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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

IN RE: POSSIBLE VIOLATIONS

18 USC 2511 and
18 USC 2512

26.1

United States District Courthouse
3rd & Constitution Avenue, N. W.
Washington, D. C.

August 23, 1973

The testimony of HENRY E. PETERSEN was taken in
the presence of a full quorum of the Grand Jury.

BEFORE:

RICHARD BEN-VENISTE, ESQ.
Assistant Special Prosecutor
United States Department of Justice

1 responsibility from me. No matter what you say or do, I'm
2 the only one who can make the decision. I'm the only one
3 that's going to be held responsible and it's not going to
4 serve me to say that you said do this or do that. I'm going
5 to have to decide it on the merits as best I see it."

6 He finally agreed to that.

7 Q And on the 18th did you have a discussion with
8 respect to immunity?

9 A Yes. I received a telephone call from the President
10 and he was rather angry. He said, in effect, "You told me
11 that Dean wasn't immunized and now I know that he is, and I
12 know that he is because he told me."

13 I said, "Well, that simply isn't so." I guess that
14 Presidents don't like you to say that it simply isn't so. The
15 conversation got nasty and it made me uneasy.

16 I said, "Well, I'll double check on it, but I know
17 that it isn't so."

18 I got in touch with Earl Silbert and I said, "Earl,
19 this is what he says. He says that he has it on tape and he
20 offered to let me listen to it and I told him I didn't want to
21 listen to it."

22 Q You left that part out of the conversation. I'm sorry,
23 Mr. Petersen. The President indicated that he had it on tape?

24 A Well, he said, "I know it's so." I said that I
25 thought that was wrong, and he said, "Well, I have it on tape."

1 Do you want to hear it?" I said, "No, I'll accept your word
2 for it. If you tell me that's what Dean said, I'll accept it,
3 but I think that's wrong. I don't see that he has any reason
4 -- he has not been immunized, and I'm the one that has to
5 exercise the authority and I know I haven't exercised it, but
6 I will check."

7 I asked Mr. Silbert to get in touch with Charlie
8 Schaffer, and Earl called me back later in the evening and
9 said, "Mr. Schaffer confirmed our understanding was correct,
10 that we were simply negotiating for immunity and no immunity
11 has been conferred either formally or informally."

12 I called the President back and told him that, and
13 that seemed to reassure him. It certainly reassured me. At
14 least he didn't think that I was misleading him, and I guess
15 that was my real concern at that point.

16 He said, "What else is new?" I said, "I got this
17 report that Liddy and Hunt burglarized Fielding's office."

18 Q Can I interrupt you for a second with that? Is this
19 the first that you had ever heard in this investigation of the
20 President or his agents tape recording any conversations?

21 A Yes, but it didn't surprise me.

22 Q I'm sorry. Go on.

23 A With respect to the second part of this conversation,
24 I would be surprised to learn that a chief of state did not
25 record conversations and I assumed when I spoke with him that

1 our conversations were being recorded.

2 In any event, he said, "What else is new?", and then
3 I dropped the next bombshell. It was that Dean had informed
4 Silbert that Liddy and Hunt and company had burglarized Dr.
5 Fielding's office who was Ellsberg's psychiatrist.

6 The President said, "I know about that. That's a
7 national security matter. Your mandate is Watergate. You
8 stay out of that."

9 I said, "Well, I have caused a check to be made, and
10 we don't have any information of that nature in the case." I
11 said, "Do you know where there is such information?", and he
12 said no.

13 He said, "There's nothing you have to do." Then I
14 got off the phone.

15 I called Mr. Silbert and told him what the President
16 had said. I guess he was kind of upset about it. He just kind
17 of grunted or groaned. I said, "Well, Earl, that's it."

18 Then I called Mr. Maroney and told him to -- Mr.
19 Maroney is the Deputy Assistant Attorney General who has the
20 Internal Security Section which had the Ellsberg case under
21 his jurisdiction.

22 Without referring to the President, I told him to
23 forget about it, that it was easier handled -- because Maroney
24 had previously recommended that it was not necessary to make
25 a disclosure of the facts to the trial court on what he