

Sen. Ervin Prods White House On Probe of Network Reporter

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Sen. Sam J. Ervin yesterday asked President Nixon to join him in obtaining full disclosure of the reasons the White House ordered an FBI investigation of CBS correspondent Daniel Schorr.

Ervin, chairman of the Senate subcommittee on constitutional rights, said in a letter to Mr. Nixon that he was inviting Schorr and top White House aides to hearings in January on the state of freedom of the press in the nation.

The North Carolina Democrat and constitutional expert also urged the President to conduct his own inquiry into the White House-instigated probe of Schorr, which came during one of a series of disputes between Schorr and the administration last August.

"I am deeply concerned over the fears, even unwarranted



SEN. ERVIN

... seeks press freedom

fears, which may arise from the public reports concerning the alleged investigation of Mr. Schorr," Ervin wrote the

President. "First Amendment freedoms can be stilled by intimidation and suggestion from those who have official power just as surely as they can by direct curtailment."

The White House has contended there was no intent to intimidate Schorr by the investigation, which officials said was routinely ordered because Schorr was being considered for a position "in the environmental area" with the administration.

Schorr himself was never informed that he was under consideration for a job. The White House thus far has refused to specify exactly what post it had in mind. Officials have said, however, that their future plans no longer include Schorr.

President Nixon was not asked about Schorr at his press conference yesterday.

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but White House press secretary Ronald L. Ziegler said afterward that Mr. Nixon felt the whole matter "was handled in a clumsy way."

The President, as a result, has ordered changes in White House talent hunt procedures, Ziegler said.

Ziegler added that the President agreed that a person should be told he was under consideration for an appointment before federal agents investigated him.

"Therefore," Ziegler said, "the President has ordered that whenever anyone is considered for a government job he always be informed beforehand why a customary FBI check is being made. . . . No intimidation was intended in this case and there never had been, never will be while the President is in the White House."

Ervin told the President he was inviting Frederic V. Malek, White House talent scout; Charles W. Colson, Mr. Nixon's special counsel, and White House communications director Herbert G. Klein to his freedom-of-press hearings, which have been held over the past several months.

In an interview with Associated Press, Ervin said if his invitations are not accepted his subcommittee "could subpoena" the reluctant Presidential aides.

Initial reaction to Ervin's letter among White House sources was that the administration would invoke executive privilege. This would deny Ervin his witnesses, but

would undoubtedly elicit a protest from the chairman.

Ervin wants Malek to testify because it was from Malek's office that the request for an FBI investigation of Schorr emanated. Colson has complained to CBS vice chairman Frank Stanton about the fairness and accuracy of some of Schorr's reports. Such criticism had been requested by Stanton.

The senate has been trying, unsuccessfully, for some time to get Klein to testify on the relationship between government and the press. He reiterated his request for Klein in his letter to the President.

Coincidentally, Ervin's letter was sent a few hours before he spoke on freedom of the press to the National Newspaper Association in New Orleans.

In the speech, Ervin said that "like all freedom, freedom of speech and of the press are always in peril; and the price of their keeping is eternal vigilance, and an increasing readiness to guard and defend them."

He listed recent governmental actions that he said threatened First Amendment freedoms. These included, according to Ervin, the use of the Army to spy on civilian dissenters; government's attempt to enjoin publication of the Pentagon papers; a House committee's effort to require CBS to submit unpublished data accumulated for its program, "The Selling of the Pentagon," and the subpoenaing of reporters by the government to obtain their confidential source of information.