

White House Assails Ervin Arrest Threat

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By Carroll Kilpatrick
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The White House reacted sharply yesterday to Sen. Sam J. Ervin's threat to seek the arrest of any White House aides who refuse to testify before the select committee investigating alleged political espionage and the Watergate bugging case.

Press secretary Ronald L. Ziegler, charging "sensationalism," said the real issue is not whether an aide testifies but whether the administration provides full information.

President Nixon has promised to cooperate fully with the investigating committee which Ervin heads and to supply information to it, Ziegler emphasized.

On Capitol Hill, Senate Minority Leader Hugh Scott (R-Pa.) said he did not believe the issue would reach the

point where the Senate would attempt to arrest an aide to the President.

"I do not believe it will happen that way," Scott said. He was commenting on the North Carolina Democrat's statement on Sunday that "I'd recommend to the Senate they send the sergeant-at-arms of the Senate to arrest a White House aide or any other witness who refuses to appear."

Ervin, who was on the CBS Face the Nation program, also charged that the President "has some peculiar notions about executive privilege." Mr. Nixon has made it clear he will not permit White

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House counsel John W. Dean III to testify before Ervin's committee.

Commenting further on Ervin's statement Scott told reporters: "That's a small bit of TV fustian. I can't imagine someone walking into the White House and putting handcuffs on a White House aide. The public reaction would be terribly adverse."

When Ziegler was asked what would happen if the Senate sergeant-at-arms attempted to arrest a White House aide, he replied that he did not know that would happen and that he would not comment on Ervin's remarks.

Then he added that "sensational statements about forcing White House aides to testify should not obscure the central fact that the President will provide information consistent with" the President's responsibility to "uphold the doctrine of separation of powers."

Ziegler suggested that some critics have ignored the President's repeated offers to cooperate fully in providing written answers to questions

while declining to permit aides to testify before congressional committees.

Ervin has said he would not be satisfied with written answers to his questions but would insist that people called appear in person to answer questions.

Asked if he was calling Ervin's statement sensational, Ziegler said he was not addressing his comments "to any specific individual." There was no other individual but Ervin being discussed, however, in connection with an arrest procedure.

Information will be provided the select committee in a form "consistent with the President's responsibility to uphold the separation of powers," Ziegler said.

He declined to say whether the report Dean prepared for the President on the Watergate case would be made available to the committee. The press secretary said he did not know whether the report was made orally or in writing. He has declined to try to find out.

Senate Democratic Whip Robert C. Byrd (D-W. Va.) said he would support Ervin if he sought the arrest of a balking witness.

Before the sergeant-at-arms could be ordered to arrest a person who refused to testify, a vote of the Senate would be required and the warrant for the arrest would have to be signed by the president of the Senate.

That would not necessarily require the signature of Vice President Agnew, however. If he did not want to sign it, he could ask the president pro tem, Sen. James O. Eastland (D-Miss.), to sign.

The first time the Senate sergeant-at-arms was sent out to arrest a balking witness was in 1800. The most recent case was in 1934, when William McCracken was taken into custody after refusing to answer questions and provide correspondence dealing with air-mail contracts.

The warrant for McCracken's arrest was issued by the president of the Senate after a vote of the Senate, and he was ordered to testify. He refused and was sentenced to 10 days in jail.

McCracken appealed to the Supreme Court, where he lost his case, and then served the 10 days. He never testified.