



By James K. W. Atherton—The Washington Post

Richard Kleindienst: President was "dumbfounded."

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Kleindienst:

Watergate a 'Heinous Act'

By Peter A. Jay

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Former Attorney General Richard G. Kleindienst testified yesterday that the moment he heard about the Watergate burglary he knew it was "an act of such a heinous nature" that it called for an immediate and thorough investigation.

Nevertheless, Kleindienst told the Senate select Watergate committee, it was not until last April 15—10 months after the burglary of the Democratic National Committee—that he received "creditable evidence" that the scandal involved high-ranking officials of the White House and the 1972 Nixon campaign committee.

Appearing before the committee as it ended 10 punishing weeks of hearings, Kleindienst said he "wept" as he learned of the efforts of high-ranking officials, some of them his close personal friends, "to cover up and to obstruct the FBI investigation of the Watergate incident."

Alternately relaxed and grim, the former Attorney General said he took his findings to President Nixon later that day and that the President was "dumbfounded" at the news.

Kleindienst was sworn in as John N. Mitchell's successor as Attorney General on June 12, 1972, five days before the Watergate break-in. He resigned at the President's request on April 30, along with presidential assistants John D. Ehrlichman and H. R. (Bob) Haldeman and White House counsel John W. Dean III.

To the committee, which did not question him with the sharpness with which it has handled some previous witnesses, Kleindienst portrayed himself as a man who sought to live up to high standards and do a good job as the nation's highest law enforcement officer.

In his testimony he remained loyally supportive of both the President, the FBI and the Watergate prosecutors, but made no effort to conceal bitterness at some members of the White

See KLEINDIENST, A15, Col. 1

KLEINDIENST, From A1

House staff—particularly Ehrlichman.

With evident irritation, he described how Ehrlichman sought to intervene in the Justice Department's handling of the case by calling Henry E. Petersen, the assistant attorney general in charge of the criminal division, and ordering him "to have the FBI and the U.S. attorney's office not harass Secretary Stans (former Commerce Secretary Maurice Stans, a major Nixon fund-

raiser whose role in the scandal was under investigation) with respect to interrogations."

Petersen refused to follow Ehrlichman's instructions, Kleindienst said. He said he told Ehrlichman "you are awfully lucky Henry Petersen is the kind of man he is and does not blow off the handle . . . if he resigned today and had a press conference and repeated your conversation you could probably be involved in an obstruction of justice complaint."

Ehrlichman never intervened after that, Kleindienst said. Stans, however, was granted the unusual privilege of being interrogated privately by federal investigators without being obliged to appear before a grand jury.

At Dean's request, Petersen told the committee yesterday, the same privilege was accorded four other former White House officials—former special counsel Charles W. Colson, David Young, Bruce Kehrli and Egil M. (Bud) Krogh Jr.

Kleindienst said he generally got along satisfactorily with Ehrlichman, but that he thought it "reprehensible" that Ehrlichman taped at least one telephone conversation with him without his knowledge.

A transcript of a recorded conversation between the two men last March 28, obtained with other material subpoenaed from Ehrlichman's White House office by federal prosecutors and reported in The Washington Post last month, was placed in evidence yesterday before the committee.

In that conversation, Kleindienst referred to Sen. Lowell P. Weicker (R-Conn.), a committee member and frequent critic of the Nixon administration, as "an excitable kid." He also said that U.S. District Judge John J. Sirica, the judge in the trial of the Watergate defendants, "is really lousing this thing up."

Kleindienst explained the first reference, apparently to Weicker's satisfaction, by saying he was "trying to use vernacular" to convince Ehrlichman that there was no point in the White House

trying to strike back at the Connecticut senator in retaliation for his criticism.

The reference to the judge, he said, was to Sirica's delay in sentencing the Watergate defendants—which he said delayed their further interrogation by a grand jury. (The defendants were interrogated shortly afterwards.)

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If he had known that Ehrlichman was recording their telephone conversation, Kleindienst said, "I don't know if I would have ever talked to him again."

Though he was angry at Ehrlichman for recording telephone conversations, Kleindienst said he was not disturbed when he learned that Mr. Nixon too made secret recordings of many conversations.

