

ERVIN IN A CLASH WITH WHITE HOUSE OVER WATERGATE

APR 3 1973

Rebuffs Offers of Informal Cooperation With Inquiry and Demands Testimony

ZIEGLER REPLY IS SHARP

He Charges 'Irresponsible Leaks' by Special Panel Studying Bugging Case NYTimes

By WALTER RUGABER
Special to The New York Times

WASHINGTON, April 2— Senator Sam J. Ervin Jr. and the White House engaged today in a blunt and spirited exchange over the Watergate case. The clash held significant implications for the current Congressional investigation of the affair.

Senator Ervin, the North Carolina Democrat who is the chairman of a select committee to investigate the conspiracy, opened this morning with a rare and colorful news conference at which he rejected Administration offers of informal cooperation.

Members of the White House staff are not "nobility and royalty," Mr. Ervin said, and "I'm not going to let anybody come down at night like Nicodemus and whisper something in my ear."

'Ruler of Jews'

In the Gospel according to John, Nicodemus, a "ruler of the Jews," went to visit Jesus under cover of night apparently because he feared being recognized and ostracized by his colleagues. By contrast, the Senator said, Administration officials will have to testify openly on political espionage and sabotage or face arrest by the Senate.

The White House press secretary Ronald L. Ziegler, replied to Mr. Ervin this afternoon, saying that the Senator should "get his own disorganized house in order so that the investigation can go for-

ward in a proper atmosphere of traditional fairness and due process."

Mr. Ziegler, in a statement issued from the Western White House in San Clemente, Calif., said:

"It would seem that, as chairman of a select committee plagued by irresponsible leaks of tidal wave proportions, we might have expected some constructive assurances from the chairman concerning improvement of the conduct of the business of his committee."

Both sides thus stressed what they apparently regard as their strongest arguments in

Continued on Page 28, Column 1

Continued From Page 1, Col. 8

what is expected to be an extended political and constitutional struggle.

Mr. Ervin suggested that if the President refused to allow his advisers to testify in public and under oath the public could conclude that "he is unwilling for people to know the truth."

The White House, on the other hand, is capitalizing on the fact that the Ervin committee did not prevent large amounts of uncorroborated hearsay testimony from escaping a secret session last week. The names of a number of mentioned by James W. McCord Jr. in a closed hearing, and the subsequent leaks were said by some observers to have damaged the committee's credibility.

The seven-member panel is to meet on the problem tomorrow, and sources said they expected it to take measures designed to limit sharply the circulation of raw investigatory material.

Mr. Ervin, a 76-year-old former judge in North Carolina who is widely regarded as the Senate's leading constitutional

authority, held what an aide said was only his third scheduled news conference in Washington.

The president's contention that under the constitutional separation of powers no White House officials would appear at committee hearings was not at all surprising, "it's executive poppycock."

'Past the Stratosphere'

Mr. Ervin, flourishing copies of Supreme Court decisions, asserted that the President had sought to extend the privilege "way out past the stratosphere."

"If I was President," he declared, "I'd fire in not more than two minutes any aide that would not go down and testify."

The Senator said he would issue "engraved invitations" to Administration figures and that, if these were ignored, he would serve subpoenas on them. If they still refuse to testify, he said, he will recommend that the Senate issue warrants for their arrest.

If the Supreme Court finds

that the Senate has jurisdiction in the case, the Administration aides will have no recourse to habeas corpus proceedings, the Senator said, and "that would be the end of the pea picking."

Public appearances by the officials are important not only to provide for their cross-examination under oath, the Senator said, but also to permit the observation of their "conduct and demeanor on the witness stand."

Mr. Ervin said that President Nixon, a graduate of the Duke University Law School in Durham, N. C., appeared to need a "refresher course" on the laws of evidence.