

NY Times and AUG 8 1973  
**SENATORS RECESS  
 ON WATERGATE;  
 RESUME SEPT. 10**

**Kleindienst and Petersen  
 Give Detailed Defense of  
 Original Investigation**

By **JAMES M. NAUGHTON**  
 Special to The New York Times

WASHINGTON, Aug. 7—The Senate Watergate Committee unceremoniously completed the first phase of its inquiry into the Watergate case today after hearing a detailed defense of the Government's much-criticized original investigation.

The seven-member committee, whose televised proceedings have been a preoccupation in the capital and with much of the nation for nearly three

*Excerpts from the testimony appear on Page 16.*

months, recessed until Sept. 10 after interrogating two witnesses who had guided the Justice department's handling of the campaign conspiracy and cover-up.

Former Attorney General Richard G. Kleindienst and Assistant Attorney General Henry E. Petersen declared that they had "cracked" the case in April but had never obtained any information implicating President Nixon in the Watergate cover-up.

**Tell of Struggle**

The two final witnesses before the recess described continual struggles, however, in their efforts to assure an unimpeded investigation. Moreover, they told the committee that John D. Ehrlichman, the President's former domestic adviser, had sought "technical" advice early this year about the possibility of lenient sentences or Presidential pardons for Watergate defendants.

Mr. Ehrlichman has denied under oath charges that he sought a guarantee of executive clemency for E. Howard Hunt Jr., one of the seven original Watergate defendants.

The long opening phase of the Senate examination of the roots and aftermath of the June 17, 1972, Watergate burglary—which had been by turns startling, burdensome and inquisitorial—came to a sudden and undramatic halt as Mr. Petersen, the 33d witness to appear in 37 televised days of hearings, left the witness table at 4:45 o'clock.

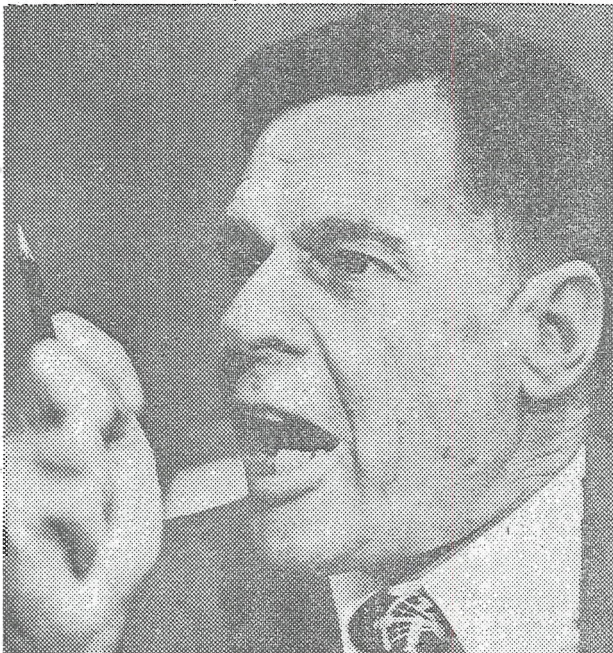
Samuel Dash, the chief coun-

**Continued on Page 17, Column 1**



United Press International

**Former Attorney General Richard G. Kleindienst speaks**



Associated Press

**Assistant Attorney General Henry E. Petersen on stand**

**Continued From Page 1, Col. 5**

sel to the committee's Democratic majority, said later that seven more witnesses who might have knowledge of the break-in or cover-up would be among those called next month to testify during the second-phase inquiry into alleged campaign sabotage.

**'Never Neat Boxes'**

"There are never neat boxes" in such an undertaking, Mr. Dash said when the hearings broke up today.

His point appeared to have been underscored earlier, when the phase-one investigation stopped on much the same note struck since the outset—conflict in the accounts of various witnesses.

Mr. Kleindienst and Mr. Petersen agreed in their separate appearances today that they had been unable to obtain evidence of a high-level conspiracy until April of this year, and both testified that they had immediately conveyed their findings to the President.

But the former Attorney General told the Senators that Mr. Nixon had been "dumb-founded," while Mr. Petersen said that the President had been concerned but "calm" when they told him on April 15 that the conspirators may have included senior officials in the White House and the Committee for the Re-election of the President.

