

Senate Panel Acts to Allow All To Study FBI's Watergate Files

By Lawrence Meyer

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The Senate select committee probing the Watergate bugging voted yesterday to ask Attorney General-designate Elliot L. Richardson to make FBI files in the case available to all members of the committee.

The committee decision challenges a ruling, made in mid-March by outgoing Attorney General Richard G. Kleindienst under orders from the White House, to limit access to the files.

The committee met for about two hours yesterday, reaching few other firm decisions apparently, other than to unanimously reaffirm its intention to begin the hearings May 15 or one or two days later.

In other related developments:

- Former deputy Nixon campaign manager Jeb Stuart Magruder testified for about two hours before the grand jury yesterday for the first time since the inquiry was reopened March 26, according to reliable sources. Magruder said after the session that he did not invoke the Fifth Amendment.

- Former White House aides H. R. Haldeman and John D. Ehrlichman were scheduled today to talk to federal prosecutors and possibly testify before the grand jury. The two former aides are also scheduled to talk to members of the select committee staff Friday, according to informed sources.

- E. Howard Hunt Jr., one of the convicted Watergate conspirators who already has testified before the grand jury in its revived investigation, appeared again yesterday before the grand jury. Since his last appearance, Hunt has been accused of participating, along with convicted coconspirator G. Gordon Liddy, in the reported burglary of the office the psychiatrist for Daniel Ellsberg, one of the defendants in the Pentagon Papers trial.

On March 16, it was announced that the Nixon administration and the Senate select committee, chaired by

Sen. Sam J. Ervin Jr. (D-N.C.), had reached agreement over who should have access to FBI files. Under the agreement, Ervin, ranking minority committee member Sen. Howard Baker (R-Tenn.), majority counsel Sam Dash and minority counsel Fred Thompson were to have access to the files.

Other committee members, principally Sens. Lowell P. Weicker Jr. (R-Conn.) and Daniel K. Inouye (D-Hawaii), complained that their ability to participate in the investigation was being hampered by the agreement.

Following the two-hour committee meeting yesterday, Ervin and Baker held a brief press conference. Baker, in response to a reporter's question, said he was "in avowed pursuit of getting all the facts and I exclude no one from that investigation."

Ervin outlines the scope of the hearings, which he said will proceed in three phases. The first phase will cover the burglary and bugging of the Democratic National Committee's Watergate headquarters, the second phase will cover election campaign sabotage and the third phase will deal with campaign funds. Baker said he expected that some "overlap" might occur in the hearings.

Ervin said the committee had made no decision regarding granting immunity to prospective witnesses, although he said the "general subject" was discussed. He added, "Until we have an exact idea of the list of witnesses we can get with and

without it, it is impossible for us to make a judgment."

Former White House counsel John W. Dean III, who was fired by President Nixon on Monday, has not been interviewed by the staff yet, Ervin said. The subject of immunity for Dean was not discussed at the meeting, Ervin said.

Asked about looking into the possible link between the Pentagon Papers and Hunt and Liddy, Ervin said the "committee is not authorized to investigate on the Pentagon Papers. I don't believe it would have the authority as an independent body."

Baker said the committee

is "not taking into account what actions the U.S. attorney's office or anyone else is taking," in answer to a reporter's question. "This committee is not in a race with the U.S. attorney's office or the grand jury. We're not trying to get witnesses before they're indicted or go before the grand jury."