

Silbert Confirmation Is Voted by Senate

10/19/75

By Helen Dewar

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Earl J. Silbert yesterday won Senate confirmation as the United States attorney for the District of Columbia, ending nearly two years of battle in which the former Watergate prosecutor was frequently forced to defend his handling of that case.

The Senate vote was 84 to 12, with three of the four Washington-area senators — J. Glenn Beall (R-Md.), William L. Scott (R-Va.) and Harry F. Byrd (I-Va.) — voting for Silbert. The fourth, Sen. Charles McC. Mathias (R-Md.), was not present for the vote.

There was a delay in getting word to Silbert of his confirmation because he was engaged with a grand jury hearing witnesses in an investigation of damages done Oct. 1 to presses at The Washington Post immediately prior to a strike by the newspaper's pressmen.

The nomination of Silbert, currently serving as U.S. attorney under special appointment of the U.S. District Court here, has been pending in Congress for nearly two years, a near-record in recent history.

His nomination was submitted once by President Nixon and twice by President



EARL J. SILBERT

... long fight near end

Ford, most recently last month after it had been allowed to lapse over the August congressional recess at the insistence of Silbert's most outspoken Capitol Hill critic, Sen. John V. Tunney (D-Calif.).

Tunney, who took over as Silbert's chief protagonist when Sen. Sam Ervin (D-N.C.) retired, contended that Silbert was lax in pursuing leads involving top White House officials in the initial stages of the Watergate investigation.

Tunney was joined in his effort to block Silbert's confirmation in the Judiciary

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Senate Votes Confirmation For Silbert

SILBERT. From A1

Committee by Sen. James Abourezk (D-S.D.), who sought unsuccessfully last month to reopen committee hearings on the nomination.

Among Tunney's chief charges against Silbert was that he failed to recognize quickly enough the connection between the Watergate break-in and the "plumbers'" burglary of the office of Daniel Ellsberg's psychiatrist in the Pentagon papers case.

Tunney also contended that a partial transcript of a conversation between President Nixon and H.R. Haldeman indicated that the former president believed Silbert was limiting the investigation.

Vigorously denying both charges, Silbert said he acted as swiftly as reasonably would be expected in establishing the Watergate-Pentagon papers link, contending that his role was crucial in winning a mistrial in the Ellsberg case and unveiling the Watergate cover-up.

As for the Nixon-Haldeman conversation, he pointed to another tape in which Mr. Nixon and his aides indicated they felt Silbert was "over-zealous" in pursuing investigation of top White House officials.

In addition to unyielding support from the White House, Silbert had drawn endorsements from the organized legal profession in the District, from judges of the U.S. District Court here and from his two successors as Watergate prosecutor, Archibald Cox and Leon Jaworski.

Silbert is held in very high regard by the 150 assistant U.S. attorneys he supervises.