"I remember I remarked to Mr. Kleindienst how I admired his calm," Mr. Petersen said this afternoon as he recounted his recollection of the president's reaction on April 15.

**Shaken by Mitchell News**

Mr. Kleindienst told the committee, though, that he may not have been the most "precise" witness on the meeting because he had been shaken by the news that his close friend and predecessor, former Attorney General John N. Mitchell, was among the cover-up participants.

Mr. Kleindienst recalled that he "wept" earlier that day when he learned of Mr. Mitchell's alleged involvement and that the President had been required to console him when they met later on.

Both witnesses attributed the April break in the case to private statements made to Government prosecutors by John W. Dean 3d, the former White House legal counsel, and Jeb Stuart Magruder, the deputy director under Mr. Mitchell at the President's re-election committee.

Mr. Petersen said that on the basis of Mr. Dean's and Mr. Magruder's accounts, the prosecutors had concluded that there were these seven "putative defendants" in the case:

Mr. Mitchell, Robert C. Marjorian, a former Assistant Attorney General and campaign aide; Frederick C. LaRue, another campaign official; Mr. Magruder; Mr. Ehrlichman; H. R. Haldeman, the former White House chief of staff, and Mr. Dean.

Mr. Petersen said that he had "resented" being replaced by a special Watergate prosecutor this spring and that he was certain the Department of Justice, in which he has been a career lawyer since 1947, "would have convicted those people" if the case had not been taken out of its hands.

The disclosure that Mr. Kleindienst had discussed executive clemency with Mr. Ehrlichman and Mr. Dean over lunch not long after the

Watergate defendants were convicted was discussed by the Senate panel with both witnesses today.

Mr. Kleindienst testified that the question had come up at the luncheon "as to the procedures of sentencing" and that Mr. Ehrlichman, who "did not have much of a knowledge of the criminal justice system," had pursued it.

He added that the discussion had been "technical" but had turned on "what happens if somebody is convicted of a crime, how the sentence is meted out, what is the probation report, what happens when you go to jail, when are you eligible for a pardon, when do the circumstances arise for executive pardon?"

No individual's name was mentioned, he said.





Associated Press

Senator Sam J. Ervin Jr. uses gavel to mark halt in Watergate hearings. At table, from left; Senator Howard H. Baker Jr.; Rufus L. Edmisten, deputy counsel, Mr. Ervin and Samuel Dash, chief counsel.

#### Opposed Leniency

Later, in reply to questions from Mr. Dash, Mr. Petersen said that Mr. Kleindienst had recounted the discussion to him immediately after the luncheon. He said he had advised the Attorney General that the defendants were definitely going to "do jail time" and he would strongly oppose any leniency.

Mr. Petersen said the Attorney General was departing on a trip and asked him to "tell those crazy guys over there [at the White House] what you just told me before they do something they'll be sorry for."

The incident bore potential significance to the committee in light of the conflict posed by Mr. Dean's testimony that Mr. Ehrlichman had discussed the clemency issue with the President and the insistent denial by Mr. Ehrlichman.

In several respects, the husky-voiced Mr. Petersen may have been among the most compelling of the witnesses who spent a cumulative total of some 181 hours at the brown felt-covered witness table in the caucus room of the Old Senate Office Building.

Unlike many of those who preceded him, he testified that he had been direct—almost blunt—and uncompromising in the counsel he gave Mr. Nixon on the Watergate case.

He said that he had urged the President on April 15 to

dismiss Mr. Haldeman and Mr. Ehrlichman because, while he was not able then to guarantee they would be prosecuted, he was able to assure the President that their presence in the White House would be a "source of embarrassment."

Fifteen days later—"longer than I would've liked," Mr. Petersen recalled this afternoon—Mr. Nixon accepted the resignations of his two senior domestic assistants.

#### Objected to Dismissal

Mr. Petersen said that he had initially persuaded Mr. Nixon not to dismiss Mr. Dean, however. When the President asked him if he should do so, he testified, "I said, 'My goodness, no,' and told Mr. Nixon that his legal counsel was the first White House official to indicate willingness to cooperate with the prosecutors."

