

# Senate Watergate Panel: Despite Its Prestige and

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Senator Sam J. Ervin Jr. excused himself briefly from the Watergate hearings one day last week to go off on what the audience presumed was an important mission. It turned out he had to meet with a delegation of constituents representing junior colleges in his home state of North Carolina.

In doing so, the Democratic Senator helped to illustrate the fact that the Senate Select Committee on Presidential Campaign Activities is, after all, merely another committee of Congress.

It has a huge staff, a massive budget, a police guard, its own private auditorium, a daytime television audience rivaling that of "As The World Turns," and a mandate to find the facts about high-level intrigue in the 1972 election campaign, all of which sets this committee apart from dozens of others on Capitol Hill.

### Typical Problems

But it also has overworked aides, bureaucratic maneuvering, internal conflicts, difficulty adhering to its schedule, occasional lapses in its interrogation of witnesses, and based on five

days of investigative hearings, a performance record that establish it as a typical Congressional committee.

For many Americans, the televised Watergate hearings may mark the first opportunity to see a Congressional committee in operation. The conduct of the investigation can be as interesting as the subject.

There is Senator Ervin, the chairman, a wily cross-examiner.

"You have a code of ethics in work of this kind that you do not tell anything on anybody?" he asked Bernard L. Barker, a convicted Watergate conspirator and one-time agent for the Central Intelligence Agency, during the hearings last Thursday.

"That is correct," Barker replied with pride.

"And so," Mr. Ervin went on, turning the screw, "if Mr. E. Howard Hunt [another conspirator] had pressured you into pleading guilty, you could not tell us that under your code of ethics?"

There is Senator Howard H. Baker Jr. of Tennessee, the ranking Republican, who is regarded as a prospective Presidential candidate. He is by turns deferential and disdainful. With an appeal for answers to questions the committee might not think of, he elicited important

new information from one witness. And he wrenched explanations from another witness by repeating, until he was satisfied, one drawled word: "Why?"

There is Senator Herman E. Talmadge, Democrat of Georgia, impatient to get to the highest-ranking witnesses and thus to the root of the matter. His questions are brief and blunt.

"Mr. McCord," he said to James W. McCord Jr., a convicted conspirator in the Watergate case, "you have made some very serious charges implicating the President of the United States probably as an accessory after the fact, the former Attorney General of the United States as probably an accessory before the fact and perhaps guilty of a conspiracy involving the Watergate bugging."

### Anxious to Be Reassured

There is Senator Edward J. Gurney, Republican of Florida, seemingly anxious to be reassured that the President could have been betrayed by his closest aides.

"Would you say it was also a fair thing to say that [John D.] Ehrlichman undertook a great many missions, a good deal of work in the White House, in his duties on his own, on his own independent carrying out?" Senator Gurney asked one witness. "Is that a fair thing to say?"

And there are the three junior members of the panel: Senator Daniel K. Inouye of Hawaii, a Democrat, who startled colleagues by boring in immediately on the star witness, McCord, trying to shake his credibility; Senator Lowell P. Weicker Jr. of Connecticut, a Republican, with his private team of investigators, who appears from his questions to be boring in on the former White House chief of staff, H. R. Haldeman; and Senator Joseph M. Montoya of New Mexico, a Democrat, whose interrogation is usually repetitious.

### Questions Provided

All seven Senators surprised some veteran Washington observers with their crisp, well-prepared questions during the first two days of hearings. Part of the explanation for their early performance was that Sam Dash, the chief counsel to the committee, had provided the Democratic members with pungent and specific questions for the first two sessions.

He stopped doing that later on—although an assistant to Senator Ervin who is not overly fond of Mr. Dash said he was going to "make sure my man gets some good questions"—and the committee fumbled a bit.

No one asked McCord while he was under oath where he had obtained \$100,000 cash

## Mandate, It Is a Typical Congressional Committee

bond. No one asked him the hard questions about why he had telephoned the Chilean and Israeli Embassies, leaving it for other witnesses to suggest that McCord's motive had been to force the Government to disclose that it had wiretaps on the embassies and taint the case against him.

### Questions Not Asked

No one followed up on McCord's testimony that he had been told that an airplane belonging to Howard Hughes, the industrialist-recluse, would be available for a getaway if the Watergate spies undertook a burglary in Las Vegas, Nev. No one asked McCord, an expert at electronic surveillance, if he had any recordings to back up his charge that the White House had offered him executive clemency if he would keep silent.

None of the committee members or lawyers asked John J. Caulfield, the former White House and Treasury Department official who admitted carrying a clemency offer to McCord, to explain his statement that Mr. Ehrlichman wanted to "set up a private security entity"—in effect, a White House private eye—as early as March, 1969, several months before President Nixon said he became concerned about leaks of national security information.

Each of the Senators has in front of him at the hearing a large, black, ring binder. It contains biographies of the witnesses, summaries of statements the witnesses have made to committee staff members, a chronology of the key Watergate events and what are described as "suggested lines of inquiry."

### Limited Portfolios

But several Senators consider the portfolios too limited. For instance, the suggested lines of inquiry for McCord's appearance, which lasted a day and a half, covered barely more than one page and included such vague themes as these:

"Pre-Watergate — superiors and associates."

"Motives."

"Contact with [former Attorney General John N.] Mitchell."

"Why didn't McCord seek corroboration?"

"Did [Alfred C.] Baldwin spy on Congressmen?"

Senators Ervin and Baker, as the senior members, apparently have access to virtually all of the information obtained by the staff that has mushroomed to the extent that it had to set up shop, with portable cubicles, in the auditorium of the New Senate Office Building.

No one has suggested that information be kept from the other Senators, but an assistant to one of them said that "our diffi-

culty is that we don't know what they have so we don't know what to ask for." The committee is in the process of trying to computerize its files, enabling anyone with the right secret entry code to get cross-referenced examples of subterfuge and sabotage at a push of a button.

### Separate Investigation

Republicans on the committees are served by the minority staff under Fred D. Thompson, the minority counsel. Senator Weicker is continuing his own investigation with the staff that he set up several months ago. Their spadework sometimes enables him, as the eighth person to ask questions (after the two counsel and the five more senior Senators) to come up with fresh material.

The Democrats were supposed to provide staff members from their own offices, but Senator Talmadge said he did not have anyone he could spare and the committee assigned Barry Schohet to advise him. Senator Inouye brought in Eyler Ravenholt from his own staff and Senator Montoya detailed Robert Baca from his office.

The Senators consented at the outset to a 10-minute rule, meaning that each of them would have to yield after 10 minutes of questioning a witness and resume again after

every panelist had had a turn. Just as at any other committee meeting on Capitol Hill, the rule was generously disregarded.

### Time Limit Exceeded

Now Mr. Ervin has instructed Rufus J. Edmisten, the deputy counsel, to keep time and slip a note to a Senator who has exceeded the limit. At least one of the Democrats is miffed that he yields when notified but others on the panel do not.

By and large, however, the committee's shakedown cruise—the initial hearings—went remarkably smoothly.

Somebody even figures out how to make it easier for the hundreds of V.I.P. guests, citizens, journalists, staff members and Capitol policemen to go in and out of the caucus room, where the hearings are held, without making a racket.

The Watergate case began almost a year ago, when a night watchman spotted tape over the latches of doors in the Watergate office building during a break-in at the Democratic National Committee headquarters. To facilitate entry to and exit from the caucus room, an alert staff member had placed tape over the latch.

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