

Kleindienst Tells of '72 Threat

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Former Attorney General Richard G. Kleindienst testified yesterday that he threatened to quit two years ago if White House aide John D. Ehrlichman didn't stop interfering with Justice Department lawyers investigating the Watergate scandal.

Kleindienst, leadoff witness for reopened hearings on the confirmation of Earl J. Silbert for U.S. attorney here, said his threat forced Ehrlichman to back down on his attempt to give directions to Assistant Attorney General Henry E. Petersen over Silbert's handling of the case.

Ehrlichman had complained to Kleindienst that Petersen had rejected his instructions to "stop harassing" Maurice Stans, finance director of the Nixon re-election campaign and a potential grand jury witness in the summer of 1972.

"I told him never again to give such directions" to Justice Department lawyers, Kleindienst told the Senate Judiciary Committee. "He said he would not follow that, and I said, 'If you won't, I want to meet you and the President next Monday morning and I'll quit.'"

Although Ehrlichman resented, Kleindienst said he independently approved special treatment for Stans, permitting him to give a sworn deposition out of the presence of the grand jury.

Sen. Sam J. Ervin Jr. (D-N.C.), who has been complaining since the 1973 Watergate hearings about the failure to summon Stans and three White House aides in person before the grand jury, renewed his attack on that procedure.

"Did Ehrlichman say he did not want to embarrass Mr. Stans?" Ervin asked.

"The word I remember was 'harassed,'" Kleindienst said.

Silbert, his confirmation delayed while Ervin and other

committee members delve further into the adequacy of the 1972 Watergate investigation, is scheduled to resume his testimony, begun in April, after Petersen and perhaps others take the stand today.

Kleindienst defended his conduct and that of Petersen and Silbert, but ran into a barrage of criticism from Ervin for repeatedly "assuring the American people" that no high administration or campaign officials were involved in Watergate.

Kleindienst repeatedly said he was unable to recall when he learned key Watergate facts, such as the tracing of campaign funds that wound up in the possession of Watergate burglars. Ervin said that if Kleindienst knew some of the facts before the burglary indictment was returned in September, 1972, then his public assurances were misleading.

"Can you tell me what you did know by Sept. 1?" Ervin asked. When Kleindienst said he could not remember anything specific, Ervin quipped, "If there's anything better than a good memory, it's a good forgettery."

Kleindienst said that despite daily contacts with Petersen, he kept aloof from investigation details, leaving that to career prosecutors because the case was so sensitive.

Ervin reminded him that for all his public assurances, the edited White House transcripts show Kleindienst telling President Nixon that both Silbert and Petersen harbored suspicions about high administration aides during the probe.

Asked by Sen. Philip A. Hart (D-Mich.) whether he personally had been importuned or interfered with by White House or campaign officials, Kleindienst said, "None that I recall."

Hart sought to make the question as broad as possible, emphasizing that he did not want to exclude anyone, prompting Kleindienst to remark, "I know what you're talking about, senator."

The reference was to Kleindienst's testimony at his own 1972 confirmation hearing that no one had pressured him over the ITT antitrust case. Last month Kleindienst pleaded guilty to failing to tell the Judiciary Committee that Ehrlichman and the President interceded in the case. He received a suspended sentence for the offense.