

Ervin Firm on Nixon Tapes

By Ferrel Guillory

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ATLANTIC BEACH, N.C., July 21—Sen. Sam J. Ervin Jr. (D-N.C.), chairman of the Senate Watergate committee, strongly warned the White House today that refusal to release relevant tape recordings and documents would give the committee justification for concluding that the material contained information harmful to President Nixon.

The White House is expected to send a letter to Ervin Monday denying the committee access to tape recordings and documents that the committee has been seeking to help clear up allegations about the President's knowledge of the Watergate affair.

In an interview while attending a North Carolina Democratic Party function here, Ervin said he agreed with committee member

Sen. Herman Talmadge (D-Ga.) that the committee would vote unanimously to subpoena the White House tapes and documents if they are not turned over voluntarily.

Ervin declared: "There is a rule of law and of logic and of psychology and of common sense which says that when a person refuses to produce evidence which is within his power to produce that those who are seeking the truth can draw the inference and are justified in the inference that the reason he does not produce that evidence is because it is adverse to him."

On the other hand, Ervin said, "If the President writes me Monday and tells me he is going to make these tapes available and the papers available that we have been asking for, I would say that that was the act of a man who was con-

scious of his own complete innocence of wrongdoing or any knowledge of this sordid affair."

In Washington Sen. Edward J. Gurney (R-Fla.), President Nixon's strongest defender on the Senate Watergate Committee, said it "would hurt him politically" if Mr. Nixon refuses to release the Watergate tapes, according to a report by United Press International.

[Gurney agreed with Ervin and Talmadge that Mr. Nixon would be making a mistake if he persisted in keeping the tapes secret.

[That does hurt him politically, because I would think the tapes would tend to prove or disprove the allegations of (former White House counsel) John Dean . . . and Dean is the only person who has made allegations that the President had knowledge of the Watergate," Gurney said in a telephone interview.

["My view is that although the President may have the legal right to withhold any documents, politically it would be to the benefit of the President to let the committee have the tapes," he said.]

Though Ervin's words contained a strong warning to the White House on the Watergate matter, Ervin was jovial and relaxed as he answered questions, sitting in shirtsleeves without a tie in a motel room overlooking the ocean.

But he bristled visibly when asked to respond to a report in The Washington Post that the White House was reacting bitterly to the Ervin committee investigation, that it might counterattack by criticizing the committee's methods and that it was toughening its rules on

White House aides' appearances before private sessions of the committee.

"I love my country," said Ervin, "and have the greatest respect for the presidency. I wish the present incumbent well."

Ervin said he hopes that Mr. Nixon is as "isolated from the truth of Watergate as he professes to be."

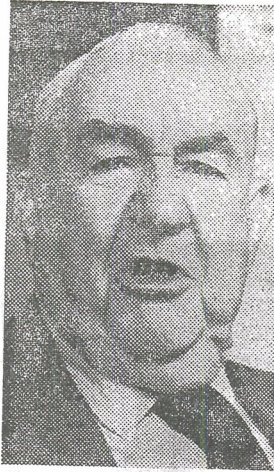
Moreover, the senator said, "I think I am capable of performing the intellectual feat of presuming that the President is innocent of any connection with the Watergate . . . unless and until the evidence compels me to reach a contrary conclusion."

Noting that Presidents Lincoln and Theodore Roosevelt volunteered to testify before congressional committees and that President Grant submitted testimony in a court deposition, Ervin suggested that Mr. Nixon could volunteer to testify before the committee.

"There is not a syllable in the Constitution to prevent him from voluntarily testifying," Ervin said. In addition, he said, releasing White House tape recordings and documents would be the "rational thing to do."

Testimony before the committee has revealed that presidential conversations have been tape recorded. Committee members and staff feel that the recording could help determine the truth of allegations by Dean that the President was involved in the cover-up of the break-in and bugging of Democratic national headquarters during the 1972 campaign.

Ervin reiterated his contention that executive privi-



SEN. SAM ERVIN JR.
... a rule of logic

lege, which the White House has claimed covers the tapes and documents, does not pertain to information about a political campaign and about criminal activity.

If the tapes and documents are not released, and if the committee issues a subpoena for them which is not honored, Ervin said, the committee would have two courses: to go to court, or make a determination on its own whether it wants to issue a finding that the refusal to turn over the material is an indication that the information implicates the President.

At one point in the interview Ervin said that he has changed his judgment on history. Whereas at one time he considered the Civil War the worst American tragedy, "I think Watergate is perhaps the greatest tragedy that has ever happened in the history of this country," he said.

While the Civil War produced "a spirit of self-sacrifice and heroism on both sides to redeem that very great tragedy," said the senator, "I see no redeeming features in Watergate."