

Key Petersen Role in Probe Shown

By Peter Osnos
and Richard M. Cohen
Washington Post Staff Writers

For at least 10 months after the Watergate break-in, as the cover-up evolved and later unravelled, Assistant Attorney General Henry E. Petersen was considered by the White House to be the one man in the Justice Department who could always be counted on to handle the case as the President wanted it handled.

The edited transcripts of the recorded White House Watergate conversations contain numerous references by Mr. Nixon and his aides to what they regarded as Petersen's personal integ-

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rity and his sympathy with the White House view that the Watergate investigation could be "dangerous to the presidency" if it reached too far.

The transcripts also show that Petersen supplied the White House with secret Justice Department information about Watergate, including grand jury testimony. This information, the transcripts indicate, was used by some persons in the White House in engineering the cover-up that then White House counsel John W. Dean III himself characterized as an illegal obstruction of justice.

Throughout the summer

of 1972, Petersen kept Dean "totally aware" of the activities of the federal prosecutors, Dean told the President on March 21, 1973. "I don't think he (Petersen) has done anything improper," Dean said, "but he did make sure that the investigation was narrowed down to the very, very fine criminal thing, which was a break for us."

In April, 1973, after Dean and other White House aides had begun detailing the extent of the Watergate cover-up to prosecutors, eventually including allegations against Mr. Nixon himself, the President talked al-

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HENRY PETERSEN
... 'came out clean'

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most daily to Petersen, relying heavily on him for information and advice about strategy.

As late as April 27, 1973, when President Nixon learned of the accusations Dean was making against him, Mr. Nixon was assured by Petersen: "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.'"

Petersen, a career Justice employee who rose through the ranks over 25 years, denied yesterday that he had done anything ethically or legally wrong in his conduct and supervision of the Watergate probe. "I'm not a whore," Petersen told reporters, "You newspaper people are disappointed that I'm not a whore. I walked through a minefield and came out clean."

There is no suggestion in the transcripts that Petersen was part of any formal conspiracy to foreclose the Watergate investigation. Rather, the recorded conversations show that he went along with the White House intention of keeping the probe in hand.

"Why did Petersen play the game so straight with us?" Mr. Nixon asked Dean on March 21.

"Because Petersen is a soldier," Dean replied. "He kept me informed. He told me when we had problems, where we had problems and

the like. He believes in you and he believes in this administration." But Dean, added, Petersen, had done nothing illegal.

In the months following the break-in, Mr. Nixon and his aides dealt with then Attorney General Richard Kleindienst and acting FBI Director L. Patrick Gray on Watergate matters, in addition to Petersen.

But as the pace of activity quickened in the spring of 1973, Kleindeinst was bypassed because of his close association with former Attorney General John Mitchell, who became a principal target of the prosecutors and has since been indicted by a grand jury and charged with participating in the cover-up.

Gray, whom the President described at one point as "not very smart," ran into trouble in his confirmation hearings on Capitol Hill and later admitted destroying Watergate-related evidence. Gray then resigned, as did Kleindienst, who has never been charged with any Watergate-connected offense.

Both Kleindeinst and Gray are portrayed in the transcripts as being, in effect, agents of the White House, which is normal enough for officials of the Justice Department, except when they are investigating the government and the White House itself.

In the March 21 meeting between Dean and Mr. Nixon, Dean said of Gray:

"Not that I don't think Pat won't do what we want... like he is still keeping in touch with me. He is calling me. He has given me his hot line. We talk at night, how do you want me to handle this, et cetera..."

In Kleindienst's case, he was, for example directed to serve as liaison for the White House with the Senate Watergate committee, particularly with the vice chairman, Sen. Howard Baker (R-Tenn.). In a March 27, 1973, meeting of Mr. Nixon and presidential aides H. R. Haldeman, John Ehrlichman and Ronald Ziegler, Haldeman said:

"Mitchell is very distressed that Kleindienst isn't stepping up to his job as the contact with the committee, getting Baker programed and all that (A) and (B) that he isn't getting—see Dean got turned off by the grand jury. Dean is not getting the information... on those things said at the grand jury. And Mitchell finds that absolutely incompetent and says it is Kleinsupposed to be sending us..."

Petersen, on the other hand, is spared the errand-boy characterization. In the March 21 meeting, Dean and Nixon discussed the possibility of convening a new grand jury to hear Watergate evidence. Dean said:

"Henry Petersen is the only man I know bright enough and knowledgeable enough in the criminal laws

and the process that really could tell us how this could be put together so that it did the maximum to carve it away with a minimum damage to individuals involved."

Dean's characterization of Petersen as a "soldier" who owed much to the Nixon administration is not significantly at odds with the picture painted by those who have worked with him in the Justice Department.

