

Petersen Says Prosecutors Failed to Check 'Plumbers' Evidence

BY ANTHONY RIPLEY

Special to The New York Times

WASHINGTON, June 26 —

Henry E. Petersen, who supervised the early days of the Watergate investigation, acknowledged today that the prosecutors had failed to check out a lead in the case provided by the Central Intelligence Agency that might have led the investigators to an early break in the "plumbers" case.

Mr. Petersen, testifying before the Senate Judiciary Committee, conceded that he had received a memorandum and copies of photographs from the C.I.A. on Dec. 5, 1972. They dealt with the office of Dr. Daniel Ellsberg's psychiatrist, which had been raided by mem-

bers of a secret White House investigation unit nicknamed the "plumbers."

The raid did not come until March 17, 1973, according to the edited transcripts of tape-recorded White House conversations. The Justice Department said it first learned of the burglary on April 15, 1973.

The break-in occurred on Sept. 3, 1971.

Mr. Petersen, assistant attorney general in charge of the Justice Department's criminal division, said that he and Earl J. Silbert, head of the then three-member team of Watergate prosecutors, had studied the information relayed to them by the Central Intelligence

Agency but had put it aside. He identified the information as a memo from the C.I.A., accompanying pictures of Gordon Liddy lighting a cigar outside the office of Dr. Louis J. Fielding in Beverly Hills, Calif., and false identification documents issued to Mr. Liddy and E. Howard Hunt Jr. The memo was dated Dec. 5, 1972.

Mr. Petersen said that he and Mr. Silbert studied the documents in December, 1972, or January, 1973.

Mr. Petersen was questioned on the matter today by Senator John V. Tunney, Democrat of California, at confirmation hearings for Mr. Silbert. President Nixon has nominated Mr. Silbert to become United States

Attorney for the District of Columbia.

"Mr. Silbert and I did discuss it," Mr. Petersen said. "We were trying to rationalize Mr. Liddy's conduct. He is a very bizarre individual."

He said Mr. Liddy was given to unexplained conduct and that "photographs of himself didn't seem at all unusual."

The photographs had been from a C.I.A. covert camera borrowed by E. Howard Hunt Jr., another of the White House "plumbers" who at the time had been accused in the burglary of Democratic National Party film to the C.I.A. to develop.

Mr. Petersen said that at the time the documents arrived, he and Mr. Silbert did not know what to make of them.

"But it seems so easy to ask for an F.B.I. check," Senator Tunney suggested.

Mr. Petersen replied that "in 20-20 hindsight, I've asked myself a hundred times" why such a check was not ordered. He called it a "faux pas."

If it had been checked, he said, little would have come of it because a burglar who had been caught erroneously confessed to breaking into Dr. Fielding's office.

But the bureau should have been asked to check nevertheless, Mr. Petersen conceded.

THINK FRESH: THINK FRESH AIR FUND.