

SILBERT DEFENDS ACTION IN INQUIRY

First Watergate Prosecutor Testifies on Promotion

Special to The New York Times

WASHINGTON, April 23 — Earl J. Silbert, the original prosecutor in the Watergate case, defended his investigation today and said that he was "very proud" of his accomplishments.

Mr. Silbert underwent more than five hours of questioning by the Senate Judiciary Committee, which is considering his confirmation as United States Attorney for the District of Columbia.

He resigned from the Watergate case last June, along with Seymour Glazer and Donald E. Campbell, after their handling of the case was criticized by many prominent lawyers and members of Congress.

In his testimony today, Mr. Silbert said that both John W. Dean 3d, former White House counsel, and Jeb Stuart Magruder, former deputy director of President Nixon's re-election campaign, had decided to cooperate with the authorities while he was leading the prosecution. He also said that the break-in at the office of Dr. Daniel Ellsberg's former psychiatrist was disclosed while the original prosecutors were directing the case.

Challenged by Hart

But Senator Philip A. Hart, Democrat of Michigan, challenged Mr. Silbert on many issues that have drawn criticism. Senator Hart questioned whether Mr. Silbert, then an Assistant United States Attorney, had ever been ordered by Henry E. Petersen, Assistant Attorney General, not to ask questions about Herbert W. Kalmbach, the President's personal lawyer, during the investigation.

The Senator specifically asked Mr. Silbert if Mr. Petersen, who then headed the Watergate inquiry at the Justice Department, had telephoned him just before an interrogation of Donald H. Segretti, who was later convicted of sabotaging the Democratic Presidential campaign, to ask that he not query Mr. Segretti about Mr. Kalmbach. Mr. Petersen called that



The New York Times

Earl J. Silbert

morning, Mr. Silbert recalled, but the conversation was "very short, only about 30 seconds." He mentioned Mr. Segretti "and did refer to Kalmbach as the personal attorney of the President," Mr. Silbert said, adding that he did not recall the context of references about Mr. Segretti and Mr. Kalmbach in the talk with Mr. Petersen.

Senator Hart also asked why the special prosecutors had not responded quickly to what he called clues that Mr. Segretti's political sabotage campaign and the Watergate break-in were "all part of a White House operation."

Senator Hart said that the prosecutors had been told that Mr. Segretti had been paid by Mr. Kalmbach and that E. Howard Hunt Jr., one of the Watergate burglars, had asked for Mr. Segretti's help to organize a "riot" in Miami Beach, during the Democratic National Convention.

Interviews Listed

Mr. Silbert insisted that he pursue the activities of Mr. Segretti, that he personally interviewed Dwight L. Chapin, the President's appointments secretary, and Gordon C. Strachan, a former assistant to H. R. Haldeman, then White House chief of staff, about their relations with Mr. Segretti.

But Mr. Segretti's operation was not the primary focus of the investigation, Mr. Silbert contended. "None of the Segretti activities were related to the Watergate bugging and burglary," he said.