

# Senate Panel to Study Early Days of

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WASHINGTON, May 17—A possible line of Presidential defense in the Watergate cover-up will come under close study next week in hearings before the Senate Judiciary Committee.

That line of defense is based on the quality of the Justice Department's investigation of the early days of Watergate—the summer, fall and winter of 1972-73.

At issue is the conduct of Richard G. Kleindienst, Henry E. Petersen, Harold H. Titus Jr. and Earl J. Silbert—the men who headed that first investigation. The White House contends that they did their jobs well.

All have stoutly defended their actions in Watergate, and some, particularly Mr. Silbert and Mr. Petersen, are widely admired in Washington. However, their roles have come under question since the release of edited transcripts of Presidential and White House conversations.

From the transcripts, it appears that members of the Justice Department worked closely with the White House throughout the early days of Watergate.

The hearings are expected to begin Tuesday, but the date is not yet firm.

The Presidential defense line, apparently suggested more than a year ago by former Secretary of State William P. Rogers, according to the transcripts, centers on Mr. Nixon's

role as chief law enforcement officer of the nation.

Here are some of the elements of that defense, mentioned in a transcript of a telephone conversation on April 15, 1973, between the President and H. R. Haldeman, his former chief of staff, and underscored both in March and last week by James D. St. Clair, Mr. Nixon's Watergate lawyer:

¶As chief law enforcement officer, it is Mr. Nixon's duty to investigate possible criminal behavior and turn over his findings to the proper authorities for action.

¶He first learned of possible wrongdoing on the cover-up from his former counsel, John W. Dean 3d, on March 21, 1973.

¶He investigated, being extremely careful and taking some time because his closest aides and associates were said to be involved.

¶He then turned it all over to the Justice Department to investigate.

¶Now "all of the principal aides in the White House have either pled guilty or stand indicted," as Mr. St. Clair put it on May 7.

### Question for St. Clair

Mr. St. Clair was asked, "Do you mean that [Mr. Nixon] . . . ordered the Justice Department to investigate, the Justice Department performed an honest investigation and by reason thereof he is innocent?"

Mr. St. Clair answered "yes" and said that he felt both Mr.

Petersen and Mr. Silbert had done a "credible" job.

When the five burglars surrendered inside Democratic National Headquarters at the Watergate office building on June 17, 1972, Mr. Kleindienst was Attorney General, Mr. Petersen was his assistant in charge of the Criminal Division, Mr. Titus was United States Attorney for the District of Columbia and Mr. Silbert was his principal assistant.

Mr. Kleindienst resigned April 30, 1973, the day the President also announced that he was accepting resignations from two of his most trusted aides, Mr. Haldeman and John D. Ehrlichman, and from Mr. Dean.

Mr. Petersen is still in charge of the Criminal Division.

Mr. Titus, appointed by President Nixon in 1972, retired last Dec. 28, citing health problems. He is a 51-year-old bachelor who dated Rose Mary Woods, President Nixon's personal secretary. His mother was one of Mrs. Dwight D. Eisenhower's closest friends.

### Name Sent to Senate

With no immediate nomination from the White House, the 15 members of the Federal court bench here selected Mr. Titus's principal assistant, Mr. Silbert, to replace him Jan. 2 on an acting basis.

At the end of January, Mr. Silbert was formally recommended for the promotion by President Nixon, and his name

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was sent to the Senate for confirmation.

That confirmation was under consideration by the Judiciary Committee when the tape transcripts were released by the White House. Those hearings have now been expanded to examine the Justice Department's role in Watergate.

Mr. Silbert has already been questioned about his role in the investigation and has stated that he is "proud" of his work. The two men who have been special prosecutors in the case, Archibald Cox and Leon Jaworski, have raised no objections to his conduct or the fairness of his investigation.

### Curbed Inquiry Charged

His heaviest critic has been Charles Morgan Jr., who represents the Association of State Democratic Chairmen. The association's offices were bugged in the original Watergate burglary.

Mr. Morgan has a list of 27 items that he believes should have clearly signaled to Mr. Silbert that Watergate was much more involved than the original indictments showed.

He argued April 30 before the committee that Mr. Silbert responded to instructions from his superiors, and that the result was to limit the investigation.

He testified in part:

"Had he acted independently, had he said no, had he refused to accept those limiting orders . . . then we would have a lawyer of whom we could all be proud. But he did not. And it is in that failure that he sets a standard for the Justice Department."

A year ago, just before the appointed, there was widespread controversy over the adequacy of the early investigation.

In their own defense, the Justice Department men, including Mr. Silbert, have argued that they did the best job that could be done considering the perjury, obstruction of justice and conspiracy that has now been uncovered.

Mr. Petersen told the Senate Watergate Committee last Aug. 7 that the Justice Department had the case 90 per cent solved and resented losing it to the special prosecutor.