

# U.S. Attorney Nominees:

## Probe of Watergate Was Criticized

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By Kenneth Bredemeier  
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Earl J. Silbert's nomination to be U.S. attorney for the District of Columbia, held in limbo for a year because of congressional criticism of his role in the original Watergate prosecution, now appears to have a good chance of winning the necessary Senate approval, several sources reported yesterday.

The change in Silbert's prospects for confirmation on Capitol Hill, according to these sources, stem from two factors:

- The retirement of one of his chief critics, Sen. Sam J. Ervin Jr. (D-N.C.), the Senate Watergate committee chairman, who, while still vehemently opposed to Silbert's confirmation, is now powerless to do anything about it.

- Further Watergate disclosures, since Silbert's nomination hearings last summer, have tended to show that the Watergate cover-up was being directed by the highest White House officials, including President Nixon.

Thus, Silbert's inability to link high White House and Nixon re-election committee officials to the June, 1972, break-in at Democratic National Headquarters now is better understood.

"Time has helped rather than hurt Silbert," said one Democratic aide to the Senate Judiciary Committee, the panel that must first approve Silbert's nomination before the entire Senate can act. "It turned out we now know how much he was up against."

The aide also said that "no event which has occurred since the close of Silbert's nomination has done anything other than support his version of what he did." In addition, the source said, lawyers on the Watergate prosecution team have praised Silbert's handling of the Watergate probe in conversations with Judiciary Committee staff lawyers.

With Ervin's retirement, the most vocal—and only announced—Judiciary panel opponent is Sen. John V. Tunney (D-Calif.), who says Silbert's confirma-

See **SILBERT**, E3, Col. 2



**EARL J. SILBERT**  
... criticism fades

# Silbert in D.C., Finney in Md.

## Ex-GOP Senator Is Agnew Friend

By Fred Barbash  
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Maryland's two U.S. senators recommended to the White House yesterday that Jervis S. Finney, a former Republican state senator from Baltimore County and an unsuccessful candidate for Baltimore County executive, be nominated U.S. attorney for Maryland.

There were no indications of any significant opposition to Finney's appointment to replace George Beall, who is resigning to return to private law practice. The recommendations of Sens. Charles McC. Mathias and J. Glenn Beall, (both R-Md.) normally guarantee such an appointment.

The new U.S. attorney will be in charge of continuing the most sweeping investigation of political corruption in the state's history. It was resulted in the resignation of former Vice President Spiro T. Agnew, the conviction on kickback charges of Baltimore County Executive Dale Anderson, and guilty plea on kickback charges of former Anne Arundel

County executive Joseph W. Alton Jr. A number of Maryland figures, including two of Maryland Gov. Marvin Mandel's friends and fund raisers are currently under investigation.

Finney, 43, served in the Maryland Senate from 1967 until last year, when he left and ran unsuccessfully for Baltimore County executive. He practices primarily business law with one of Baltimore's prestige law firms, Ober, Grimes and Shriver, and has little criminal law experience.

As a Republican state senator, Finney was an early advocate of personal financial disclosure legislation for Maryland public officials. He was also known for his frequent attacks on the Mandel administration from the floor of the Senate on such issues as ethics in government and for his tough questioning of state budget decisions as a member of the Senate Finance Committee.

Finney was also a personal friend of Agnew, who served as Republican Bal-

See **FINNEY**, E3, Col. 2



**JERVIS S. FINNEY**  
... "excellent choice"

# Silbert Seen Gaining Senate Approval

SILBERT, From E1

tion would be tantamount to approval of the government's initial handling of the Watergate case.

Tunney says that Silbert "mishandled the original Watergate investigation either because of political pressures or (because he) conducted the investigation in a less than competent manner."

But through an aide, Tunney conceded that while he had not taken a head count, Silbert's confirmation "looks pretty good."

An aide to Sen. Roman Hruska (R-Neb.), ranking GOP member of Judiciary and one who supports the Silbert nomination, also said Silbert apparently has the votes to win confirmation, in part because "the vocal opposition was Ervin."

The Committee chairman, Sen. James O. Eastland (D-Miss.), said he plans to vote for Silbert because "I think he's (been) a good prosecutor"

during the year he has been acting U.S. attorney.

Another key Judiciary member, Senate Minority Leader Hugh Scott (R-Pa.), also was reported leaning toward confirmation, while most other Committee members said they have not taken positions on Silbert.

Silbert first was nominated to the top federal prosecutor's job for the District last January by former President Nixon, but his appointment was never acted on by the Judiciary Committee pending resolution of impeachment proceedings against President Nixon. Even after Mr. Nixon's resignation, no action was taken and the nomination then automatically died during the congressional election recess.

President Ford asked that Silbert be confirmed in the lameduck session of the 93d Congress, but no action was taken. President Ford submitted the nomination a third time earlier this week because the White House said the President believed Silbert would be a "topnotch U.S. attorney."

During the summer hearings on Silbert, Ervin unsuccessfully tried to obtain Silbert's "prosecutorial statement," his theory on who was involved in the Watergate case beyond the original defendants. Witnesses said the statement would support Silbert's handling of the probe.

Watergate prosecutors refused then to turn the memorandum over to Ervin, and a spokesman for the Watergate prosecutor's office said yesterday he did not know whether it would be released in new hearings on Silbert's nomination.

Tunney said he would try to obtain the statement for the new hearings, which Committee Chairman Eastland said would be "pro forma." No hearing dates have been scheduled.

In a telephone interview, Ervin said he has not modified his views on Silbert, saying that "in the most favorable light, he did not follow up on the leads he should have."

Silbert declined to comment on his renomination.

## Md. Senators Back Finney for Post

FINNEY, From E1

timore County executive when Finney was a county councilman and as governor when Finney was state senator.

Finney said in a telephone interview yesterday that he had gone to Agnew when Agnew was governor after hearing rumors of "misconduct" among Agnew associates. Finney said Agnew simply denied the rumors.

Beall said yesterday he thought Finney was an "excellent choice . . . He is known from his prior public service as a man of integrity and from my own personal dealings with him I perceive the kind of leadership qualities that

this kind of public position requires."

Beall said he did not regard Finney's lack of criminal law experience as a handicap. "It could be said that I am exhibit A for the proposition that criminal experience is not necessary," Beall said.

Finney grew up and lives in a wealthy section of Baltimore County and has always been considered part of society in the county. He attended Phillips Academy, Princeton University and Harvard Law School.

Finney was considered one of the legislature's wits and enjoyed long after hours conversations with reporters and other legislators.