

Super Bowl, Shout by a 'Candidate' And Conan Doyle Enliven Hearings

By JAMES M. NAUGHTON

Special to The New York Times
WASHINGTON, May 24—

At times today, the Senate's investigation into the Watergate conspiracy seemed more like a seminar at an American Bar Association convention.

The seven members of the Senate Select Committee on Presidential Campaign Activities spent more than two hours examining a lawyer's defense of his client. The two senior members of the panel wrangled over whether the use of lie detectors constituted "20th-century witchcraft."

The committee dalled over details and doubted answers. It jabbed at witnesses and joked with them. There was little of the high drama that characterized four earlier days of televised hearings, but more than enough humor, sharp interrogation and legalizing as the investigation settled into something of a pattern.

The Ervin Image

Senator Sam J. Ervin Jr., the North Carolina Democrat who is chairman of the committee, had kept his image as a civil libertarian, wily lawyer and, above all, as a raconteur hidden in a cocoon of caution, but today he took flight.

He denounced those who see "subversives and dissenters and ghosts hiding under the beds and every rosebush." He quoted legal historians and Scripture and, at one point, remarked that if James W. McCord Jr., the convicted conspirator, "wanted to write a book about

Watergate he could make A. Conan DDoDyle turn green with envy.

Political analysts have surmised that the one member of the committee whose future as a national candidate might be enhanced by his appearance before the Watergate hearing's television audience is Howard H. Baker Jr., the Republican from Tennessee.

Senator Baker put on a display of his own talents today, sharply questioning witnesses, exploring inconsistencies, disputing Mr. Ervin's views of polygraph tests and, in his boyish, handsome manner, making the comic most of a straight line.

A Political Football

Bernard I. Barker, a pudgy, respected spy who was one of the Watergate conspirators, kept insisting throughout his appearance at the hearing today that none had pressured him to plead guilty at his trial in January, as McCord had alleged.

"When did you first decide to plead guilty?" Senator Baker inquired.

Mr. Barker, explaining that he did not keep records, recalled that it was "after the Dolphins-Redskins game, as far as I can remember."

The audience burst into gleeful approval of the reference to the Super Bowl game Jan. 14 as the benchmark for the decision. Senator Baker pressed on.

"Do you remember the score, Mr. Barker?" he asked. Said the witness, "13 to 7."

Miami defeated Washington, 14 to 7.

All the same, Senator Baker was not the first Presidential candidate to emerge from the Watergate hearings.

Capitol Hill policemen ejected five spectators from the hearing today, including a 23-year-old man from Yuba City, Calif., who disrupted the session to shout:

"My name is Ed Kelley and I'm announcing my candidacy for President of the United States."

Mr. Kelley repeated his announcement from a semi-horizontal position as the police pulled him past television cameras outside the hearing room.

Essentially, the Senate panel was attempting today to clean up some of the loose ends of its first set of hearings before recessing until June 5.

The Senators heard from Gerald Alch, the lawyer who angrily disputed yesterday the earlier testimony of his former client McCord, from Barker, the "team" leader of a group of Cuban-Americans recruited for the Watergate break-in and other private espionage, and from Alfred C. Baldwin, the athletically handsome former aide to McCord who had been a key Government witness at the Watergate trial.

During a long cross-examination of Mr. Alch about the points of disagreement between his and McCord's account of their relationship, Mr. Alch suggested to Senator Baker that one way to clear up the issues would be for him, McCord and Mc-



The New York Times
Senator Sam J. Ervin Jr., chairman, at the Watergate hearing yesterday. He is a North Carolina Democrat.

Cord' new lawyer, Bernard Fensterwald, to submit to polygraph — or lie-detector tests.

"I happen to have made a study of polygraph tests and I call them 20th-century witchcraft," objected Senator Ervin.

He pressed Mr. Alch, without success, to agree that lie-detector results are inadmissible in nearly all courtrooms because in the Senator's view, they are unreliable.

Discussion Is Sharp

Senator Baker, who has generally been deferential toward the committee's chairman cut in to bolster Mr. Alch's position, saying:

"If we are suddenly going to be bound by the rules of evidence, we have given them only the most glancing pass so far in this hearing.

The sharpness of the legal discussion that preoccupied the committee this morning was evident in other ways. Mr. Baker told Mr. Alch that

he could "admire your recitude" in insisting he had refused to tell McCord whether he should plead guilty but could also "doubt your judgment."

Senator Herman E. Talmadge, Democrat of Georgia, warned as he began interrogating Mr. Alch that all witnesses should be on notice that they might suffer the consequences if they injured themselves.

Senator Daniel K. Inouye, Democrat of Hawaii, implied in his questioning of Mr. Alch that his testimony might have been affected by the fact that the Government indicted F. Lee Bailey, the senior member of Mr. Alch's Boston law firm, only last week.

Senator Joseph M. Montoya, Democrat of New Mexico, flatly told Mr. Alch that McCord, in the Senator's view, had nothing to gain by giving false testimony but that Mr. Alch's professional reputation was at stake.

NYT
5-25-73