"He always had tremendous respect for the office of Attorney General and the office of the Presidency," said one former Justice official. "And I don't doubt that he had the same respect—even awe—of this President. He had a very high opinion of John Mitchell."

"He was sort of awed by Nixon in the Oval Office," the former Justice official continued. "Well, it was probably the first time in his life he was in the Oval Office. What did they want him to say, 'Look... we're going to investigate you.'"

It was Mitchell, the Nixon administration's first Attorney General, who became Petersen's patron. In quick succession, the career Justice Department lawyer—Petersen had joined Justice in 1951—was promoted to positions normally occupied by political appointees—deputy assistant attorney general, acting assistant attorney general and finally assistant attorney general in charge of the criminal division.

Petersen has been frank

in his praise of Mitchell, once describing him as "a man of high integrity and a tough prosecutor—he's such a refreshing breath of air after (former attorney general) Ramsey Clark." Petersen, like Mitchell publicly, shared a non-sense, hard-line view on "law and order," so much so that Petersen's associates thought for a time he was a Republican, which he is not.

Another popular image of Petersen, his former associates say, was also misleading—that of the hard-bitten, crusty prosecutor who is frank almost to the point of bluntness. He is also, these sources say, the consummate bureaucrat, a civil servant first and foremost whose deference toward the Presidency left him incapable of resisting orders that emanated from the White House.

During the investigation of former Vice President Spiro T. Agnew, for instance, Petersen constantly argued that the President must be fully informed of details of the probe even though he conceded the danger of news leaks and expressed distrust of the White House.

Still, even as late as late summer when the Agnew investigation was under way, Petersen continued to enjoy a special relationship with the President and reported to him directly on his assessment of the Agnew case. Elliot L. Richardson, then the attorney general, recognized

Petersen's unique role and at one time last August told him that his personal assessment of the Agnew case would mean more to Mr. Nixon than a similar report from Richardson.

Sources close to the prosecutors of the original Watergate burglary conspirators said yesterday that the prosecutors did not know that Petersen was talking to Dean or anyone else at the White House about the fruits of their investigation. These sources said that Petersen had frequently been briefed by the prosecutors because Petersen is in charge of the Justice Department's criminal division.

Petersen, the source said, gave the Watergate prosecutors "very little" direction during the beginning of the investigation and "never" prohibited the prosecutors from opening up the investigation to include the possible role of the White House. One possible reason for that, the source said, is that the investigation never reached that stage at any rate.

The source, a person with intimate knowledge of the investigation in its early phases, said that the only time Petersen directed the prosecutors to pull back was when they attempted to investigate the burglary of Daniel Ellsberg's psychiatrist's office. That order would have been consistent with Petersen's statements in the transcripts that the

burglary was a national security matter beyond the purview of the criminal investigation.

As he did yesterday, Petersen said as early as April 17, 1973, that his actions were consistent with his duties as the chief of the Justice Department's criminal division. In an Oval Office conversation with Mr. Nixon, the President asked whether Petersen might have compromised himself by keeping the White House informed on the course of the investigation.

"No sir, I can disclose to an attorney for the government in the course of my work," Petersen told the President. "Dean was in addition to counsel for the President, obviously an attorney for the government—and there is not anything improper in that."

"Right," Mr. Nixon responded. "Well, good, I am relieved to hear that."

In an April 27, 1973, meeting, for instance, Mr. Nixon told Petersen that he had learned that two newspapers—The Washington Post and The New York Times—were preparing stories reporting that Dean had implicated the President in the Watergate cover-up. Petersen said it was news to him.

"Never heard anything like that?" Mr. Nixon asked Petersen.

"No, sir," Petersen said. "Absolutely not."

"My gosh," Mr. Nixon said, "as I said . . ."

"Mr. President," Petersen apparently interrupted, "I tell you, I do not consider it, you know, I've said to (District of Columbia U.S. Attorney Harold) Titus, 'We have to draw the line. We have no mandate to investigate the President. We investigate Watergate.' And I don't know where that line draws, but we have to draw that all the time."

A short time later in the same conversation, Petersen expressed his view that only the House of Representatives could investigate the President.

"My understanding of law is—my understanding of our responsibilities, is that if it came to that I would have to come to you and say, 'We can't do that.' The only people who have jurisdiction to do that is the House of Representatives, as far as I'm concerned."

Moments later Petersen asked to use a telephone and was directed by Mr. Nixon to use the one in the Cabinet Room where "you will be able to talk freely." That room, too, was equipped with a listening device, although it had to be specially triggered and apparently never functioned well.

A friend of Petersen's, when asked yesterday if the assistant attorney general now thought he had been used by the White House, said, "Christ, he's no idiot."