

# Key Petersen Role in Probe Shown

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For at least 10 months after the Watergate break-in, as the cover-up evolved and later unravelled, Assistant Attorney General Henry E. Petersen was considered by the White House to be the one man in the Justice Department who could always be counted on to handle the case as the President wanted it handled.

Gradually, Justice Department sources have said, the original Watergate prosecutors became so wary of Petersen's contact with the White House that they stopped furnishing the as-

sistant attorney general with information about their investigation.

The edited transcripts of the recorded White House Watergate conversations contain numerous references by Mr. Nixon and his aides to what they regarded as Petersen's personal integrity and his sympathy with the White House view that the Watergate investigation could be "dangerous to the presidency" if it reached too far.

The transcripts also show that Petersen supplied the White House with secret Justice Department information about Watergate, including grand jury testimony.

This information, the transcripts indicate, was used by some persons in the White House in engineering the cover-up that then White House counsel John W. Dean III himself characterized as an illegal obstruction of justice.

Throughout the summer of 1972, Petersen kept Dean "totally aware" of the activities of the federal prosecutors, Dean told the President on March 21, 1973. "I don't think he (Petersen) has done anything improper," Dean said, "but he did make sure that the investigation was narrowed down to the very, very fine

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HENRY PETERSEN  
... 'came out clean'

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criminal thing, which was a break for us."

In April, 1973, after Dean and other White House aides had begun detailing the extent of the Watergate cover-up to prosecutors, eventually including allegations against Mr. Nixon himself, the President talked almost daily to Petersen, relying heavily on him for information and advice about strategy.

As late as April 27, 1973, when President Nixon learned of the accusations Dean was making against him, Mr. Nixon was assured by Petersen: "I've said to U.S. Attorney Harold H. Titus 'We have to draw the line. We have no mandate to investigate the President. We investigate Watergate.'"

At the same meeting, Petersen referred to the "very suspicious atmosphere" that existed at the U.S. attorney's office because of his frequent contacts with the White House.

Referring to the U.S. attorney's office, Petersen said:

"We had a kind of crisis of confidence night before last. I left to come over here and I left my two principal assistants to discourse with Silbert (Earl Silbert, the U.S. attorney who headed the original Watergate investigation) and the other three. And in effect it concerned me—whether or not they were at ease with my reporting to you,

and I pointed out to them that I had very specific instructions, discussed that with them before on that subject, and well—

Mr. Nixon: Yes.

Petersen: As a consequence—I kind of laid in to Titus yesterday and it cleared the air a little bit, but there is a very suspicious atmosphere. They are concerned and scared. Ah—and I will check on this but I have absolutely no information at this point that—

Mr. Nixon: Never heard anything like that—

Petersen: No, sir. Absolutely not.

Petersen, a career Justice employee who rose through the ranks over 25 years, denied yesterday that he had done anything ethically or legally wrong in his conduct and supervision of the Watergate probe. "I'm not a whore," Petersen told reporters, "You newspaper people are disappointed that I'm not a whore. I walked through a minefield and came out clean."

There is no suggestion in the transcripts that Petersen was part of any formal conspiracy to foreclose the Watergate investigation. Rather, the recorded conversations show that he went along with the White House intention of keeping the probe in hand.

"Why did Petersen play the game so straight with us?" Mr. Nixon asked Dean on March 21.

"Because Petersen is a soldier," Dean replied. "He

kept me informed. He told me when we had problems, where we had problems and the like. He believes in you and he believes in this administration." But Dean, added, Petersen, had done nothing illegal.

In the months following the break-in, Mr. Nixon and his aides dealt with then Attorney General Richard Kleindienst and acting FBI Director L. Patrick Gray on Watergate matters, in addition to Petersen.

But as the pace of activity quickened in the spring of 1973, Kleindeinst was bypassed because of his close association with former Attorney General John Mitchell, who became a principal target of the prosecutors and has since been indicted by a grand jury and charged with participating in the cover-up.

Gray, whom the President described at one point as "not very smart," ran into trouble in his confirmation hearings on Capitol Hill and later admitted destroying Watergate-related evidence. Gray then resigned, as did Kleindienst, who has never been charged with any Watergate-connected offense.

Both Kleindeinst and Gray are portrayed in the transcripts as being, in effect, agents of the White House, which is normal enough for officials of the Justice Department, except when they are investigating the government and the White House itself.

In the March 21 meeting between Dean and Mr. Nixon, Dean said of Gray: "Not that I don't think Pat won't do what we want... like he is still keeping in touch with me. He is calling me. He has given me his hot line. We talk at night, how do you want me to handle this, et cetera..."