"I don't personally like it," he said, "but I do differentiate between a President and somebody like Mr. Ehrlichman."

He said he has asked both John J. Wilson, the lawyer who represents Haldeman and Ehrlichman, and White House counsel Leonard Garment to provide him with copies of any tapes of conversations between him, Haldeman and Ehrlichman. He has had no reply to either request, he said.

The former Attorney General made it clear that he was not happy to have his resignation announced by the President along with the resignations of Ehrlichman, Haldeman and Dean—though he would not say so explicitly, even under pointed questioning.

"When you departed you were jumped with Haldeman, Ehrlichman and Dean," noted committee member Sen. Edward J. Gurney (R-Fla.)

"I thought this was most unfortunate myself because actually you were not in their class, I guess we might put it that way. Do you want to comment on that?"

"No," said Kleindienst. "The President asked me whether I would consent to have my name mentioned that following night (April 30). I did, and I would prefer not to make any other comment."

Later, questioned on the same subject by Weicker, he said that "I have had a lot of great things in my life and I have had some unpleasant things and this is just all part of life."

He said the suggestion that he resign was his own, accepted by Mr. Nixon. Kleindienst added that he had told the President before the November, 1972, election that he would like to stay on as Attorney General until September, 1973. "My reason for doing so," he explained, "was one of financial reasons. I will be

three children in college this year."

Petersen, who testified before the committee after Kleindienst, said he was "disappointed" that Mr. Nixon allowed the resignation of the former Attorney General to become linked with those of the other three aides.

Kleindienst, who drummed a matchbook nervously on the table in front of him as he testified, told the committee that beginning shortly after the Watergate break-in he favored the appointment of a special prosecutor to pursue the investigation.

He said this was vigorously opposed by Petersen, who felt it would reflect adversely on the Justice Department, and by the White House—especially Ehrlichman. He said the White House view was that the appointment of a special prosecutor would reflect badly on Kleindienst, the incumbent Attorney General.

He noted that he never made public his recommendation. In an interview with *The Washington Post* last August, Kleindienst said a special prosecutor "is impossible. There is no way you could do it."

Kleindienst said it was last April 25 when he learned that Watergate conspirators E. Howard Hunt Jr. and G. Gordon Liddy had burglarized the Los Angeles office of Daniel Ellsberg's psychiatrist in September, 1971, on assignment by the White House.

He sharply disputed testimony by Ehrlichman that Dean had told him nearly a year earlier that the Justice Department knew of the incident.

As soon as he learned of the break-in, Kleindienst said, he went to see President Nixon and told him about it. The President, he said, was "very, very provoked" and told him "without hesitation" to carry out his intention and inform the judge in Ellsberg's trial. Ellsberg was then on trial in California for leaking the Pentagon Papers.

(Later in the hearing yesterday, Petersen testified that he had already informed the President about the break-in and been told to "stay out of it" on the grounds of national security. He then went to Kleindienst, Petersen said, and told him to go to the President and try to persuade him to change his mind.)

Kleindienst maintained, that, as the Justice Department had not known about the break-in, Ellsberg's trial was in no way prejudiced. The defense at the trial argued otherwise and the charges against Ellsberg subsequently were dismissed on

a variety of legal grounds, including the break-in.

In his testimony yesterday, Kleindienst discussed in detail the events immediately following the Watergate burglary early on the morning of June last year, and described Liddy's effort to talk to him the same day.

Liddy and Powell Moore, deputy public information office of the Nixon reelection committee, came to see him at the Burning Tree Country Club in Montgomery County where he had been playing golf, Kleindienst said, and Liddy told him he had been sent by Mitchell, who was then Mr. Nixon's campaign manager.

"That was incredible to me," Kleindienst said, and his "instant realization of the implications" of Liddy's presence there prompted him to call Peterson immediately. Then, he said, he told Liddy to leave.

Two days later, he recalled, he and Petersen met with Dean to discuss the break-in and inform the President's counsel that "a full-scale, intensive, thorough investigation" would be launched immediately.

"In addition to being a felony," he said he told Dean, the burglary "also went to the heart of our political system, and that it was an act of such a heinous nature that we were going to call forth and bring about an investigation immediately."

