

Ervin Asks Copy Of Silbert Memo

Washington

Senator Sam Ervin said yesterday the Senate Judiciary Committee should seek a memorandum written by Earl J. Silbert, the first Watergate prosecutor, shortly before the original seven Watergate defendants were indicted.

In a letter to Committee Chairman James O. Eastland (Dem.-Miss.), Ervin said he regarded the memo as important in evaluating Silbert's handling of the prosecution and in passing on his nomination to be the U.S. attorney for the District of Columbia.

Assistant Attorney General Henry E. Petersen has testified Silbert's prosecutorial memorandum showed an intent to proceed with a second phase of the investigation once the original defendants were convicted and sentenced.

Petersen and Silbert both have testified that they

planned to try to get the additional information by immunizing the original Watergate defendants after their convictions and bringing them before a reconvened grand jury.

But Ervin has protested that, after the original indictments on Sept. 15, 1972, the indications were that further investigation of the break-in and bugging at the Democratic headquarters was being dropped.

Senator John V. Tunney (Dem.-Calif.), said the committee should have the prosecutorial memorandum, and notes Silbert made while handling the case and a status report he submitted on June 7, 1973, to former Special Prosecutor Archibald Cox.

Senator Roman L. Hruska (Rep.-Neb.) said it was time for the committee to approve the Silbert nomination unanimously.

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