

A Red-Faced Ervin Is Victim of Tapes Hoax

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WASHINGTON, July 19 — Senator Sam J. Ervin Jr., chairman of the Senate Watergate committee, conceded with some embarrassment today that he had been the victim of a hoax when he reported minutes earlier that the White House would turn over tapes of Presidential conversations.

Although the North Carolina Democrat treated the episode with chagrined humor, describing himself as "a trusting and unsuspecting individual," the Federal Bureau of Investigation began an inquiry immediately at the request of both the committee and the White House.

As the hearings resumed after lunch, Senator Ervin said that he had received a telephone call from Secretary of the Treasury George P. Shultz and that Mr. Shultz had told him that President Nixon would turn over the tapes.

Mr. Ervin said that he was "gratified by this information" and praised the President for "a very wise decision."

A Stir in the Room

About 15 minutes later, the caucus room on the third floor of the Old Senate Office Building was abuzz with the rumor that the call and the "wise decision" were a hoax. In seconds the room was nearly emptied of newspeople, whose noisy rush to the corridors for confirmation almost drowned out the testimony of Robert C. Mardian, a former Assistant Attorney General and Nixon campaign official.

Senator Howard H. Baker Jr. of Tennessee, the Republican vice chairman, presiding in the sudden absence of Senator Ervin, gavelled for silence.

"Anyone who wants to leave the room," he said firmly,

"should do so now so we don't have disruption of the witness's testimony."

After Mr. Mardian responded to a few more questions, Senator Ervin returned, took the microphone and interrupted.

"It appears that a hoax has been perpetrated upon the committee," he said, his ruddy face redder than usual, "at least upon the chairman of the committee."

Mr. Ervin explained that, after his announcement, staff aides had been in touch with Leonard Garment, counsel to the President, who had "professed ignorance of any matters of that kind."

The Senator reported that the White House had then got in touch with Mr. Shultz, who had denied having made the call.

Senator Ervin said amid laughter from the audience that he, in turn, had called Secretary Shultz, "who really assured me he was the real Secretary Shultz."

"He informed me," the Senator went on, "that he had had no conversations with me today; that whoever did it was somebody else; that the only conversation he had with me recently by telephone is, or rather he called me yesterday to tell me that, something about the White House, the witnesses from the Secret Service."

On Tuesday the committee received a letter from Mr. Shultz, whose department has charge of the Secret Service, informing it that no agents would be permitted to testify about secret recordings of the President's White House conversations.

The committee learned of the tapes from Alexander P. Butterfield, head of the Federal Aviation Administration and a

former assistant to H. R. Haldeman, who was Mr. Nixon's chief of staff before he left the White House on April 30.

The committee wants the tapes of conversations between the President and persons who have been linked to the Watergate affair to try to resolve differences in the testimony of witnesses as to what was said in Mr. Nixon's presence.

Senator Ervin has requested a meeting with the President to discuss ways to gain access to the tapes without having to issue a subpoena, which could lead to a constitutional confrontation over the separation of powers.

Senators Commended

Today's hoax perpetrator, Mr. Ervin said in his first announcement, had not only promised the tapes, but also had told him the President would meet with him "at a convenient time next week and arrange procedures by which these tapes can be made available to the committee."

However, it was learned from that Mr. Nixon had no intention of turning over the tapes.

Earlier, when the hoax was being accepted as fact, Senator Baker commended his fellow committee members for "not having created 'a legal confrontation that might have jeopardized the possibility of negotiating a settlement to this controversy.'"

"It would appear that the White House has shown its spirit of cooperation and response," added.

Senator Baker was not the only one who was lulled into optimism by the hoax.

On Wall Street, the Dow Jones average was up 3 points at 2:12 P.M., when Senator Ervin made his first announcement. By 2:42 P.M. when the hoax was unveiled, it had jump-

ed 3 more points. Then it slipped to a slight loss at 3:15 and finally closed ahead 1.28 points at 3:30. In the hour between 2 and 3 P.M., 4.69 million shares were traded on the New York Stock Exchange.

Committee aides said that the spurious phone call had come into Senator Ervin's office shortly before the hearings' 12:30 P.M. luncheon break.

A member of the Senator's staff, Danny Smith, convinced that the caller was Secretary Shultz, raced to the hearing room and informed Rufus L. Edmisten, a deputy committee counsel, who told Mr. Ervin.

The call was then transferred to a confidential number in a booth in a corner of the ornate caucus room near the committee's table.

Mr. Edmisten got on the phone and announced, "Mr. Secretary, Senator Ervin."

Later, Mr. Edmisten said that he had interviewed Mr. Shultz before and had had no reason to suspect that the caller was not the Secretary.

'Clearly an Adult'

Samuel Dash, the committee's majority counsel, quoted Mr. Ervin as having said that the man on the phone was "very official sounding, clearly an adult."

In his apology in the hearing room, Senator Ervin said that he was "not familiar enough with the voice of the Secretary to be able to identify it" and had "just assumed that the person at the other end of the line was Secretary Shultz."

Mr. Dash, who had received a call from Mr. Garment, the President's counsel, only this morning saying that Mr. Nixon would have a definite answer on Monday about the tapes, was more suspicious when he heard about the call.



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Senator Sam J. Ervin Jr. telling yesterday of the hoax as Senator Howard H. Baker Jr., to his right, and Rufus L. Edmisten, left, deputy counsel, listened to the story.