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Ervin Unit Is Seeking Wider Role

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Far from acceding to the request of special prosecutor Archibald Cox that televised Senate hearings on the Watergate affair be suspended or restricted, Sen. Sam J. Ervin Jr. (D-N.C.), chairman of the select Watergate committee, has drafted a resolution expanding the scope of the panel's mandate.

The resolution, which Ervin may place before the Senate today, would authorize the committee to investigate actions taken by the White House and others in the executive branch during the Nixon administration in the name of "national security" and "internal security."

As drafted by Ervin and his staff, the resolution proposes an investigation of activities "including, but not limited to" the 1971 burglary by a team reporting to the White House at the office of a Los Angeles psychiatrist who treated Pentagon Papers trial defendant Daniel Ellsberg.

Sources close to the Ervin committee said that language could be interpreted as extending to administration investigative techniques in other politically sensitive cases, such as the Harrisburg, Pa., trial of the Rev. Philip Berrigan and other Catholic antiwar militants.

Meanwhile yesterday, the Senate committee filed a strong opposition to a request by special prosecutor Cox that some of the hearings now under way be conducted in private.

In the long run, the resolution could lead to a probe by the select committee of what used to be the Internal Security Division of the Justice Department and of the administration's 1970 plans to expand government-wide "domestic intelligence" activities.

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In effect, it would expand the Ervin committee's mandate to keep pace with the responsibilities given Cox by Attorney General Elliot L. Richardson.

Ervin's move, while it will

probably have bipartisan support within the select committee, may draw the ire of Cox, Richardson, the White House and some Republican leaders in the Senate.

In the original resolution creating the select committee, adopted by the Senate 77 to 0 last Feb. 7, the panel was authorized:

"To conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting either individually or in combination with others, in the presidential election of 1972, or in any related campaign or canvass conducted by or in behalf of any person seeking nomination or election as the candidate of any political party for the office of President of the United States in such election, and to determine whether in its judgment any occurrences which may be revealed by the investigation and study indicate the necessity or desirability of the enactment of new congressional legislation to safeguard the electoral process by which the President of the United States is chosen."

The resolution specifically directed the committee's attention to such issues as wiretapping and bugging of the Democratic National Committee headquarters in the Watergate and noncompliance by election committees with laws concerning the reporting of campaign finances.

Senate Republican Leader Hugh Scott of Pennsylvania warned at the time that the inquiry could become an "inquisition into rumor and substance and lack of substance."

But the original authorization for the select committee came months before other sensational disclosures, including revelation of the Ellsberg burglary and of the Nixon administration's efforts to expand the collection of domestic intelligence on behalf of "national security."

Several members of the committee and its staff have assumed that it was already empowered to investigate the burglary at Ellsberg's psychiatrist's office, since it involved some of the same figures as the Watergate break-in, including convicted conspirators E. Howard Hunt Jr., G. Gordon Liddy and Bernard L. Barker.

A spokesman for Sen. Howard H. Baker Jr. (R-

Tenn.), the ranking minority member of the committee, said that he holds that view.

An aide to Ervin said, however, that the chairman is eager to have the select committee's mandate spelled out, so that it will be "as crystal clear as the blue sky on a clear day in North Carolina."

Sen. Lowell P. Weicker Jr., also a member of the committee, "would welcome" an amendment clarifying the panel's assignments, according to one of his assistants.

Ervin has apparently shown his draft to a few, but not all, of his fellow committee members. One Senate source said that the chairman had been "carrying it around in his pocket for about two weeks," but had been "too busy" until now to propose its formal adoption by either the committee or the full Senate.

If adopted, the new resolution could mean that the committee's term of service must be extended beyond its present expiration date of Feb. 28, 1974.

There has already been speculation that the committee may need an extension of time beyond that date, just to complete its probe of issues originally agreed upon as being within its jurisdiction.

The current series of public hearings is expected to extend into July, with a new phase to begin in the fall after a congressional recess for the month of August.

Ervin's new move comes in the midst of, and may

have been partially fueled by, an angry debate between the Senate committee and the special prosecutor's office over whether the televised hearings will interfere with future criminal cases growing out of the Watergate investigation.

After failing to persuade Ervin to suspend the hearings voluntarily, Cox asked the U. S. District Court here on Wednesday to request an order that the testimony of two key witnesses—former White House counsel John W. Dean III and Jeb Stuart Magruder, former deputy director of President Nixon's 1972 re-election campaign—be kept off television as a precondition to any grant of immunity from prosecution.

Chief U. S. District Court Judge John J. Sirica had solicited the views of both the Justice Department and the Senate committee on whether a grant of immunity is automatic under the law upon the committee's request.

Cox argued that unless news coverage of Dean's and Magruder's Senate testimony were restricted, the result "may well be the award of complete amnesty to these witnesses and all those who acted in concert with them."

The Ervin committee, in a written brief filed with the court yesterday, accused the special prosecutor of a "bold attempt to employ the immunity statute to impose on this committee his own views as to the proper conduct of congressional hearings."

By asking the court to restrict the hearings, Cox has raised "serious constitutional problems of separation of powers" among the three branches of government, the committee contended.

"We submit that, because we are a committee of a separate branch of government, the responsibility for determining how we run our business rests with us rather than the special prosecutor," said the brief.

"It is our view," the committee added, "that we would be unpardonably remiss if, in this time of national emergency, we did not push forward to full revelation of the facts." The effects of pretrial publicity are minimized, the committee suggested, by the fact that further Watergate trials are probably "six months to a year away."

Sirica has scheduled a hearing on the dispute for 10 a.m. today.