

COX BIDS SENATORS DELAY HEARINGS, ERVIN REFUSES; TESTIMONY GOES ON TODAY

OFFICIALS AT ODDS

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Prosecutor Is Fearful Publicity Could Aid Guilty to Go Free

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Archibald Cox, the special prosecutor in the Watergate investigation, asked the select Senate committee today for a delay of one to three months in its hearings in the matter.

Mr. Cox called the case "enormously complex" and said

Texts of the letter by Cox and Ervin's reply, Page 26.

there was a "grave danger" that the guilty might go unpunished and the full facts be lost if the public hearings continued.

Senator Sam J. Ervin Jr., Democrat of North Carolina who is chairman of the committee, quickly rejected the request.

"For all practical intentions and purposes," Senator Ervin said in a 300-word statement, such a postponement would "put the committee out of business." He said it would only further delay a case that has already been under investigation for almost a year.

Hearings Resume Today

The committee went ahead with plans to resume its televised hearings at 10 A.M. tomorrow. They will be shown over the National Broadcasting Company's network. Mr. Cox's request to Senator Ervin will be discussed by the committee when it meets at 9 A.M. in executive session.

With at least three of the other six members of the committee announcing their support of the chairman, a majority was thus lined up to continue the hearings.

Mr. Cox, who was appointed head of the criminal investigation into the Watergate case 11 days ago, urged the Senate committee in strong terms to suspend the hearings "at least temporarily."

Gives Four Reasons

"The continuation of hearings at this time would create grave danger that the full facts about the Watergate case and related matters will never come to light and that many of those who are guilty of serious wrongdoing will never be brought to justice," he said.

The warning came in a letter today to Mr. Ervin that followed informal meetings Wednesday and Saturday.

Mr. Cox cited the following four major reasons for delaying the hearings:

"Immediate public hearings will impede investigation. They

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make it impossible to get at the truth from bottom to top."

"Public hearings prior to the investigation will increase the risk that major guilty parties will go unpunished. Quite possibly all would go free."

"Both the Senate committee and the special prosecutor should preserve, for the present, freedom to bring out at one time and in a comprehensive presentation all the facts concerning the President of the United States."

"Even the most careful public hearing may injure the innocent."

Senator Ervin stressed the need to bring before the American public "as speedily as possible" the entire story of the break-in and bugging at Democratic National Committee headquarters in the Watergate complex in June, 1972, and of any involvement in it by top officials of the Government.

He said Watergate had cast a "dark cloud" over the land and that "government has come to a virtual standstill" because of it.

"The people of this land are entitled to know the truth without further delay and are entitled to have their Government resume its operations in a manner to promote their in-

terest," he said.

Warns of Further Delay

He also argued that to delay now would bring even further delays after indictments were handed down by the grand jury and the figures involved awaited their trials.

Mr. Cox pointed out that the committee had already forced an independent investigation of the Watergate affair and events surrounding the 1972 Presidential elections. Now, he argued, he needs time to develop the case fully.

"I realize that this is a very trying request to put to the select committee because granting it might give rise to unwarranted charges that the committee was delayed or diverted in bringing out the truth," Mr. Cox wrote.

"It is an even ore difficult request for me to make because there will be false charges that I am attempting to cover up the truth."

"Only the conviction that the above points have critical importance induces me to write this letter."

At a news conference today and in his letter, Mr. Cox stated that the investigation was "not undertaken with adequate resources, material and numbers of people."

Kleindienst Differed

That statement conflicted with one made last Sept. 21 by Richard G. Kleindienst, who was Attorney General during the first phase of the Watergate investigation. In an interview on that date, Mr. Kleindienst said:

"I think the investigation that has just concluded itself has probably been one of the most intensive that the Department of Justice and the

F.B.I. has ever been involved in. Some 1,500 persons were interviewed, 1,800 leads were followed, 333 agents were involved, 14,000 man-hours, 51 of 59 F.B.I. field offices were involved."

Mr. Kleindienst, reached by telephone today at the Burning Tree Country Club, repeated the assertion once again, ticking off the same figures.

Among matters needing more extensive investigation, Mr. Cox said, are the alleged political sabotage by Donald H. Segretti, the burglary of the office of Daniel Ellsberg's former psychiatrist, more accurate information on the F.B.I.'s previous investigation of Watergate and the sending of cam-

paign funds to Mexico to conceal their source.

No Court Plans

Mr. Cox was asked if he would go to court to stop the Senate hearings.

He replied that it was a course he never "seriously considered." He said he had no plans on what he might do next.

"I'm an optimist," he said, in hoping he would be granted his requested delay. "I'm also convinced that I'm right."

The question of postponing the hearings had been in the air for five days and Mr. Cox is known to have been deeply concerned about it since his appointment.

He said last Wednesday that the matter was under discussion but denied reports that he would ask that the hearings be canceled.

In his letter to Senator Ervin he stated: "I am not suggesting that the hearings now be called off. I am urging that the special prosecutor be given time to assess this enormously complex case and to advise the select committee about the consequences of the appearance of particular witnesses at televised hearings."

Mr. Cox raised no objections, at least publicly, to other Congressional hearings that have been underway in the Watergate matter. The televised aspects of Senator Ervin's hearings drew his attention.

Sees Prejudicial Publicity

The additional publicity of televised hearings, he said in his letter, increases the chance of prejudicial pretrial publicity. Because such publicity reduces the likelihood of heavy prison sentences, he said, the pressure on a witness is less and his compunction to tell the truth is lowered.

The hearings also lay the story out before the public and put a great deal of information in the hands of "anyone disposed to fabricate explanations," he said.

"Witnesses torn between conscience, on the one hand, and awe of office or loyalty to superiors, on the other, are likely to be more willing to give information to the special prosecutor than to make full disclosure in front of television cameras."

Most of the Senators on the committee supported Senator Ervin's position.

Senator Herman E. Talmadge, Democrat of Georgia, commented, "it seems to me that Mr. Cox would be well advised to carry out his responsibilities without advising the Senate how to carry out theirs."

Senators Joseph M. Montoya, Democrat of New Mexico, and Lowell P. Weicker Jr., Republican of Connecticut, also supported Senator Ervin.

"I cannot conceive of Congress becoming a subsidiary for Mr. Cox by bending to his will, well-meaning as it might be," Senator Montoya said.

Senators Howard H. Baker, Republican of Tennessee, Ed-

ward J. Gurney, Republican of Florida, and Daniel K. Inouye, Democrat of Hawaii, all reserved comment until tomorrow's meeting, though Mr. Baker and Mr. Inouye said they were inclined to support Senator Ervin.