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# Ervin Seeks Watergate Report Delay

By Henry Eichel

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CHARLOTTE, N.C., May 12 — Sen. Sam J. Ervin Jr. (D-N.C.) said today he thinks the long-awaited report of his Senate Watergate committee should be delayed until impeachment proceedings against President Nixon are over.

In a news conference here, Ervin also said that Assistant Attorney General Henry E. Petersen—the man originally in charge of investigating the Watergate break-in—acted in a "highly improper" and possibly illegal manner.

The report of Ervin's Watergate committee is due May 28, but Ervin said today:

"I wouldn't want the report to come out at a time when the House had the question under consideration whether articles of impeachment should be preferred against the President, or when the Senate is sitting as a jury in a case such as when articles of impeachment are preferred."

Ervin added that he would also like to see the report delayed because the committee is presently in court in an attempt to obtain five tape recordings that the White House has so far refused to turn over.

"I expect to ask the committee to consider the question of whether we ought to ask (the Senate) for further extensions of time to file the report," Ervin said.

Ervin was in Charlotte to receive an honorary doctor of laws degree from the University of North Carolina here.

On the subject of Petersen, Ervin noted that the transcripts of White House conversations released earlier this month by President Nixon show that in the fall of 1972 Petersen was relaying information to the White House

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about grand jury proceedings in the Watergate case.

It is a crime to reveal what goes on before a grand jury.

"The only conclusion that you can make is that this information helped to sort of frustrate the work of the grand jury," Ervin said.

Asked what action could be taken against Petersen, Ervin said, "I'd rather not express an opinion as to what action could be taken in respect to obstruction of justice—but of course all civil officers of the United States are subject to impeachment."

Last week, Ervin said that the nomination of Earl J. Silbert to be U.S. attorney for the District of Columbia should be held up until the Senate Judiciary Committee has a chance to investigate the Justice Department's handling of Watergate. Silbert is the former Justice Department Watergate prosecutor.

Judiciary Committee Chairman James O. Eastland (D-Miss.) agreed with Ervin, saying that Petersen, former Attorney General Richard G. Kleindienst and "whoever else Sam wants" will be called to testify.

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