

Ervin Criticizes Delaying Trial Until '73

By WILLIAM ROBBINS
Special to The New York Times

WASHINGTON, May 20 — any cover-up of anything at Senator Sam J. Ervin Jr., chairman of the select Senate committee investigating the Watergate affair, criticized today the Justice Department's handling of the case, saying he believed that "five men caught red-handed in actual burglary" should have been tried before the 1972 election. The trial was held this year.

Senator Ervin, a Democrat of North Carolina, also indicated, in a television interview, resentment over the Attorney General's decision not to grant immunity to expedite testimony by John W. Dean 3d, the former White House counsel, and Jeb Stuart Magruder, another former White House aide.

Other developments surrounding the Watergate case and related espionage and campaign tampering today included the following:

¶ H. R. Haldeman, the former White House chief of staff, asserted in an interview with C.B.S.-News that the President had played no role whatever in the Watergate cover-up. He said, "I can flatly say that the President was not involved in

any cover-up of anything at any time."

¶ John W. Gardner, chairman of Common Cause, a public interest lobby, opposed President Nixon's proposal for a study commission to seek reforms, saying that it would be a "mortuary for action proposals."

¶ Archibald Cox, the Harvard law professor who has been appointed the special prosecutor in the Watergate case, told United Press International that he had no present plans to seek an interview with President Nixon.

¶ A Time magazine poll report said that a majority of Americans now refuse to believe President Nixon's denials that he knew of a Watergate cover-up and that they are about evenly divided on whether he had approved the operation in advance.

¶ The magazine also said, quoting an unidentified Justice Department official, that L. Patrick Gray 3d, the former acting director of the Federal Bureau of Investigation, had hidden in his safe evidence that would have quickly connected two sen-



John W. Gardner yesterday

NEWS INDEX

	Page		Page
Art	40	Music	40-43
Books	31	Obituaries	36
Bridge	30	Op-Ed	33
Business	49-54	Society	40
Crossword	31	Sports	44-48
Editorials	32	Theaters	40-43
Family/Style	38-39	Transportation	66
Financial	49-54	TV and Radio	67
Going Out Guide	42	U.N. Proceedings	10
Movies	40-43	Weather	66

News Summary and Index, Page 38

NYT
5-21-73

Continued From Page 1, Col. 7
tenced Watergate conspirators, G. Gordon Liddy and E. Howard Hunt Jr., with aliases that had been used in preparations for the break-in.

Both Mr. Dean and Mr. Magruder have been linked to a cover-up of the break-in and bugging of the Democratic National Committee headquarters at the Watergate complex.

"If they haven't accumulated enough evidence to convict these two parties in this time, why I think there is something very sadly wrong in the investigatory arm of the Government," Senator Ervin said.

Mr. Ervin also said that his committee should follow "wherever the evidence in this case may lead it," but said that thus far the committee had received "no competent evidence" to connect President Nixon to the case.

The hearing will resume Tuesday at 10 A.M. with James W. McCord Jr., a convicted Watergate conspirator and burglar, scheduled to continue his testimony.

Senator Ervin, in answer to a question on the A.B.C. "Issues and Answers" television program, said that he had no plans "at this time" to solicit a statement from President Nixon on the Watergate case.

Pressed to explain, Mr. Ervin said, "Well, thus far in the evi-

dence we have received no competent evidence to connect the President with it. All the evidence received was hearsay."

In all his responses to questions, Mr. Ervin appeared to be attempting carefully, as he had in the hearings last week, to point out the distinction between evidence that would be admissible in a court and what could be heard in a Congressional proceeding, which has essentially a fact-finding and legislative mission.

He was also careful to avoid an appearance of prejudging the case.

But he described as an impressive witness McCord, who told the committee Friday of offers of executive clemency, purportedly from "the very highest level."

"I was very much impressed by Mr. McCord as a witness," Senator Ervin said. "He seemed to be very calm and deliberate."

Mr. Gardner also called for the resignation of Representative Wayne L. Hays, Democrat of Ohio, as chairman of the Democratic Congressional Campaign Committee. Mr. Gardner was interviewed on the C.B.S. "Face the Nation" television program.

Mr. Gardner pointed out that Mr. Hays is also chairman of the House Administration Committee, which has jurisdiction over campaign reform. Mr. Gardner said this was like "sending the fox to guard the chickens."

The Time magazine report on

Mr. Gray said that the Central Intelligence Agency had given him details of the disguises, aliases and false identification papers that it had supplied to Hunt and Liddy for their investigation of the release of the Pentagon papers.

Those false names — Edward Hamilton and George Leonard — had appeared on the Watergate hotel register.

Time said that Mr. Gray had known the identity of the men using the aliases even while F.B.I. agents were tediously trying to establish it.

"The C.I.A. documents were marked top secret, so Gray locked them up," the magazine said. "They were found by F.B.I. officials in Gray's safe after he resigned on April 27."

Mitchell and Stans to Plead

Former Attorney General John N. Mitchell and former Commerce Secretary Maurice H. Stans are scheduled to plead today to charges of perjury and conspiracy in an alleged scheme to influence a Federal investigation of a major contributor to President Nixon's campaign last year according to United Press International. Harry L. Sears, a leading New Jersey Republican, is also scheduled to make his plea.

The fourth defendant, Robert L. Vesco, a financier, has been living out of the country in recent months and is not expected to show up for his arraignment.