The Assistant Attorney General said that he later agreed with the President in demanding Mr. Dean's resignation because Mr. Dean insisted on a grant of immunity from the prosecutors and the United States Attorneys were not prepared to extend the immunity.

Mr. Petersen said that his wife deserved some of the credit for having helped to precipitate the President's staff shake-up on April 30. He told the committee that he had warned Mr. Nixon that his wife was asking, "Do you think the President is involved?" and that

she was "no left-wing kook."

He said that he told Mr. Nixon if he were to come up with evidence to support that suspicion, "I am going to waltz it over to the House of Representatives — where impeachment proceedings must originate — and that he would resign."

#### Call From Nixon

He said that the remarks appeared to have "affected the President quite strongly," because Mr. Nixon telephoned him on April 30 to say:

"You can tell your wife that the President has done what needed to be done."

Mr. Petersen, an intense man who told the committee that he had resolved early in the Watergate investigation that he had been in the Justice Depart-

ment "too long to jeopardize my reputation for anyone," described in blunt phrases his argument that Mr. Nixon must replace Mr. Haldeman.

"I pointed out to the President," he recalled, "that apparently no one took the laboring oar to try and stop [the conspirators] and I thought that that was certainly the responsibility of someone like Haldeman."

In equally terse terms, he testified to the arguments that he was forced to make with Mr. Nixon about the conduct of the investigation.



He told Mr. Dash that the President had ordered him not to follow up the discovery earlier this year that Hunt and another Watergate conspirator, G. Gordon Liddy, had been involved in a September, 1971, burglary at the office of a California psychiatrist who had been treating Dr. Daniel Ellsberg.

#### Told to Stay Out

Mr. Petersen said that when he raised the Ellsberg matter—but not the burglary specifically—the President told him:

"I know about that. That's a national security matter. You stay out of it."

He said that he and Mr. Kleindienst later agreed that the information about the burglary had to be passed on to

Judge William Matthew Byrne Jr., who was presiding over the Pentagon papers conspiracy trial in Los Angeles. He said that he and the then Attorney General agreed they would resign if Mr. Nixon refused to accede, that Mr. Kleindienst had gone to see the President and Mr. Nixon had yielded to them.

Mr. Petersen also disclosed that President Nixon had revealed to him the existence of the secret tape recordings of White House conversations, which subsequently have become a celebrated issue in the Watergate case.

During one of several discussions about a "difference in viewpoint" between himself and the President on the question of immunity for Mr. Dean, the President told Mr. Petersen that Mr. Dean had claimed to

have obtained immunity, Mr. Petersen said.

When he assured Mr. Nixon that it was not so, he added, the President told him, "well, I have it on tape if you want to hear it."

Mr. Petersen said he had turned down the offer.

Mr. Kleindienst was perhaps the most relaxed witness to appear before the investigating committee. He draped a leg over the wooden arm of the witness chair at one point, and he casually lit up a succession of cigarettes with matches bearing the name of Caesar's Palace, a gambling casino and hotel in Las Vegas.

All the same, Mr. Kleindienst told the Senators how there had been several importuning events in the course of the Justice Department's investigation of Watergate.

He said he had been angry when Liddy and Powell Moore, a former Justice Department official then working for the reelection committee, approached him "in a rather furtive manner" on the day of the Watergate arrests to implore him to assist in some manner.

To the contrary, he said, he telephoned Mr. Petersen in Liddy's presence to order that the Watergate case be handled no differently from any major investigation.

#### Rejected Dean Request

A few days later, he said, he told Mr. Petersen and Mr. Dean that the break-in was an "act of such a heinous nature" that it would be investigated thoroughly. He said he had immediately rejected a request by Mr. Dean to have access to investigative files of the Federal Bureau of Investigation.

Indicating a deep personal dislike for Mr. Ehrlichman, Mr. Kleindienst also recited several occasions when the former White House official had incurred his direct or indirect wrath.

He said Mr. Ehrlichman telephoned Mr. Petersen late last year to demand that the prosecutors stop trying to "harass" Maurice H. Stans, the former Secretary of Commerce who was then the campaign finance chairman.