

# Ervin, Unhappy at Answers By Stans, Takes Gloves Off

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Sam Ervin was dissatisfied. He thought the Senate Watergate committee's questioning of Maurice H. Stans was a bit too gentle and that the proceeding were dragging—in part, he said privately, because "Mr. Stans' answers are too long."

So the senator from North Carolina came back from lunch yesterday afternoon and took the gloves off.

"It was quite a queer coincidence, was it not," Ervin asked Stans, chairman of the Finance Committee to Re-elect the President, that some records of cash contributions to the 1972 Nixon campaign were destroyed six days after the Watergate break-in, which had been financed from the cash contributions.

"Mr. Chairman, the adjectives are yours," replied Stans. He substituted his own description: it was a "pure and innocent coincidence."

But wasn't it "unwise" to destroy the records, Ervin pressed.

"There were reasons at the time," replied Stans, remembering back to the frenzy of the campaign. "In retrospect we would have saved an awful lot of questions if we had kept them, but we had reasons which we believed were valid and which were based on legal advice that we did not need to keep these records."

That legal advice had come from, among others, the finance committee's general counsel, G. Gordon Liddy. Liddy was later convicted as one of the Watergate conspirators, but at the moment of his advice, Stans reminded Ervin, "there was no reason to suspect him in any way, and he was doing a good job as counsel."

One of the reasons for destroying the records, Stans explained, was that "we were seeking to protect the privacy, the confidentiality of the contributions on behalf of the contributors."

Ervin was incredulous, and his eyebrows began jumping even faster than usual.

"Mr. Stans," the chairman asked, "was it the attitude of your committee and your attitude that the American people are not entitled to know who is making political contributions to influence the election of the President of the United States?"

Growing angry himself, Stans called Ervin's attention to the fact that the Corrupt Practices Act, which governed the reporting of campaign financing until April 7, 1972, did not have any record-keeping requirements for preconvention fund-raising.

"It was the Congress of the United States in 1925

[when the act was passed] that gave the option to a contributor to remain anonymous," Stans said. "We had no right to give away his anonymity."

"Well, Mr. Stans," shot back Ervin, "do you not think that men who have been honored by the American people as you have ought to have their course of action guided by ethical principles which are superior to the minimum requirements of the criminal laws?"

The way Stans saw it, he explained, is that "we have to balance one ethical principle against another, the right of privacy of an individual as against the right of the public to know."

Try though he might, the earnest Stans got into deeper and deeper difficulty with the impatient Ervin.

"Didn't you feel some obligation" to contributors, the senator asked, "to take an interest in what was happening to the money they contributed?"

"I think they had every right to assume that I would not do anything in contravention of the law," Stans answered. But he went on to say again that, the division of Nixon campaign responsibilities being what it was, he was simply never made aware of how Liddy and others were spending the tens of thousands of dollars in cash they received.

One disbursement that Stans was able to reconstruct was \$50,000 given to the chairman of a dinner in honor of Vice President Spiro T. Agnew to "mix it into the receipts . . . to make it look more successful than it apparently was."

"In other words," said Ervin, "they wanted to practice a deception on the general public as to the amount of honor that was paid to the Vice President."

The witness drew back in his chair and, with a teasing tone, said, "Mr. Chairman, I am not sure this is the first time that has happened in American politics."

That was the perfect cue for another of the one-liners that have made Ervin the delight of the packed audience at the Watergate hearings: "You know, there has been murder and larceny in every generation, but that hasn't made murder meritorious or larceny legal."

And so it went. The tension broke only after an hour, when the bells rang at 3 p.m. for a vote on the Senate floor.

Before leaving for the trip to the Capitol from the Caucus Room in the Old Senate Office Building, Sen. Edward J. Gurney (R-Fla.) decided to give Ervin a little trouble before the national television audience.

"The American public, I don't think, understands how these hearings are conducted," Gurney said, "and I don't want them to get the impression that the questioning of any senator here is found favorable by other senators. I, for one, have not appreciated the harassment of this witness by the chairman in the questioning that has just finished. I think this Senate committee ought to act in fairness."

"Well," said Ervin with characteristic innocence, "I am sorry that my distinguished friend from Florida does not approve of my method of examining the witness. I am an old country lawyer and I don't know the finer ways to do it. I just have to do it my way."

Gurney's rejoinder was drowned in applause from the audience.

After the senators returned from voting, Ervin got in one more jab at Stans.

"Did it not occur to you," the senator asked, "that as a friend of the President, as one who wished him well and one who was endeavoring to procure his re-election, that you should have talked to the President about [the misuse of campaign funds] and suggested to him that he come out and make it clear that he was going to enforce the law regardless of what happened?"

But Stans again portrayed himself as the uninformed man tending to his own specialized business.

"The President had far more resources than I did," he answered. "It was known that the White House was conscious of the problem. I had no knowledge that was not common knowledge at the time. I had nothing to tell the President that would have been unusual."

Was there no "suspicion that maybe something was rotten in the Committee to Re-elect the President?" Ervin asked.

"All I can say is that I saw no reason for my going any farther with the President," Stans replied after a little more jousting.

The former Secretary of Commerce had an easier time for the rest of the day, and the senators permitted him to resume his alternating expressions of dismay and sincerity.

Stans then obtained permission to make his own closing statement, free of troublesome questions. It was a plea in defense of political contributors and "innocent victims of this tragedy."

"All I ask, Mr. Chairman and members of the committee," Stans concluded, "is that when you write your report you give me back my good name."