

Perhaps the Perfect

By William Chapman
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As the Senate Watergate committee closed down for the recess yesterday, its final witness supplied the epitaph.

"Nobody," said Assistant Attorney General Henry E. Petersen, "acts innocent."

As supervisor of the Watergate prosecution, Petersen had investigated many of the same people who have paraded before the Senate committee.

He found that records were mysteriously missing. Papers got destroyed. Petersen recalls having a strange "visceral" feeling throughout the investigation: "They just didn't act like innocent people."

A number of senators have had the same visceral feelings, as contradiction after contradiction spilled out before them the past 2½ months. But Petersen, blunt, direct, and very, very specific, said it all in plain English.

For one thing, he does not balk at the word "lying."

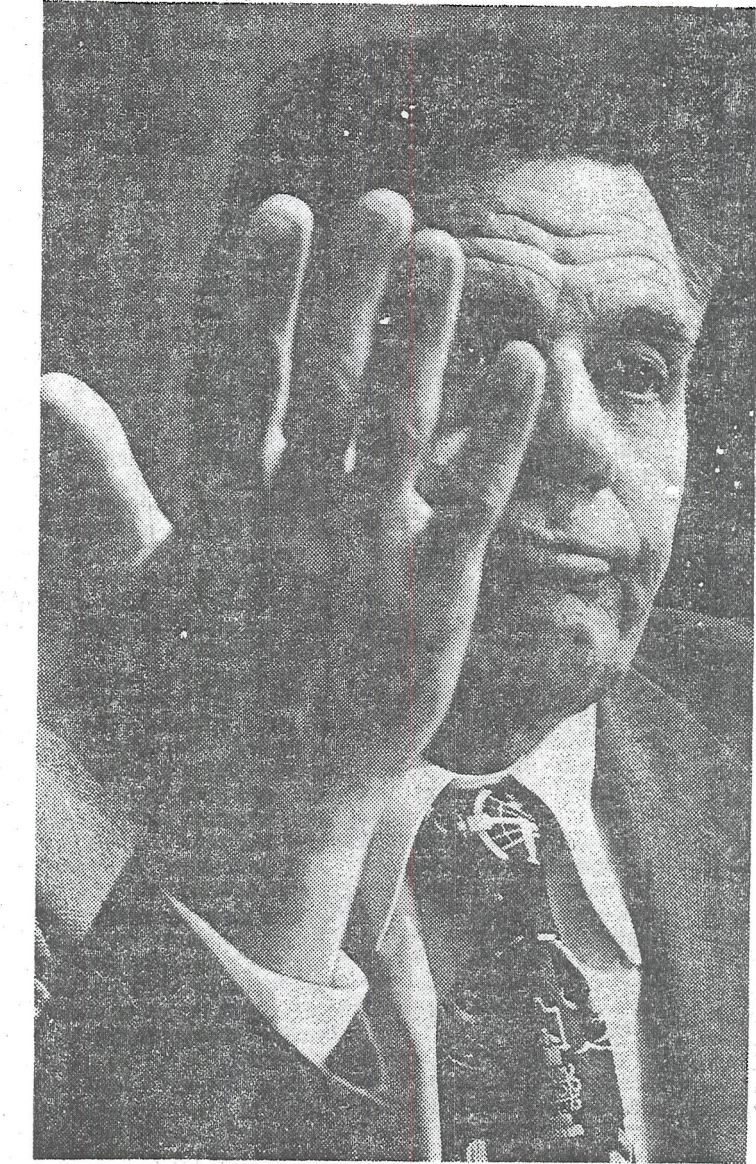
"We had lying witnesses," he said, indignantly. "That's the trouble with the future prosecution. You've got people who have lied two or three times—under oath."

Even the FBI, which he reveres, felt his indignation. The bureau could only find one bug in the Democratic National Committee headquarters when one of the burglars acknowledged there had been two. "That's one thing about the bureau—they're never good about admitting their mistakes."

He was just as blunt, by his version, in his conversations with President Nixon, with whom he seems to have had more telephone contact than anyone to testify so far. He came as close as anyone to bracing the President with the full extent of his danger.

He had told the President in one phone call that the situation was "degenerating" and had urged that White House aides H. R. (Bob) Haldeman and John D. Ehrlichman be fired because of their implication in Watergate's cover-up.

To impress on the President the way public opinion was wavering, Petersen used this homely anecdote:



Assistant Attorney General Henry E. Petersen testifies

"I related a conversation with him that I had with my wife at the breakfast table in which she had said, 'Do you think the President's involved?'"

