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Byrd Scores White House Stand on Dean

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WASHINGTON, March 19—

The Senate's second-ranking Democrat accused the White House today of trying to "cover up" involvement in the Watergate affair by invoking executive privilege to keep Presidential aides from testifying.

Senator Robert C. Byrd of West Virginia, the Democratic whip, declared in a Senate speech that the nomination of L. Patrick Gray 3d to be permanent director of the Federal Bureau of Investigation should be rejected.

The Senator's position was based, he said, on President Nixon's statement last week ruling out personal testimony on the Gray nomination by John W. Dean 3d, the White House legal counsel and a central figure in the Watergate inquiry.

'Close Door on Nominee'

"If the President wants to close the door on the supply of information, the Senate ought to close the door on the President's nominee," Mr. Byrd declared.

His adamant position, symptomatic of Democratic insistence on Mr. Dean's appearance before the Senate Judiciary Committee, was not countered, however, by the Senate Republican leader, Hugh Scott of Pennsylvania.

Senator Scott told reporters in response to questions that he "will not interfere with it" if Republicans on the special Senate committee investigating the Watergate affair want to sub-

poena Mr. Dean or other White House officials to testify.

Mr. Scott's comment was important because two of the three Republicans on the Watergate panel — Senator Howard H. Baker Jr. of Tennessee and Lowell P. Weicker Jr. of Connecticut — had already said that they favored personal appearances by White House aides.

Both Senator Scott and the White House made light, however, of the threat yesterday by the Democratic chairman of the Watergate investigation, Senator Sam J. Ervin Jr. of North Carolina, to send the Senate sergeant-at-arms to arrest any White House official who ignores a subpoena.

"That's a small bit of TV-fustian," Mr. Scott said. "I can imagine someone walking into the White House and putting handcuffs on a Presidential aide."

Ronald L. Ziegler, the White House press secretary, said that "sensational statements about forcing White House aides to testify" should not be allowed to "obscure the central fact that the Administration will cooperate" with Mr. Ervin's committee.

The reference was to the President's stated willingness to provide "information"—as opposed to witnesses—and to have Mr. Dean respond in writing to written questions from the Judiciary Committee.

Senator Byrd, a member of the Judiciary Committee, made it clear, however, that he would be unsatisfied with anything less than Mr. Dean's appearance.

"The integrity of the Senate is at stake," he said "and I feel that the Senate should not deviate from its insistence upon the appearance of Mr. Dean."

Mr. Byrd gave the following rationale for rejecting the proposed F.B.I. director's nomination if Mr. Dean should not testify on it:

"I do not think that the Senate ought to have to stand, as it were, at the gates of the White House with its hat in its hands and beg, like Lazarus, for the crumbs of information that may be available to it through some tenuous and circuitous process of written answers and written questions. A piece of paper cannot be cross-examined."

Mr. Byrd said that Mr. Gray's statements about having turned over F.B.I. information on the Watergate case last year to Mr. Dean had raised questions that only Mr. Dean could answer by appearing as a witness.

Referring to the President's formal statement on executive privilege, Senator Byrd said:

"I think it is almost impossible to avoid the suspicion that someone at the White House, in preparing the statement for Mr. Nixon, was trying to cover up White House involvement in the ugly campaign of political sabotage and espionage which climaxed in the Watergate raid." The case in question involved the break-in and bugging last June at the Democratic national headquarters in the Watergate office building here.