

# Petersen and Ervin Clash Over Watergate Inquiry

## Justice Department Official Calls Senator Unfair for Implying That Prosecutors Ignored Obvious Leads in the Case

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WASHINGTON, June 19 —

Senator Sam J. Ervin, Jr., implying that Government prosecutors ignored obvious leads that would have broken the Watergate case open two years ago, drew shouted denials today from Henry E. Petersen, the Justice Department official first supervised the investigation.

The North Carolina Democrat, who is chairman of the Senate Watergate committee, and Mr. Petersen, head of the department's Criminal Division, argued angrily in a hearing before the Senate Judiciary Committee.

Mr. Petersen repeatedly accused Mr. Ervin of being unfair, and at times shouted and shook a finger at the Senator. Mr. Ervin pounded with his fist on the committee room table for emphasis.

### Confirmation Hearings

Mr. Petersen had been called before the Judiciary Committee to testify at the confirmation hearings of Earl J. Silbert, who has been nominated by President Nixon to be the United States Attorney for the District of Columbia.

Under Mr. Petersen's overall supervision, Mr. Silbert had headed the early investigation of the Watergate case in the days before the first special prosecutor was appointed.

Mr. Petersen called Mr. Silbert "an able, top-notch, quality professional" and said that he ought to be confirmed at the earliest possible time.

Senator Ervin seemed to view the nomination differently. He asked one question after another dealing with the financing of the Watergate break-in and burglary by the Committee for the Re-election of the President, the tie-ins of major figures in the burglary to the White House and the re-election committee, evidence of document-shredding, and preferential treatment accorded to White House officials during the inquiry.

### A Plea for 'Justice'

"I think it's a fine thing for you to be critical," Mr. Petersen shouted at one point, "but this is a terrible, terrible thing. Do use justice, will you?"

After one heated exchange, Mr. Ervin said he would give the Assistant Attorney General time "to get your sweet disposition back."

Mr. Petersen shot back, "I don't have a sweet disposition, especially when my integrity is called into question."

Mr. Petersen commented on a variety of Watergate items brought up by Senator Ervin, Senator Philip A. Hart, Democrat of Michigan, and Senator Roman L. Hruska, Republican of Nebraska. Among these were the following:



Associated Press

Assistant Attorney General Henry E. Petersen looking toward members of the Senate Judiciary Committee before taking his seat to testify in Washington on the nomination of Earl J. Silbert to be U.S. Attorney.

Mr. Petersen said public officials were given preferential treatment in criminal investigations in that they would be advised if an aide was under investigation "to prevent any undue publicity."

He conceded that he had "latent suspicions" about re-election committee officials and their connections to Watergate, but had no suspicions about White House personnel and had no evidence on which to move against either group in the courts.

He praised the Watergate grand jury, which named President Nixon as an unindicted co-conspirator in the alleged cover-up of the Watergate.

He defended the prosecutor's action in not granting immunity to James W. McCord Jr., one of the Watergate burglars, in exchange for his testimony. "He was no witness," Mr. Petersen said. "He [Mr. McCord] doesn't know a thing. He's the biggest phony

of the bunch. He wanted to see if the case could be fixed and when it couldn't, he came in crying like a baby."

He said he was "pained" by the absence of Presidential or White House "leadership" in an effort to get to the bottom of the Watergate matter and to "clean out" anyone implicated. When Mr. Nixon announced the resignations of two top aides, H.R. Haldeman and John D. Ehrlichman, as Mr. Petersen had recommended, and then "eulogized them," as Senator Hart put it, Mr. Petersen said he was "terribly disappointed, terribly disappointed."

Mr. Petersen also said that he resented the "implication" that he treated political figures "gently."

"I do not deal gently," he said. "I deal with restraint. I don't agree with the blunderbuss approach on political cases. I thought it ought to be done with surgical precision, with restraint." He added:

"I don't expect them [the prosecutors] to ruin political reputations because some Congressional investigators think it would be nice with hindsight."

### 'Like a Bad Dream'

At one point, Mr. Petersen told Senator Ervin that it was "like a bad dream that I'm going through all over again." He has testified repeatedly—including a stormy appearance last summer before the Senate Watergate Committee—about his handling of the case.

Mr. Petersen said Mr. Silbert deserved "credit" for his handling of the case against the original seven defendants in the burglary.

But Senator Ervin replied that he could not see "any great skill" in bringing cases against seven men when five of them were caught red-handed inside the Democrats' office by the police. And he noted that five of the seven pleaded guilty.

Mr. Petersen said he was "almost ashamed of my suspicion" that former Attorney General John N. Mitchell might be involved in the Watergate case.

"I used to feel guilty suggesting to Mr. Kleindienst [former Attorney General Richard G. Kleindienst] that maybe others were involved," Mr. Petersen testified.

He also said that he did not think the burglary investigation should range across a broad area of politics.

"The whole Watergate affair is connected with politics," Senator Ervin said.

"It wasn't at that point, Senator," Mr. Petersen replied.

### The Uses of Power

Speaking of Watergate generally, Mr. Petersen said: "The whole thing is a classic example of people who didn't understand the proper uses of power and the limitations of that power. If I am going to err, I am going to err on the side of restraint."

"Don't you think that somebody responsible for the faithful execution of the laws of this country should have blown the whistle a long way before it was blown?" Senator Hart asked.

"Senator, I don't like the question," Mr. Petersen replied, adding, "Do you mean the President of the United States?"

"Yes, among others," Senator Hart said.

Mr. Petersen said he might be a witness at impeachment proceedings and that Senator Hart might be a judge and thus, he said, he felt it was improper to draw conclusions.

"Since I will be a judge, I will not say what conclusions I have drawn, but I did draw a conclusion from this morning," Senator Hart replied.