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Senate Hearings Recessed On U.S. Attorney Nomination

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Senate Judiciary Committee Chairman James O. Eastland (D-Miss) stared at convicted Watergate conspirator James W. McCord Jr. yesterday morning, took another puff on his cigar and abruptly rose from his seat.

"This hearing is recessed until call of the chair," announced Eastland. He then left the room in the New Senate Office Building where for

some 30 minutes he had conducted the fourth day of hearings on President Nixon's appointment of Earl J. Silbert to be U.S. attorney for the District of Columbia.

McCord, the only witness yesterday, stayed in his chair for a few minutes, not sure whether Eastland planned to return after voting on the Senate floor. Until Eastland interrupted his testimony, he had been attacking Silbert, who as an assistant U.S. attorney had successfully prosecuted him.

"I don't know when the hearings will resume," said an aide to Eastland. A member of the Capitol police force walked in front of about 30 persons in the audience, put his hands on his hips and said: "That's all for today, folks. You can leave now." They did.

And so, the status of Silbert's nomination remained in limbo, subject to the wishes of Judiciary Committee members, few of whom have showed up at the hearings.

On Tuesday, Sen. Sam J. Ervin, Jr. (D-N.C.) had called for the Judiciary Committee to investigate the handling of Watergate by the Justice Department before acting on the Silbert nomination. Ervin is chairman of the Senate Watergate Committee as well as a member of the Judiciary Committee.

Yesterday afternoon, the Judiciary Committee met to act on other nominations and there were rumors that Ervin's proposal for the investigation would be considered. Ervin, however, did not show up for the meeting. Eastland, in a Senate corridor later, said the Silbert matter "wasn't discussed."

As McCord took the witness chair yesterday morning, he identified himself as a former FBI agent. Not until questioned by Eastland did he state for the official record of the hearing that he was convicted in the Watergate case.

Then, opening a Wednesday edition of The Washington Post, he began reading from the edited transcript of President Nixon's March 21 conversation with his former lawyer, John W. Dean III. While Eastland, the only Committee member present, kept puffing on his cigar, McCord suggested that Silbert had informed Dean what the original Watergate grand jury was doing.

McCord noted the transcript quoted Dean as telling Mr. Nixon: "I was totally aware of what the grand jury was doing."

Eastland took still another puff of his cigar and interjected: "A jury in New York City didn't take Dean's word." He was referring to the acquittal Sunday of former Attorney General John Mitchell and former Commerce Secretary Maurice Stans who had been accused of using their influence on behalf of financier Robert Vesco.

"There'll be corroborative evidence for Dean," snapped McCord. He continued reading aloud from the newspaper and attacking Silbert until Eastland apparently had had enough and called the recess.