"And I related that to the President, and I said, 'If I reach the point where I think you're involved, I've got to resign, I come up with evidence on you, I'm going to waltz it over to the House of Representatives.' I said but what's important is that my wife, who's no left-wing kook, is raising this questions of me, and that's an indication to me that you got a most serious problem."

On April 30, the President accepted resignations from

Haldeman and Ehrlichman, then called Petersen to tell him what he'd done. The President told him: "You can tell your wife that the President has done what needed to be done and I want to thank you for what you've done."

By his accounts, Petersen on several occasions was the one who kept the tigers of the White House at bay when they came meddling in the investigation. There was the time when White House counsel John W. Dean III wanted copies of the FBI interviews, which would of course reveal what others were saying about the people on President Nix-

on's staff and on his re-election campaign committee. Dean ultimately got the interviews from L. Patrick Gray of the FBI, but first he had tried to work through Attorney General Richard G. Kleindienst.

Petersen recalled: "Mr. Kleindienst called me at one stage, and I recall this very vividly, ... and he said I Dean and he has asked if he can have the FBI reports and I answered him very quickly and abruptly and said, 'Tell him no'..."

Another time, Petersen was sitting at his kitchen table at home when an angry Ehrlichman called. Ehrlich-

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Epitaph: 'Nobody Acts



Photos by Frank Johnston—The Washington Post

about his investigation: a strange, visceral feeling—"They just didn't act like innocent people."

man complained bitterly that U.S. Attorney Earl Silbert was "harassing" Maurice Stans, the President's fund-raiser.

"What did he want?" Petersen mused yesterday. "I asked him that question twice and he never spelled it out, except to stop harassing Mr. Stans, and I said we were not harassing him and he charged that Earl Silbert was acting like a local prosecutor."

"Well," said Petersen, his lawyerly blood rising again, "Earl Silbert is the local prosecutor."

What Ehrlichman was "driving at," Petersen suspected, was his agreement

to excuse Stans from grand jury testimony. Petersen ultimately gave in part of the way, permitting Stans to be interviewed in a Justice Department conference room instead of the courthouse where the less prestigious figures had to appear.

His friend Pat Gray came to him one day and told him that a man from the Central Intelligence Agency was telling him that further investigation might expose a CIA operation. "Get it in writing," Petersen advised him.

At another point, the White House inquired—through Kleindienst—if there was any question of "leniency"

for the convicted Watergate defendants. "I said absolutely not," Petersen recalled. "I said we'd be recommending some jail time."

On another occasion, Ehrlichman suggested through Kleindienst that some witnesses should not receive immunity from prosecution in exchange for their helpful testimony in prosecuting others.

"I said they couldn't count on that," Petersen said.

It was his bluntness that charmed the senators, whether he was warning the President that he might go to the House of Representa-

Innocent'

tives with impeachment evidence or shaking the mighty Ehrlichman off his prosecuting team. He was just as blunt with the senators, telling them he didn't think much of their idea that Mr. Nixon ought to be forced to turn over the secret tapes of recorded conversations. He thought it was a President's right to keep the tapes, he said, and no one wanted to argue the point with this witness.

Petersen came on as the earthy agnostic who took the common man's point of view when witnesses were dodging the question of what happened to some \$350,000 in missing campaign money. To Petersen, the man in the street would want to know where that kind of money could disappear to.

He said: "Well, we were focusing on the money . . . Maybe it is a poor-boy syndrome but we could not imagine how \$350,000 was just tossed out and nobody wants to know where it went or what it was used for and, of course, the grand jury had the poor-boy syndrome, too, I guess. They could not understand that, either."

Throughout the year that followed the Watergate break-in, Petersen seems to have had more access to the President than almost anyone except Ehrlichman and Haldeman. They talked frequently on the phone. He candidly advised the President to get rid of those two top aides. Should Dean also be fired? the President wanted to know. Not Dean—he had cooperated with the grand jury—Petersen advised Mr. Nixon.

It was in one of those telephone calls that Mr. Nixon expressed his feelings about Watergate more candidly than he had with anyone else who has testified. It came when Petersen ventured to defend his friend, Pat Gray, the embattled acting director of the FBI.

" . . . And I told the President, Mr. President, I think he is an innocent victim, and the President said yes, Henry, he said, maybe, but there are going to be a lot of innocent victims before this is over."