

# ERVIN BIDS AIDES OF NIXON TESTIFY

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Dashes Republicans Hope to  
Avoid Clash on Executive  
Privilege in I.T.T. Case

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WASHINGTON, April 14 —

Senator Sam J. Ervin Jr. insisted today that Peter M. Flanigan and other White House aides testify publicly under oath in the International Telephone and Telegraph Corporation controversy. His stand dashed the hopes of Republicans for a compromise to avoid a Senate confrontation over executive privilege.

The statement by the North Carolina Democrat heightened the possibility that the nomination of Richard G. Kleindienst to become Attorney General might become stalled on the Senate floor, perhaps by a filibuster, after the current Judiciary Committee hearings end.

Yesterday, Senator Charles McC. Mathias of Maryland, a Republican, proposed a compromise that would permit Mr. Flanigan to appear informally before the committee. It is investigating allegations that the Justice Department settled three antitrust suits against I.T.T. in exchange for a \$400,000 guarantee by the corporation toward the expenses of the 1972 Republican National Convention.

## 'Whispered Testimony'

The hearings have turned up the names of four White House assistants who had some contact with I.T.T.'s efforts to obtain the settlement—Mr. Flanigan, John D. Ehrlichman, William E. Timmons and Charles W. Colson.

Senator Ervin, who has skirmished frequently with the White House over its use of the executive privilege doctrine to avoid furnishing information to Congress, said that he would not accept "whispered" testimony.

"I think this committee, the

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Senate and the American people are entitled to hear any testimony from any source which could establish the reputation of the White House in these matters," he said. He added, "Nobody is ever anxious to suppress the truth unless the truth will hurt him."

The White House has indicated in a letter to the committee and in informal statements by spokesmen that Mr. Flanigan and the other aides will not testify. Administration officials insist that these advisers have nothing to hide, but that to have them testify would prompt Congress to demand the testimony of officials in more sensitive positions, such as Henry A. Kissinger, Mr. Nixon's chief foreign policy adviser.

Today, Edward J. Gerrity of New York, I.T.T.'s vice president in charge of public relations, testified that the company's Washington lobbyist, Mrs. Dita D. Beard, had not categorically denied having written the memorandum that touched off the current controversy.

The memorandum, bearing her name and linking I.T.T.'s "noble commitment" to the Republican convention with the

company's hopes for a settlement, was obtained by the columnist Jack Anderson. After Mr. Anderson got the document but before he published it, Mr. Gerrity and I.T.T.'s lawyers in New York spent two days questioning her.

According to Mr. Gerrity, she kept repeating, "I think I wrote it, it looks like mine—but I couldn't have written it, it isn't true."

Three weeks later, Mrs. Beard branded the Anderson memorandum a forgery, and I.T.T. said that it had discovered "the genuine" memorandum, which proved innocuous.

According to Mr. Gerrity, Mrs. Beard thought that she could convince Brit Hume, Mr. Anderson's investigator, "that the memo didn't mean what it said." For that reason, he said, he advised her to be interviewed by Mr. Hume.

## Communication Barred

Mr. Gerrity testified today that because "we were not getting a straight story" from Mrs. Beard during the early interviews in New York, "our lawyers said she should not have any communication with Mr. Geneen or anyone else."

Mrs. Beard complained in her testimony that she had been

barred from seeing Harold S. Geneen, I.T.T.'s president.

Today, a conflict arose between two high Administration officials concerning a charge leveled yesterday by Senator Edward M. Kennedy. He asserted that top officials in the Justice Department knew, but did not tell the committee, that Mrs. Beard's Denver doctor, L. M. Radetsky, was under criminal investigation for possible Medicare overcharges.

Senator Kennedy said that the pending charges might lead Dr. Radetsky—who has pronounced Mrs. Beard too ill to testify for six months—to "curry favor" with the Government.

Wilmot R. Hastings, chief counsel of the Department of Health, Education and Welfare, stated through a spokesman today that he telephoned L. Patrick Gray 3d, the acting Deputy Attorney General, during the week of March 13, and told him about the investigation of Dr. Radetsky.

Mr. Gray said today that he had no recollection of any such call. He said that nobody in the higher echelons of the Justice Department knew of the investigation of the doctor until last Tuesday afternoon, and that "we have had no conversations with Dr. Radetsky."