

Kleindienst, Aide Defend 1st Probe

Washington

The Senate Watergate committee recessed the first phase of its inquiry into the Watergate case yesterday after hearing a detailed defense of the government's much criticized original investigation.

The seven-member committee, whose televised proceedings have preoccupied the capital and much of the Nation for nearly three months, recessed until September 10 after interrogating two witnesses who had guided the Justice Department's investigation of the campaign conspiracy and coverup.

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 coverup.

TESTIMONY

The two witnesses 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.

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.

END

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 dramatic halt as Petersen, the 33rd witness to appear in 37 days of televised hearings, left the witness table at 4:45 p.m. EDT.

Kleindienst and Petersen testified in their separate

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appearances yesterday that they had been unable to obtain evidence of a high-level conspiracy until April of this year, and both witnesses said they had immediately conveyed their findings to the President.

But the former attorney general told the senators that Mr. Nixon had been "dumbfounded" while Petersen said that the President had been concerned but

"calm" when they had 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.

MITCHELL

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 coverup participants.

Kleindienst recalled that he had "wept" earlier that day when he learned of Mitchell's alleged involvement and that the President had consoled him when they met later.

Both witnesses attributed the April break-in the case to private statements made to government prosecutors by John W. Dean III, the former White House legal counsel, and Jeb Stuart Magruder, the deputy director

Hearings End

--For Now

under Mitchell of the president's re-election committee.

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

Mitchell; Robert C. Mardian, a former assistant attorney general and campaign aide; Frederick C. LaRue, another campaign official; Magruder; Ehrlichman; H. R. Haldeman, the former White House chief of staff; and Dean.

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.

In several respects, the husky-voiced Petersen may have been among the most compelling of the witnesses who spent a cumulative total of 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, Petersen testified that he had been direct — almost blunt — and uncompromising in the counsel he had given Mr. Nixon on the Watergate case.

He said that he had urged the President on April 15 to fire Haldeman and Ehrlichman because, while he was not able then to guarantee they would be prosecuted, he was able to assure Nixon their presence in the White House would be a "source of embarrassment."

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

Petersen said that he had initially persuaded Mr. Nixon not to dismiss Dean, however.

When the President asked him if he should do so, Pe-

tersen 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 Dean's resignation because Dean insisted on a grant of immunity from the prosecutors and the U.S. attorneys were not prepared to extend the immunity.

Petersen, an intense man who told the committee that he had resolved early in the Watergate investigation that he had been in the Justice Department "too long to jeopardize my reputation for anyone," described in blunt phrases his argument that Mr. Nixon must replace 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."

New York Times



FORMER ATTORNEY GENERAL RICHARD KLEINDIENST AND ASSISTANT ATTORNEY GENERAL HENRY PETERSEN
They said they 'cracked' the case in April and found no information to implicate President Nixon in the coverup

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