

Petersen Ties With Nixon Reportedly Led to '73 Rift

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**Watergate Prosecutors
Said to Have Broken
With Justice Agency**
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By SEYMOUR M. HERSH
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WASHINGTON, May 2—The original Watergate prosecutors broke off all contacts with the Justice Department in April, 1973, after Henry E. Petersen, an Assistant Attorney General, refused their demands that he end his close association with President Nixon, authoritative sources said today.



Associated Press
Henry E. Petersen

The prosecuting team, then led by Earl J. Silbert, an Assistant United States Attorney, repeatedly warned Mr. Petersen that he was scheduled to be a key witness against John W. Dean 3d in any Watergate cover-up trials, the sources said, and therefore could not continue advising the President.

"It was awful, just awful," one involved official said of the disputes between Mr. Petersen and Mr. Silbert. "They told him, 'You've been used; Dean used you.'"

At the time, Mr. Petersen, who had been put in charge of the Watergate inquiry by the President on April 15, 1973,

was meeting almost daily with Mr. Nixon and relaying grand jury and other information to him, according to edited White House transcripts released last Tuesday.

After nearly two weeks of what one source termed "bad shouting matches" with Mr. Petersen, the three-man prosecuting team—then in the midst of almost daily discoveries about the extent of the high-level Watergate cover-up—stopped relaying any information to their superiors in the Justice Department.

It was not until May 22, when Archibald Cox was named

Continued on Page 27, Column 5

Continued From Page 1, Col. 7

special prosecutor, the sources said, that Mr. Silbert and his two aides, Seymour Glanzer and Donald E. Campbell, again began providing details to higher-ups.

A Justice Department official said that Mr. Petersen's role in relaying grand jury information to Mr. Nixon had not been unlawful.

"You've got to understand," the official added, "the President of the United States was supposed to be the prosecutor in this case."

What Mr. Petersen did, the official said, "just wasn't very smart. They were using him."

Mr. Petersen could not be reached for comment today about these new disclosures, but he told newsmen early today, "I'm not a whore. I walked through a minefield and came out clean," in reference to his Watergate involvement.

Mr. Petersen added during a brief meeting with newsmen outside of his office, "You newspaper people are disappointed that I'm not a whore."

Later this afternoon, John W. Hushen, the Justice Department spokesman, confirmed that Mr. Silbert and his aides had "virtually no contact" with their superiors from April 25 until Mr. Cox's appointment. Mr. Hushen further confirmed that Mr. Silbert and Mr. Petersen had at least two meetings in late April to discuss the dispute.

The New York Times reported today that the White House transcripts show that Mr. Petersen tried to discourage the prosecutors in April, 1973,

from investigating the President's personal involvement in the Watergate cover-up. The edited tapes also disclose that Mr. Petersen repeatedly assured the President that he believed in his innocence in the scandal.

Testimony by Dean

At the time, sources said, Mr. Dean, then a White House counsel, had begun testifying in told the prosecutors how he had relied on Mr. Petersen to provide the White House with secret grand jury information throughout the summer of 1972.

The prosecutors have since come under heavy public criticism for their inability to uncover the high-level White House involvement in the June, 1972, break-in at the Democratic National Committee headquarters in the Watergate Office Building.

This week Senator Sam J. Ervin Jr., chairman of the Senate Watergate committee, asked the Senate Judiciary Committee to conduct a full inquiry into Mr. Silbert's Watergate record, before voting on his pending nomination to become United States Attorney for the District of Columbia.

Two of Mr. Petersen's former associates in the Justice Department confirmed in telephone interviews today that he had resisted Mr. Silbert's insistence that he step aside in the Watergate case.

"He [Mr. Petersen] had plenty good reason not to do it," explained one, "because he was doing a first-rate job."

Motivation Seen

Another official, who also asked that his name not be used, said that he always believed Mr. Petersen was motivated by two factors in not acceding to the prosecutors' demands.

"First of all," the official said, "Henry was dealing with the President. Here he is; a guy who started his Government career as an F.B.I. messenger, and now he's dealing

with Nixon. It was very overwhelming."

"And then," the official continued, "I think he worried that if he got out—recused himself—it would be a terrible blow to his reputation."

Other sources said that high officials in the Justice Department did not challenge Mr. Silbert's decision that it would be improper for him to continue providing grand jury information to Mr. Petersen—a decision, sources emphasized, made solely on the basis that Mr. Petersen was a potential witness in a pending criminal case against Mr. Dean.

At various times during early May of 1973, the sources said, consideration was given to establishing a high-level review group of three persons to analyze and pass on the work performed by the local prosecutors. That option was still being debated at the time Mr. Cox was named special prosecutor, the sources said.

'What a Bad Scene'

"God, you can't believe what a bad scene that was," one Justice Department official said of the dispute involving Mr. Petersen and the prosecutors. "I still can't believe it."

The official praised Mr. Silbert for refusing—despite the criticisms he has received—to publicly discuss the problems he and his aides had with Mr. Petersen during those weeks in April and May. Mr. Silbert again refused to discuss the matter today.

The first hint of the internal dispute arose during a close

reading today of the edited White House transcripts, which showed that Mr. Petersen told the President during one of their first talks that "I could be a witness" on the Dean issue.

Their colloquy on that point was marred by many "inaudible" sections but the President apparently urged Mr. Petersen

The White House transcript also shows that the President apparently misled Mr. Petersen about the information being relayed from the prosecutors, telling him on April 16, "that of course, as you know, anything you tell me, as I think I told you earlier, will not be passed on."

According to the transcript, Mr. Petersen then told the President of an important grand jury confession made by Frederick C. LaRue, who later pleaded guilty to cover-up charges. Mr. Petersen also relayed other in-

formation about Herbert W. Kalmbach, the President's former personal attorney, that had been supplied by Mr. Dean to the prosecutors. That information involved H. R. Haldeman, one of the President's closest aides, in possible wrong-doing, Mr. Petersen said.

The White House transcripts further show on the morning after he concluded his conversation with Mr. Petersen, the President summoned Mr. Haldeman to a meeting in his Oval Office and spoke of the Petersen comments.

"Look," the President told Mr. Haldeman at one point, "you've got to call Kalmbach.

I want to try to find out what the hell he [apparently Mr. Dean] is going to say he told Kalmbach . . . be sure that Kalmbach is at least aware of this, that LaRue has talked very freely," the President added.

By April 27, the relationship between Mr. Petersen and the original prosecutor had reached the point where Mr. Petersen told the President that "there is a very suspicious atmosphere. They are concerned and scared." "It concerned me," Mr. Petersen said, "whether or not they were at east with my reporting to you, and I pointed out to them that I had very specific instructions."

A number of sources said today that the prosecutors did not receive any incriminating information about Mr. Nixon from Mr. Dean until May, and deliberately discouraged any such information until then, on the orders of Mr. Petersen.

Nonetheless, the President, in his transcribed comments, repeatedly expressed concern about the activities of the prosecutors. "They're trying like hell to just frighten people to death," he said on April 17. "They're going to send them to jail and so forth."

"It's a curious thing," he told Mr. Haldeman at another point, "but I am afraid that is the way it [the prosecution] operates. You know every day there is some damn little thing that somebody touts around with. They keep banging around and banging around. The prosecution gets out the damn stuff."