In Kleindienst's case, he was, for example directed to serve as liaison for the White House with the Senate Watergate committee, particularly with the vice chairman, Sen. Howard Baker (R-Tenn.). In a March 27, 1973, meeting of Mr. Nixon and presidential aides H. R. Haldeman, John Ehrlichman and Ronald Ziegler, Haldeman said:

"Mitchell is very distressed that Kleindienst isn't stepping up to his job as the contact with the committee, getting Baker programed and all that (A) and (B) that he isn't getting—see Dean got turned off by the grand jury. Dean is not getting the information... on those things said at the grand jury. And Mitchell finds that absolutely incompetent and says it is Kleinsupposed to be sending us..."

Petersen, on the other hand, is spared the errand-boy characterization. In the March 21 meeting, Dean and Nixon discussed the possibility of convening a new grand jury to hear Watergate evidence. Dean said:

"Henry Petersen is the



only man I know bright enough and knowledgeable enough in the criminal laws and the process that really could tell us how this could be put together so that it did the maximum to carve it away with a minimum damage to individuals involved."

Dean's characterization of Petersen as a "soldier" who owed much to the Nixon administration is not significantly at odds with the picture painted by those who have worked with him in the Justice Department.

"He always had tremendous respect for the office of Attorney General and the office of the Presidency," said one former Justice official. "And I don't doubt that he had the same respect—even awe—of this President. He had a very high opinion of John Mitchell.

"He was sort of awed by Nixon in the Oval Office," the former Justice official continued. "Well, it was probably the first time in his life he was in the Oval Office. What did they want him to say, 'Look . . . we're going to investigate you.'"

It was Mitchell, the Nixon administration's first Attorney General, who became Petersen's patron. In quick succession, the career Justice Department lawyer—Petersen had joined Justice in 1951—was promoted to positions normally occupied by political appointees—deputy assistant attorney general, acting assistant attorney general and finally assistant attorney general in

charge of the criminal division.

Petersen has been frank in his praise of Mitchell, once describing him as "a man of high integrity and a tough prosecutor—he's such a refreshing breath of air after (former attorney general) Ramsey Clark." Petersen, like Mitchell publicly, shared a non-sense, hard-line view on "law and order," so much so that Petersen's associates thought for a time he was a Republican, which he is not.

Another popular image of Petersen, his former associates say, was also misleading—that of the hard-bitten, crusty prosecutor who is frank almost to the point of bluntness. He is also, these sources say, the consummate bureaucrat, a civil servant first and foremost whose deference toward the Presidency left him incapable of resisting orders that emanated from the White House.

During the investigation of former Vice President Spiro T. Agnew, for instance, Petersen constantly argued that the President must be fully informed of details of the probe even though he conceded the danger of news leaks and expressed distrust of the White House.

Still, even as late as late summer when the Agnew investigation was under way, Petersen continued to enjoy a special relationship with the President and reported to him directly on his assess-

ment of the Agnew case. Elliott L. Richardson, then the attorney general, recognized Petersen's unique role and at one time last August told him that his personal assessment of the Agnew case would mean more to Mr. Nixon than a similar report from Richardson.

Sources close to the prosecutors of the original Watergate burglary conspirators said yesterday that the prosecutors did not know that Petersen was talking to Dean or anyone else at the White House about the fruits of their investigation. These sources said that Petersen had frequently been briefed by the prosecutors because Petersen is in charge of the Justice Department's criminal division.

Petersen, the source said, gave the Watergate prosecutors "very little" direction during the beginning of the investigation and "never" prohibited the prosecutors from opening up the investigation to include the possible role of the White House. One possible reason for that, the source said, is that the investigation never reached that stage at any rate.

The source, a person with intimate knowledge of the investigation in its early phases, said that the only time Petersen directed the prosecutors to pull back was when they attempted to investigate the burglary of Daniel Ellsberg's psychiatrist's office. That order would have been consistent

with Petersen's statements in the transcripts that the burglary was a national security matter beyond the purview of the criminal investigation.

As he did yesterday, Petersen said as early as April 17, 1973, that his actions were consistent with his duties as the chief of the Justice Department's criminal division. In an Oval Office conversation with Mr. Nixon, the President asked whether Petersen might have compromised himself by keeping the White House informed on the course of the investigation.

"No sir, I can disclose to an attorney for the government in the course of my work," Petersen told the President. "Dean was in addition to counsel for the President, obviously an attorney for the government—and there is not anything improper in that."

A short time later in the same conversation, Petersen expressed his view that only the House of Representatives could investigate the President.

"My understanding of law is—my understanding of our responsibilities, is that if it came to that I would have to come to you and say, 'We can't do that.' The only people who have jurisdiction to do that is the House of Representatives, as far as I'm concerned."