

NEW INQUIRY DUE FOR WATERGATE 7

U.S. Prosecutor Says Grand Jury Will Study Possible High-Level Involvement

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WASHINGTON, Feb. 8—The Federal prosecutor in the Watergate case said today that all seven defendants would be ordered to appear before a grand jury in an attempt to "explore every conceivable avenue" of possible high-level involvement.

Thus far, however, he added, the Government has been unable to develop any "hard evidence" implicating any other public official in the case.

In an interview, Earl J. Silbert, the principal assistant United States attorney who prosecuted the case, said that special attention would be paid to G. Gordon Liddy, described by the Government as the leader of the political intelligence operation that led to the bugging attempt on the Democratic national headquarters last year.

"Liddy will be asked every question that we can think of that will relate directly or indirectly to his involvement in the Watergate case," Mr. Silbert said.

He said that the grand jury would be reconvened immediately after the sentencing of the seven defendants. Other sources

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said that the sentencing was not expected until early March.

Mr. Silbert added that he planned to call only the defendants before the grand jury but would broaden the investigation if their testimony proved fruitful.

The interview, his first since the trial ended 10 days ago, came amid criticism over what some have called the prosecution's failure to investigate fully whether higher-ups in the

Nixon Administration were involved in the affair.

Judge Not Satisfied

During the trial, which ended with the conviction of two defendants after five others pleaded guilty, Judge John J. Sirica repeatedly expressed dissatisfaction with the prosecution's limited questioning of some witnesses who were Mr. Liddy's colleagues at the committee for the re-election of the President.

Mr. Sirica, chief judge of the United States District Court here, charged after the verdict that the trial had failed to get to the bottom of the case.

"I have not been satisfied, and I am still not satisfied, that all of the pertinent facts that might be available have been produced before an American jury," he said.

Meanwhile, Republican members of the Senate today named Senators Howard H. Baker Jr. of Tennessee, Edward J. Gurney of Florida and Lowell P. Weicker Jr. of Connecticut to the Senate's special committee to investigate the Watergate bugging case and the separate political espionage and sabotage allegedly conducted by Donald H. Segretti on behalf of White House officials.

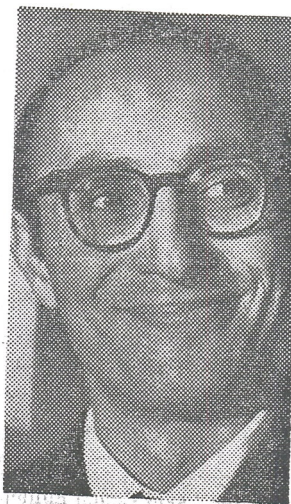
The Senate voted 77 to 0 yesterday to set up a seven-man Watergate inquiry panel led by four Democrats. "The Republicans have at least as much to gain in this investigation as the Democrats do," Mr. Baker told a reporter after his selection was announced.

Democrats Are Named

The Democrats will be led by Senator Sam J. Ervin Jr. of North Carolina, chairman of the select subcommittee. The other majority members, announced today, will be Daniel K. Inouye of Hawaii, Joseph M. Montoya of New Mexico and Herman E. Talmadge of Georgia.

In another development, John D. Ehrlichman, President Nixon's assistant for domestic affairs, confirmed today that he had received word of possible White House involvement in the Watergate break-in within a day or two of the burglary last June 17.

Mr. Ehrlichman's statement did not reveal who provided the information, which came before the first public hint of a White House link. "This is a routine kind of thing that is done if members of the White House staff are arrested or in trouble,"



Associated Press

Earl J. Silbert, prosecutor
in Watergate case.

Mr. Ehrlichman said. "We get a routine notification."

Word of the advance warning to the White House was contained in a deposition made by Charles W. Colson, a White House special counsel, in connection with a civil suit filed by the Democrats against the Republicans after the Watergate arrests. The deposition was released to the public Tuesday night.

In the interview, Mr. Silbert, 36 years old, a 1960 graduate of Harvard Law School, said that the prosecution's reasoning in the Watergate case had been based, in part, on an old cliché: "A bird in the hand is worth two in the bush."

F.B.I. Inquiry Cited

He explained that he and his colleagues had decided to press the case against the seven men — five of whom were caught inside the Democratic headquarters — after concluding that the Federal Bureau of Investigation had found "no hard evidence to indicate the involvement of others."

Neither Liddy nor E. Howard Hunt Jr., the other defendant who was said to have played a key role in the intelligence operation, would cooperate with the prosecution, Mr. Silbert said.

Some critics have charged that the two men should have been granted immunity to facilitate their testimony before the Federal grand jury. But Mr. Silbert said that that had been ruled out because of recent Supreme Court decisions stating that any evidence against a possible defendant cannot come from or appear to be developed from leads given to a grand jury after such grants of immunity to a po-

tential defendant.

"We made the judgment to prosecute and convict them first," Mr. Silbert said. "Then it's a matter of record."

He explained that even if a new trial were ordered by a higher court in the Watergate case, the Government could still use all of the testimony given against Liddy and Hunt. But if the men had been allowed to appear first before the grand jury and granted im-

munity, Mr. Silbert said, "There would have been long series of hearings to satisfy the court [in their trial] that what we wanted to use against them did not come from what they said in the grand jury."

"We might have been ready to take this risk," the prosecutor added, "if we had had very strong evidence to indicate that there were other people involved. Our feeling was that if we lost Liddy and Hunt, we would come out with egg on our faces."

Another concern, he said, was the possibility that the defendants, even if granted immunity, would refuse to testify before the grand jury and thus risk contempt proceedings. The defendants thus far have refused to discuss their activities with Federal investigators.

Other Government sources said that the defendants may decide to cooperate after sentencing, in the belief that their cooperation would help result in reduced prison terms.

Mr. Silbert noted that pending any further information—the reconvened grand jury would not consider any aspects of the alleged spying and sabotage operations since the Justice Department has determined, based on available evidence, that Mr. Segretti's reported activities violated no laws.

The New York Times reported today that Dwight L. Chapin, a former White House aide, has told the F.B.I. that he was involved in financing some aspect of Mr. Segretti's operations. Mr. Chapin, who resigned last week, was said to have directed Herbert W. Kalmbach, President Nixon's personal attorney, to make cash payments to Mr. Segretti.