

WXPost JAN 10 1974

Members Still Undecided On Watergate Hearings

By Lawrence Meyer
Washington Post Staff Writer

Most members of the Senate select Watergate committee have not yet decided that its recessed hearings should be resumed despite strong public assurances by the committee's staff that more hearings will be held.

At least two committee members appear to oppose resumption of the hearings and four of the remaining five senators on the committee are still undecided, according to interviews with some senators and key aides to others.

Among the undecided members are the committee's chairman, Sen. Sam J. Ervin (D-N.C.), who said yesterday his mind is "entirely open on the subject," and its vice chairman, Sen. Howard H. Baker Jr. (R-Tenn.), who said he must be convinced that further hearings will be productive.

Although no one is firmly predicting that the hearings will not resume, the senators and aides who were interviewed pointed out potentially serious obstacles to continuation of the public sessions.

Some committee members are uncertain about resuming hearings just as the House Judiciary Committee is beginning its inquiry into the impeachment of President Nixon, and when the special Watergate prosecutor is expected to be returning a number of indictments against Watergate figures.

In addition, at least one senator repeatedly has expressed concern that hearings extending well into 1974 and producing little new information could become a damaging election issue for Democrats on the committee.

In an executive session Nov. 27, the committee approved a staff request that it be given more time to develop evidence on two subjects it still has under investigation: the \$100,000 given by billionaire Howard

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Hughes to Mr. Nixon's friend, Charles G. (Bebe) Reboze, and the \$427,500 contributed by milk producers to the Nixon campaign at a time when the Nixon administration decided to increase government milk

price supports.

Baker said on Nov. 27 that he did not "exclude the possibility that we might not" resume hearings. Chief committee counsel Samuel Dash said the following day, however, that "there is no possibility that we will not hold hearings" after the Christmas recess. "I am so confident that I would say I guarantee there will be hearings," Dash added.

Deputy Chief committee counsel Rufus L. Edmisten then said last Saturday that the hearings would resume on Jan. 28 and that Rebozo would be called, probably along with other former Nixon administration officials.

Dash, interviewed by telephone yesterday, said again that he is "definitely sure" that the hearings would resume. "Sen. Ervin is very definitely interested in going ahead with the hearings and that will carry the committee," Dash said. "We have sufficient evidence for the hearings."

Contacted yesterday in North Carolina, Elvin was not so definite. "I've got to get back up there and see what the staff has to present before I make up my mind," Ervin said. "I'm strongly in favor of going ahead with the hearings if we have something substantial to present. I haven't reviewed the evidence."

Baker, who was in Tennessee, confirmed that he has a "show me" attitude about resuming hearings. He said he has two conditions that must be met first. The testimony and evidence "would have to be something new and different that deserves to be ventilated," Baker said, and the staff must have "proof" linking what it wants to present with the Watergate affair.

"There's no guile in that," Baker said. "If they've got it, we ought to put it on. If not, we ought to shut down."

Baker said he had been briefed periodically on the staff's findings. Although he said some of the information is impressive, he added, "I'm not certain what it means."

Without flatly predicting that the hearings would not resume, Baker speculated that when the committee meets the week of Jan. 21, when Con-

gress returns, it may vote 5 to 2 against resumption.

Two senators, Edward J. Gurney (R-Fla.) and Lowell P. Weicker Jr. (R-Conn.) appear now to be opposed to resumption. A spokesman for Gurney, who has been critical of the hearings almost since their beginning last May, said Gurney thinks the committee had fulfilled its mandate and that the time has come for the matter to be turned over entirely to the special prosecutor's office and the courts.

Weicker, who has been a critic of the Nixon administration, is understood to have read and agreed with a memo prepared by his personal staff arguing against resumption of the hearings. The memo reportedly asserted that the time had come for the House Judiciary Committee and the courts to take the central public position in the Watergate matter.

Weicker also was reportedly advised that the committee staff may have developed further evidence of illegal acts, but that these acts are ancillary to the more important questions of whether Mr. Nixon was the recipient of the \$100,000 from Hughes or whether any quid pro quo was involved in either the Hughes or milk fund transactions.

On these key questions, Weicker was advised and another source confirmed that the staff apparently has not been able to establish any proof of wrong-doing. Dash and other staff members involved in the investigation have been extremely reticent about discussing what they have learned except to generally characterize their evidence without providing details.

Two other committee members, Sen. S. Herman E. Talmadge (D-Ga.) and Daniel K. Inouye (D-Hawaii) also were described as being undecided on resumption. Talmadge was said to be "undecided and remaining to be convinced," although he would probably support whatever position Ervin took.

Inouye was said to feel strongly that if the hearings do resume, they should not go beyond the first week of February. If the committee begins 12 days of hearings on Jan. 28, as Edmisten and Dash have predicted, the hearings would continue until much later in February.

The seventh member of the committee, Sen. Joseph M. Montoya (D-New Mex.) could not be reached for comment and his staff was reluctant to state his views.