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Petersen Supports Nixon

In Regular Contact

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Assistant Attorney General Henry E. Petersen, who directed the Watergate investigation, told the House Judiciary Committee yesterday that he had received no information from any source to indicate President Nixon was involved in the Watergate cover-up, it was learned from committee members.

But Petersen, in charge of the Criminal Division, indicated at the closed impeachment inquiry that he had some problem with the fact that the President was relaying to his top aides information Petersen was giving him about the progress of the federal investigation.

Starting in mid-April, 1973, when Petersen was put in charge of the investigation and was responsible directly to the President, he and Mr. Nixon talked almost daily, sometimes several times a day and in the evening.

This was the period when John W. Dean III and others were beginning to confess to prosecutors their roles in the cover-up. Two weeks later, Mr. Nixon's two top White House aides, H. R. (Bob) Haldeman and John D. Ehrlichman, would resign and 10 months later be indicted for their alleged role in the cover-up.

— See IMPEACH, A4, Col. 5

IMPEACH, From A1

Petersen kept Mr. Nixon up-to-date on details of the investigation. The President told him: "Anything you tell me . . . will not be passed on." But he relayed to his aides and their lawyers much of what Petersen told him.

Petersen was pressed on the propriety of this throughout his daylong testimony. At the midday recess, several committee members quoted Petersen as saying he considered it proper for him to report the information to his superior officer, the President, and that it would be proper for the President to relay the information to Haldeman and Ehrlichman if he were trying to decide whether they should resign.

Rep. Henry F. Smith (R-N.Y.) said Petersen told the committee that had he known Mr. Nixon was going to relay his reports to Haldeman and Ehrlichman, Petersen would have given the President "more specific instructions about the President's responsibility in this area." Smith, however,

quoted Petersen as saying he felt the President had not misused the information.

Rep. Don Edwards (D-Calif.) said Petersen declared that it would be proper for the President to pass on the information, "as long as it was not with a corrupt purpose."

But at the end of the afternoon, Rep. Hamilton Fish Jr. (D-N.Y.) told newsmen that Petersen made it clear he had a problem with the issue and finally said it was up to the committee to decide whether the President acted properly.

Several members quoted Petersen as saying the President tried to limit the scope of his investigation only once—when Petersen told him the prosecutors had evidence of White House involvement in the break-in of the office of Daniel Ellsberg's psychiatrist. The President told Petersen that was a national security matter and to stay away from it. But Petersen's superior, Attorney General Richard G. Kleindienst, soon convinced the President that they must inform the judge who was conducting the trial of Ellsberg for releasing the Pentagon Papers. Charges against Ellsberg were dismissed.

A Democratic member said he asked Petersen if as a prosecutor he was given by opposing counsel an edited transcript of an original tape recording, would he consider this the best evidence available, and that Petersen replied, "No." This was a reference to the committee's struggle to obtain tapes of presidential conversations on Watergate and other matters. The President gave edited transcripts in response to a request for 42 tapes and then refused to comply with eight subpoenas for other tapes.

Several members said Petersen, a career official, clearly admired President Nixon. Edwards said Petersen did not feel he had been badly used by the President. Fish said he did not think Petersen's testimony either helped or hurt the President.

But James D. St. Clair, special counsel for the President, said that while Petersen had not been his witness, he had been the "strongest" witness for the President that the committee has heard. The committee has heard five witnesses requested by St. Clair.

The committee will hear two more witnesses Monday and Tuesday. They are Charles W. Colson and Herbert W. Kalmbach, both of whom have begun serving prison terms—Colson for obstruction of justice in the Ellsberg break-in and Kalmbach for illegal fund-raising.

During the remainder of next week, the committee will be given intensive briefing sessions by the impeachment staff to help them put the mass of evidence in focus. The following week of July 22 the committee is scheduled to debate and vote on articles of impeachment. These meetings are expected to be open to print press but not to television, because House rules bar ra-

dio and television from committee meetings, as distinguished from hearings to which committees may admit the broadcast media.

A Republican member of the House Judiciary committee said he sides with a White House transcription of a key passage from a Watergate tape that differs from the committee's interpretation, the Associated Press reported.

Rep. Robert McClory (R-Ill.) told the Waukegan News-Sun he listened again to the original tape because he was concerned about the discrepancies between the two transcripts.

McClory said the key passage was part of a discussion by Mr. Nixon and a White House aide on the use of executive privilege before the Senate Watergate committee.

According to the House Judiciary Committee's transcript, the passage went:

Nixon: "But now, what's all that John Mitchell is arguing, then, is that now we, we use flexibility."

Dean: "That's correct."
Nixon: "In order to get on with the cover-up plan."

The White House transcript quotes Mr. Nixon as saying "In order to get off the cover-up line."

McClory said that the tape "is fuzzy and indistinct in many passages but it is my feeling that the President said 'get off the cover-up line'."