Petersen interrupted, he recalled, and told Dean that he "should contact the President personally to indicate to him the gravity of the situation . . . (and) urge the President to make a statement immediately setting forth his attitude in response to this fantastic event."

Dean, in his testimony, said that at this meeting he warned Kleindienst that if the investigation led to the White House it could severely damage Mr. Nixon's reelection prospects. Kleindienst made no mention of this.

He did say that Dean promised to convey the message to Mr. Nixon when he went to the Western White House in California shortly afterwards.

Like Petersen and former acting FBI director L. Patrick Gray III, who completed his testimony on Monday, Kleindienst had only praise for the Watergate investigation carried out by the FBI and the Justice Department.

But it was not until last April 15, he said, that he learned the extent of the scandal. On that day, he said, Ehrlichman telephoned and told him he, too, had been conducting a Watergate investigation.

"You mean you have been

interrogating people with respect to their conduct?"

Kleindienst said he asked. When Ehrlichman said yes, Kleindienst said he told him "John, you want to be very careful, that kind of information should go to the FBI, and if you don't turn it over to the Department of Justice you might find yourself in a situation where you might be an accessory after the fact to obstruction of justice."

Ehrlichman replied, he said, that "it really doesn't make any difference any more . . . (former deputy campaign director Jeb Stuart) Magruder has been over here at the White House this afternoon and telling us that he has been meeting with the United States attorney's office and giving them testimony and evidence that would implicate people high and low in the White House and in the campaign committee."

Late that night, Kleindienst said, he met at his home in McLean with Petersen, U.S. Attorney Harold Titus and Assistant U.S. Attorney Earl Silbert, the chief prosecutor in the case.

Between 1 and 4 o'clock on the morning of the 15th, he said, the prosecutors

torney General Robert Mardian, then of the campaign committee), you name it.

"It was a very lengthy meeting. This was the first time since June 17, 1972, that anybody had given me any credible evidence that any of these people were involved in any way in either the cover-up or that incident."

Kleindienst said that "two of those men (Mitchell and Mardian) are two of the closest friends I have had in my life, and I think that one of the things I did that night was—I wept."

After that long night, Kleindienst said, he went to bed for a few hours, but could not sleep. In the morning of the 15th, a Sunday, he called the President and made an appointment to see him that afternoon, after church services at the White House.

Yesterday, Kleindienst reserved special praise for Silbert and the two other as-

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sung heroes of the Watergate case," he said. "These three young men were career lawyers. I believe that they are all Democrats . . . the obvious political notoriety of (the case), the problems with respect to the press, the interest of the nation with respect to this terrible, reprehensible event that had occurred imposed upon these three young men a burden that few prosecutors I think have ever had."

The committee confined its questioning of Kleindienst to the Watergate affair and did not touch upon other matters—campaign sabotage and campaign financing—it will consider later in the year the congressional recess.

There was no mention of a controversial contribution by ITT, the communications conglomerate, to the Nixon campaign while the company was involved in a ma-

scribed misdeed to the committee as "a hard-nosed 50-year-old geezer," now practices law by himself in Washington.

A native of Arizona, he was a Phi Beta Kappa graduate of Harvard. He ran unsuccessfully for governor of Arizona in 1964, and was national director of field operations for the Nixon campaign in 1968. He served as deputy attorney general under Mitchell from 1969 until 1972.

He is an enthusiastic golfer, whose several references yesterday to the Burning Tree Country Club prompted committee chairman Sam J. Ervin Jr. (D-N.C.) to remark that he himself "never had a golf stick in (my) hand."

At the Justice Department, Kleindienst acquired a reputation for toughness and an outspoken candor, and it has been said of him that he can swear fluently in both English and Navajo.



By Frank Johnston—The Washington Post

Chairman Sam Ervin looks over his notes, left, while deputy chief counsel Rufus Edmisten looks on in background as Watergate committee ended its session yesterday

and prepared for a vacation break. Chief counsel Samuel Dash turns, right, to converse with vice chairman Howard Baker, Republican-Tennessee. Others unidentified.