

Ervin Says Failure To Get Tapes May Prolong Hearings

Sen. Sam J. Ervin Jr. (D-N.C.) warned yesterday that the Senate's Watergate hearings may well be prolonged unless his committee gets President Nixon's Watergate tapes.

Ervin made the statement in an affidavit submitted with other pleadings to Federal Judge John J. Sirica in a strongly worded bid for a favorable summary judgment in the committee's lawsuit against Mr. Nixon.

The Senate Watergate committee has been pressing for five of the disputed recordings along with other White House documents that Mr. Nixon has refused to produce. All of the tapes involve the President's conversations with White House counsel John W. Dean III before he was ousted.

If the tapes are not made available, Ervin said, "it will be necessary to interrogate others who may have heard these tapes to determine what they remember as to their contents."

The committee chairman singled out only former White House chief of staff H. R. Haldeman by name. Haldeman has said in earlier Senate testimony that he listened to several of the tapes.

Ervin warned, however, that

the hearings could also be prolonged if other documents subpoenaed by the committee, including papers related to allegations of political espionage and campaign financing, are not produced.

Here, too, Ervin said, "it will be necessary to interrogate numerous individuals" who either had access to the documents or might have other knowledge about the allegations involved.

As far as the tapes are concerned, Ervin added, with these in hand, "it would be much easier to determine the extent of Presidential involvement in the Watergate affair."

Committee lawyers contended in a supplemental memo that they have an even stronger case for the tapes and other documents than Watergate special prosecutor Archibald Cox whose demand for the recordings is before the U. S. Circuit Court of Appeals here.

"We submit that the public interest in determining the extent of malfeasance in the executive branch and the need for corrective legislation is of greater moment to the Nation than the indictment and conviction of a few guilty individuals," the Senate Watergate lawyers said.