. And it grants the consortium a pipeline right-of-way across federal

Congress' judgment for the court's in declaring the pipeline impact study meets the requirements of the National Environmental Policy Act. It was narrowly approved by a 49-48 vote. A motion to

reconsider the vote was killed after Vice President Spiro T. Agnew cast the deciding vote in the 50-49 decision. Within hours after the vote, the House public lands subcommittee approved a bill that also calls for immediate construction by granting a right-of-way and eliminating the court challenge of the pipeline's environmental impact.

Environmentalists opposed the pipeline on grounds that oil spills would destroy the Arctic tundra and cause havoc along the Northwest Coast.

The 789-mile pipeline is designed to connect Prudhoe Bay on the North Slope with Valdez on the southern coast. From Valdez, the oil would be shipped by tanker to West Coast

Sen. Walter F. Mondale, D-Minn., sought to bring oil in along the Mackenzie River of Canada, contending that route would deliver the oil to the midwest where it is vitally needed. In related energy developments:

. - The Federal Trade Commission announced it is issuing a complaint against the nation's eight largest petroleum companies alleging they have participated in anti-competitive

- An American Automobile Association survey reported that the most severe period of the gasoline shortage appears

Acanfora gets funding aid for appeal battle He claims, as a homosexual, his constitutional rights were violated. Association's DuShane Emergency

Fund has voted to support Joe Acanfora's appeal to the Fourth Circuit Court of Appeals in Richmond. Acanfora, a 1972 Penn State graduate, is appealing a Baltimore 'ederal District Court judge's May ruling upholding his transfer from teaching to an administrative post.

Legal briefs for the appeal are due August 15, after which a date will be set for the oral hearing.

Darryl Anderson, Acanfora's attorney, had hoped for an early hearing, but a motion for expedited consideration was denied July 6.

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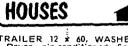
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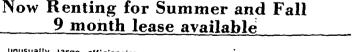


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