

Probe Urged of Silbert Orders

By Stephen Green

Washington Post Staff Writer

Sen. Sam J. Ervin Jr. (D-N.C.) asked the Senate Judiciary Committee yesterday to conduct an "in depth" investigation of the Justice Department's handling of Watergate before acting on the nomination of Earl J. Silbert to become U.S. attorney for the District.

"Silbert should have known that Gordon Liddy had been paid a large sum of money traceable to the Committee for the Re-election of the President and that Jeb Stuart Magruder tried to get Hugh Sloan to commit perjury. But no one of consequence at the Committee for Re-election of the President was indicted by the grand jury investigating the break-in," Ervin told the Judiciary Committee.

Ervin is chairman of the Senate Watergate committee as well as a member of the Judiciary Committee that is holding hearings on the nomination of Silbert by President Nixon.

"This throws a whole new complexion on the hearings," said Sen. John V. Tunney (D-Calif.), a member of the Judiciary Committee. Until yesterday, committee sources had said they expected Silbert to be confirmed easily by the Senate.

Tunney, who said he supports Ervin's proposal for the investigation of the Justice Department, stated that he expects Silbert to be recalled as a witness before the committee and that there will be no action on the

nomination for "some time." Silbert can serve indefinitely until there is action on his nomination.

Silbert, who had testified in two days of earlier hearings on his nomination, was not present yesterday.

Ervin had not told other Judiciary Committee members of his feelings on the matter until yesterday and Tunney said there is no way of knowing now whether the committee will approve the investigation request.

Sen. James Eastland (D-Miss.), chairman of the Judiciary Committee, said he had no immediate opinion on Ervin's request. "I can't comment on anything I don't know anything about," he said.

Ervin stated that "if there is not an investigation by the Committee, I cannot cast my vote for the nominee."

Silbert was the assistant U.S. attorney who obtained indictments of the original seven Watergate defendants from a grand jury on Sept. 25, 1972.

Ervin suggested that Silbert should have known from testimony by Sloan, treasurer of the re-election committee, that money in possession of the defendants was given to Liddy, himself a defendant by John Mitchell and Maurice Stans. Mitchell resigned as U.S. Attorney General to head Mr. Nixon's campaign and Stans resigned as Secretary of Commerce to serve as finance chairman of the campaign.

Testimony before the court and Senate, Ervin said, showed that Magruder, deputy director of the re-election committee, asked Sloan to lie about his knowledge of the money.

Silbert, in his earlier appearances before the Committee, denied that he had done anything to cover up any involvement of high officials or to delay indictments.

"Let's see what evidence was in the hands of the Department of Justice before

indictments were returned on Sept. 15," Ervin told the Committee. "Those who are charged with enforcing the laws of this country should be like Caesar's wife, above suspicion," he said.

The only witness to appear before the Committee yesterday was Robert S. Vance of Alabama, president of the Association of State Democratic Chairmen. He asked that Silbert's nomination be rejected.

"It is not necessary that we challenge Mr. Silbert's honesty or purpose or good faith," Vance said. "Whatever his reasons, his course of conduct had the unquestioned effect of keeping the lid on until after the November elections."

Vance's lawyer, Charles Morgan Jr. of the American Civil Liberties Union, said that Silbert should have refused to obey orders from higher Justice Department officials not to bring some administration officials before a grand jury for questioning.