

Ervin Eyes Justice Dept.

Washington

Senator Sam J. Ervin Jr. (Dem-N.C.), called yesterday for an investigation by the Senate Judiciary Committee of the Justice Department's handling of the Watergate break-in case.

If this is not done, Ervin said, he will not be able to vote to confirm President Nixon's nomination of Earl J. Silbert, the original government prosecutor in the case, to be U.S. attorney here.

Senator John V. Tunney (Dem-Calif.), said he agreed

that a thorough investigation should be conducted.

Ervin's and Tunney's comments were made just before the committee heard testimony by the first opponents of Silbert's nomination. They were the only committee members present.

Robert S. Vance, president of the Association of State Democratic Chairmen, said that Silbert's actions as the chief prosecutor of the June 1972 Watergate break-in case "could hardly have been of more assistance to

the coverup operation."

Ervin, who is chairman of the Senate's special Watergate investigating committee, said he knew of nothing derogatory about Silbert and had formed no judgment on whether he should be confirmed.

Silbert testified last week that he had tried his best to bring out the whole story but had encountered lies, half-truths, the withholding of information and other roadblocks.

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