

Ford Renominates Silbert for Prosecutor

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President Ford resubmitted to the Senate yesterday the nomination of Earl J. Silbert to be U.S. attorney for the District of Columbia despite congressional criticism of Silbert's role in the original Watergate prosecution.

The first nomination of Silbert by former President Nixon 11 months ago automatically expired during the Senate's election recess. The Senate Judiciary Committee declined to act on Mr. Nixon's nomination of Silbert after several Democratic members complained that confirmation would amount to approval of the way the government handled the Watergate case.

Silbert was one of the three original Watergate prosecutors. Mr. Ford routinely resubmitted Silbert's nomination with others that expired during the recess.

A White House spokesman said there would be no reason given for the President's ac-



EARL J. SILBERT
... faces opposition

tion. But the spokesman said it "indicates how he feels about it (the nomination)."

"I'm amazed," said Sen. John V. Tunney (D-Calif.) a Judiciary Committee member, when he learned that Mr. Ford had resubmitted Silbert's

name. He and Sen. Sam J. Ervin (D-N.C.), who had headed the Senate Watergate committee, called for rejection of the resubmitted nomination.

At the same time there were strong indications that no action at all would be taken on the nomination during this lame duck session of Congress. This would mean that the nomination would again expire, forcing its submission for a third time next year if Mr. Ford still wants Silbert to have the post.

Silbert could not be reached immediately for comment. He was nominated by Mr. Nixon in January to replace Harold Titus, who resigned for health reasons. Since then Silbert has been acting in the post through appointment by the U.S. District Court judges.

Sen. Roman L. Hruska (R-Neb.), ranking GOP member of the Judiciary Committee, said through a spokesman that he hopes the nomination will

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SILBERT, From C1

be approved. He added that he didn't know whether the nomination would be acted on this year.

Tunney said there probably would be no action on the nomination this year. Other committee sources privately said the same.

"I think," said Tunney, "that the President should submit another name, the name of somebody not connected with Watergate."

Tunney added that he was "not in anyway suggesting that Silbert was involved in Watergate but he (Silbert) was not as diligent and independent in conducting the investigation and original prosecution as he should have been."

Ervin, who with Tunney had been leading opposition to the nomination, said he was "surprised" at Mr. Ford's action. He said he will ask the committee "to subpoena the (Silbert's) prosecutorial statement" which witnesses earlier testified would support Sil-

bert's handling of the Watergate case.

The prosecutorial statement or memorandum, according to testimony given before the Judiciary Committee, outlines Silbert's theory of the case and now is in the possession of the special prosecutor.

Ervin said he has repeatedly but unsuccessfully tried to obtain a copy of the memorandum.

During the earlier hearings on the Silbert nomination, Ervin said that Silbert and others connected with the original Watergate investigation "messed it up" by no linking high ranking aides to former President Nixon with the June, 1971, break-in at Democratic headquarters at the Watergate complex.

If there is no action on the nomination this year, Ervin

will not be around to oppose it next year because he is retiring from the Senate. Tunney, however, said that there could be even more opposition to the nomination next year with a new Congress elected in the aftermath of Watergate.

As the hearings on the original Silbert nomination began, it appeared at first that he would be confirmed. But sentiment began to swing against him when Ervin criticized his handling of the Watergate case and Tunney became the first to link action on his nomination with the Senate's attitude toward the handling of Watergate by the Nixon Administration.

After two months of hearings, the committee in July suspended further consideration of the nomination until the resolution of presidential impeachment proceedings. Even after Mr. Nixon resigned from office, the committee never took up the Silbert nomination again, and then it automatically died during the election recess.