

Nixon Given Probe Data Over Protest

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Assistant Attorney General Henry Petersen testified before the Senate Judiciary Committee yesterday that he continued to personally brief President Nixon on secret details of the original Watergate investigation despite the objections of prosecutors handling the case.

Petersen said he persisted in meeting with Mr. Nixon because "I wanted to influence the President.

"I wanted him to make some dramatic gesture that would restore the image of the Presidency," Petersen testified. "The fact that he didn't bother me."

Petersen also agreed with Sen. John V. Tunney (D-Calif.) that Senate confirmation of Earl J. Silbert, head of the original Watergate prosecution team, to be U.S. attorney for the District of Columbia could be viewed as Senate endorsement of President Nixon's handling of the Watergate case.

Tunney said a "great central question" in the Judiciary Committee's consideration of Silbert's nomination is any connection that could be drawn between Senate action on Silbert and the attitude of the Senate toward possible impeachment of Mr. Nixon.

Petersen, appearing before the Committee to testify on Silbert's nomination, told Tunney that a vote to confirm Silbert "could be exploited in a public relations campaign" on behalf of the President.

Petersen has now spent much of the several days he has been before the Senate Committee defending the conduct of the original Watergate

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investigation, his supervision of it from the Justice department and his extensive private briefings of President Nixon, which were first revealed in detail in the transcripts of presidential Watergate conversations released by the White House in April.

During questioning yesterday morning by Sen. Sam J. Ervin (D-N.C.) Petersen acknowledged that Silbert and the other Watergate prosecutors "were concerned that I was reporting to the President."

The main reason for their concern, Petersen testified yesterday, was that "they had concluded that I was a potential witness" in any Watergate trials because of "my conversations with (former White House Counsel John Dean)" about the FBI's Watergate investigation.

This testimony came as Ervin pressed him to discuss Mr. Nixon's request to Petersen that immunity from prosecution not be granted to Dean.

Ervin suggested that Mr. Nixon wanted no immunity for Dean so that Dean could not implicate his top aides, John Ehrlichmann and H. R. Haldeman in the Watergate scandal.

"Your questions on this make me very nervous," Petersen told Ervin. "If that man (the President) is going to be judged I don't want to share that responsibility. That belongs to the House and Senate. Your conclusions may be perfectly correct but I don't want to share. I'm ducking it, Senator. I don't want to be party to the judgment," Petersen said.

Dean has not been offered immunity by either the original Watergate prosecutors or since then by the special prosecutor's office, although he was granted immunity by the Senate Watergate Committee for testimony before it.

Petersen testified that he hadn't decided whether Dean had to be granted immunity

and that he considered Mr. Nixon's feelings about the matter to be a suggestion that he was not bound to follow.

"When it came down to a head-knocking discussion between me and the President, he didn't say that if you don't do that, you're going to be canned," Petersen testified.

Ervin later told reporters yesterday that the President of the United States ought not to be concerned over whether people should be granted immunity. It should be up to the prosecutors." He added: "I don't think the President should be involved in the case at all."

Ervin also said he has not decided how he will vote on the Silbert nomination but he still thinks, as he said last week, that Mr. Nixon should not have nominated Silbert to the post.

Ervin added that he initially did not intend to get involved in the Silbert nomination but "I woke up one morning at 2 o'clock and started thinking about all the prosecutors knew. I've got one of the worst afflictions any human being can have—a Scotch-Irish conscience."

Tunney said he also does not yet know how he will vote on the nomination but that he agrees with Ervin that Silbert should not have been nominated. He said Silbert "could have declined the honor" considering the "timing of the confirmation hearings" in juxtaposition with the impeachment investigation now under way in the House.

"If Mr. Silbert is confirmed, are we saying as a Senate that we are satisfied with the (Watergate) investigation?" Tunney, presiding at an afternoon session of the Committee, asked Petersen.

Banging his fist on the witness table, Petersen shouted: "You're right . . . you're the first guy that's said it."

Petersen, in his third day as a witness before the Committee, added that "I don't think you should say you can't go for the man (Silbert) because you might not be right."

Pressing Petersen further, Tunney asked: "If we confirm Silbert, are we saying that the President, as chief law en-

forcement officer, did his job?"

"Inferences may be drawn," replied Petersen. "But you see, your decisions are difficult ones," he added.

Tunney noted that James St. Clair, Mr. Nixon's lawyer, has said that Silbert and Petersen fulfilled their responsibilities in the Watergate investigation and that the President, as chief law enforcement officer, did his job. He explained that if the Senate confirmed Silbert, it could be viewed as an endorsement of St. Clair's position.

Before the hearings were recessed until probably later this week, Sen. Roman L. Hruska (R-Neb.), ranking Republican of the Committee, noted that they began two months ago and have continued sporadically since.

He said the only question that should be considered by the Committee is Silbert's qualifications and noted that Silbert, now acting U.S. attorney for the District, has been endorsed by all the city's federal court judges.

Hruska and Ervin both agreed that one of the keys to Silbert's qualification should be a Silbert memorandum of Dec. 13, 1972, outlining the original prosecution's intended strategy in the Watergate case.

Petersen said the memo now is in the hands of Special Prosecutor Leon Jaworski, whose predecessor, Archibald Cox, took over the Watergate investigation from Silbert. Ervin said he will ask Jaworski for a copy of the memo.

Petersen said the last page of the memo would show the intention of the prosecutors to go after "higher-ups" in the Watergate affair. Under questioning by Ervin, however, he said the memo "reflects latent suspicions rather than affirmative evidence."

The only other Committee member to show up yesterday was Sen. Charles McC. Mathias (R-Md.). Mathias said he intends to pursue involvement of the Central Intelligence Agency in the Watergate investigation and allegations that it tried to limit the scope of the investigation.