

SENATE HEARINGS REPORTEDLY SET IN COVER-UP STUDY

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Judiciary Panel Said to Plan to Sift Justice Agency's Actions on Watergate

SILBERT POST AT ISSUE

Petersen and Kleindienst May Be Called to Session Expected Next Week NYTimes

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Special to The New York Times

WASHINGTON, May 8—The Senate Judiciary Committee voted unanimously today in executive session to begin full-scale hearings into the Justice Department's failure to unravel the Watergate cover-up in the summer and fall of 1972, Senate sources said.

Committee members voted, in what several Senators said with the White House, to summon Assistant Attorney General Henry E. Petersen to hearings tentatively set for next week.

President Nixon selected Mr. Petersen last spring to take over the Watergate inquiry after the then Attorney General, Richard G. Kleindienst, withdrew when his former associates and close friends became subjects of the Watergate investigation.

Senate sources said that Mr. Kleindienst, now in private law here, would also be summoned, along with Harold H. Titus Jr., the former United States Attorney in Washington.

Nomination Weighed

At issue before the Judiciary Committee is the pending nomination of Earl J. Silbert to become United States Attorney for the District of Columbia. Those hearings began last month but were recessed without resolution last Wednesday, the day after President Nixon leased the edited White House transcripts.

Mr. Silbert, when he was principal Assistant United States Attorney under Mr. Titus, directed the Watergate inquiry from June, 1972, until the appointment of Archibald Cox as special Watergate prosecutor became effective on May

22, 1973.

The edited transcripts raised many questions about the White House's role and Mr. Nixon's personal influence in the Watergate inquiry, both in 1972 and after the cover-up began falling apart in the spring of 1973. Some Senators and aides characterized the scheduled hearings as possibly being as significant as were the Dean-Gray hearings in 1973.

It was during those Judiciary Committee proceedings that L. Patrick Gray 3d, then the Acting Director of the Federal Bu-

Continued on Page 33, Column 1

Continued From Page 1, Col. 8

read of Investigation, disclosed that he had forwarded raw F.B.I. reports on Watergate to John W. Dean 3d, then the White House Counsel.

The transcripts showed that Mr. Dean in a conversation about Mr. Petersen on March 21, 1973, described him as "a soldier" who "kept me informed."

Investigation Narrowed

"He told me when we had problems, where we had problems and the like," Mr. Dean told the President. "He believes in you, and he believes in this Administration. This Administration has made him. I don't think he has done anything improper, but he did make sure that the investigation was narrowed down to the very, very fine criminal thing which was a break for us."

Mr. Dean's description of Mr. Petersen prompted President Nixon to ask, "Do you honestly feel that he did an adequate job?"

By late April, the edited transcripts showed, Mr. Petersen was meeting often with Mr. Nixon and also told Mr. Silbert and his two aides, Seymour Glanzer and Donald E. Campbell, "We have no mandate to investigate the President" for his role in the Watergate cover-up.

At a news conference yesterday, James D. St. Clair, President Nixon's Watergate attorney, said that the President felt "Mr. Petersen did a very credible job."

"He said in the tapes he was satisfied that Mr. Silbert had done so, Mr. St. Clair added.

Asked by a newsman how Mr. Petersen could "have done a credible job in view of everything that has happened," Mr. St. Clair said, "All of the principal aides in the White House have either pled guilty or stand indicted."

"Let me suggest to you that the system has worked," Mr. St. Clair added, "that these people do stand indicted. That is the way this system works, and it is working."

'A Wider Inquiry'

A number of Senators acknowledged after the closed-door committee vote this morning

that the ultimate focus of the hearings would be precisely that: an examination of how the system worked after the Watergate break-in.

"Clearly, today's action of the committee is an expansion of the Silbert hearings well beyond the scope of Mr. Silbert's personal qualifications," Senator Charles McC. Mathias Jr., Republican of Maryland, said in a telephone interview.

"While the hearings do tie back to the kind of instructions and supervision he received, it clearly is going to be a much wider inquiry."

Senator John V. Tunney, Democrat of California, said:

"There are some questions that must be answered," and "only Petersen, Titus or Kleindienst can answer them."

A number of Senators and aides acknowledged that the call for broadened hearings posed a problem for Mr. Petersen. The Assistant Attorney General has refused to discuss the White House transcripts with newsmen and canceled an appearance yesterday before three subcommittees of the Senate Judiciary Committee that were to meet jointly on wiretapping.

If Mr. Petersen decides not to appear before the Judiciary Committee or to claim executive privilege, Senator Tunney said,

"It'll be very difficult to approve the nomination of Mr. Silbert."

The New York Times reported last week that Mr. Silbert and his aides eventually broke off all contact with Mr. Petersen and the Justice Department in April 1973, in opposition to Mr. Petersen's continued involvement with the President. At the time, sources told The Times, Mr. Silbert concluded that Mr. Petersen would undoubtedly be a witness in the Government's developing criminal case against Mr. Dean.

A number of sources said later that Mr. Petersen stayed

on the Watergate case only after receiving approval in early May from Elliot L. Richardson, then the nominee for Attorney General.

Despite their differences then Mr. Silbert and Mr. Petersen are known to have maintained great respect and affection for each other.

Question Is Put

"The nub of this is," one Senator said, "is he [Mr. Petersen] going to look after himself or after Silbert?" Other Senators and aides agreed that Mr. Silbert's nomination would be seriously threatened by the refusal of Mr. Petersen or Mr. Kleindienst to testify.

These sources also said that Mr. Silbert had generally made a favorable impression during his appearances in late April.

"Assuming he's not implicated by additional hearings" one source said, "my guess is that he would be approved by the members without much of a problem."

Thus far in the hearings on Mr. Silbert's nomination, the Senate Judiciary Committee has emphasized the following problem areas:

¶The failure of the original investigation to pursue possible criminal leads involving Donald H. Segretti, the White House "dirty tricks" operator who later received a prison sentence.

¶The fact that Mr. Silbert did not grant more potential defendants immunity in an effort to develop more information.

¶The decision of Mr. Silbert to allow some high-level Nixon Administration aides to testify privately about Watergate, and not before a grand jury.

Mr. Silbert, who was the unanimous choice of the Federal District Court judges here to replace Mr. Titus, has been highly praised by members of the local bar and Watergate investigators, Judiciary Committee aides said.