

Hearing on Watergate In Senate to Be May 15

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The chairman of the Senate's Watergate investigating committee announced yesterday that the panel will open public hearings about May 15, but the question of whether the White House will permit testimony by presidential aides remained unresolved.

Several sources inside and outside the Nixon administration said yesterday that the President and White House aides are reassessing Mr. Nixon's earlier refusal to permit his aides to testify at the committee's hearings.

After a closed door meeting of the committee yesterday afternoon, however, Chairman Sam J. Ervin (D-N.C.) said that no agreement has been reached with the White House permitting the sworn, public testimony of presidential aides—as Sen. Ervin and other members of the select committee have demanded.

Meanwhile, reliable sources said the Senate committee has subpoenaed Herbert W. Kalmbach, President Nixon's personal attorney to appear before the committee with all relevant campaign finance records.

Kalmbach is the closest as-

sociate of the President to be subpoenaed thus far by the committee, which is investigating the bugging of Democratic headquarters at the Watergate and related allegations of political espionage and sabotage in the 1972 presidential campaign. Kalmbach, who has held no official position in the administration, would not be covered by the claim of executive privilege, which Mr. Nixon has cited as the basis for his refusal to allow his aides to testify before the Ervin committee.

According to FBI reports, Kalmbach paid at least \$30,000 in Nixon campaign funds to Donald H. Segretti, the alleged political saboteur. Reliable sources said this week that Segretti has also been issued a subpoena by the committee.

Sen. Ervin acknowledged yesterday that his committee has been negotiating with the White House to obtain the testimony of presidential aides, but gave no indication that the committee has changed its position on the issue.

"The White House," Ervin told reporters, "has put out feelers like the feeler that we ought to write out questions and send them up to the White House aides and let them write answers. We don't

think that's the way to take testimony."

Ervin reiterated his insistence that "every witness who appears before the committee will testify on oath or affirmation before the committee in meetings which are open to the public and the news media."

Senate sources reported yesterday that the White House seems particularly disturbed about the prospect of presidential aides testifying before live television cameras. The sources said that the White House has indicated it might modify its earlier refusal to permit the testimony by presidential aides if they did not have to appear on camera.

Last month, President Nixon told a press conference that he would not permit any of his present or former aides to testify before a "formal session" of a congressional committee. White House spokesmen subsequently said the President's remarks applied to the Ervin committee's investigation.

Since the President's statement, Mr. Nixon has been under heavy pressure from members of his own party to allow testimony before the Watergate committee by presidential aides.

Asked to comment on unconfirmed reports that the White House has decided to modify its position, deputy presidential press secretary Gerald Warren said yesterday, "I have no information on that."

Ervin also announced yesterday that the committee of four Democrats and three Republicans has reached all but final agreement on rules under which public, sworn testimony will be taken from all witnesses before the committee.

"The reason the committee has agreed on guidelines," Ervin said, "is so the White House aides will know exactly how they are to testify if they elect to come down and testify or if the President permits them to testify." The 76-year-old former North Carolina supreme court judge added: "I have been praying to the good Lord that they will come down to testify."

Emphasizing that the White House "has put out feelers" but "made no offers at all," Ervin said live television would be permitted to cover the hearings except for possible "extraordinary" circumstances—which he said he can't foresee.

Ervin said he would accept no restrictions on the areas of questions asked of White House aides or any other witnesses, except that questioning fall within the committee's mandate to investigate the 1972 presidential campaign.

Rejecting the President's interpretation of executive privilege, Ervin said White House aides could legitimately claim the privilege once they get before the committee—but only if they are asked about matters involving direct communication with the President himself.

In a related matter, Robert C. Odle, personnel and office manager at the President's still active re-election committee, appeared for about 40 minutes before the federal grand jury here that has reopened its probe of the Watergate case and related matters.

One FBI report made public at the confirmation hearings of acting FBI director L. Patrick Gray III said that an informant last year had identified Odle as "less than candid" with the FBI. Reliable federal sources have maintained to The Washington Post that Odle was not involved in the Watergate bugging.

After his appearance yesterday, Odle told reporters, "I don't think they covered anything that sensational."

Meanwhile, Sen. Charles McC. Mathias (R-Md.) said yesterday that "if we're forced to the last resort" White House aides who refuses to testify before the committee should be arrested and tried for contempt of the Senate—as recommended earlier by Ervin.

In an interview with the Associated Press, Mathias, a frequent critic of the administration, said the Republican Party is hurt "every day that goes by in which the public believes there is a coverup in the Watergate case.) If it goes on much longer, the damage could be irreparable."