

Historical First Was A Third

Washington

As he put the final touches on an historic first, Senator Sam J. Ervin Jr. (Dem-N.C.) apparently was led astray by a clerical error and signed the wrong subpoena.

The Senate Watergate Committee had authorized Chairman Ervin to issue a subpoena for all presidential materials relevant to its investigation following President Nixon's refusal to provide them voluntarily.

These include tapes and documents, but not the President himself.

Instead, a committee staff member apparently gave Ervin a subpoena commanding Mr. Nixon to appear before the committee at 10 a.m. today.

This subpoena did not call for the production of any materials.

A staff member said its wording apparently was a "clerical error." It was not sent to the White House even though Ervin's signature appeared on it.

Committee staff members delayed delivery of any subpoena to the President for nearly two hours because of this error.

Samuel Dash, the committee's chief counsel, said a second subpoena, written on another standard legal form, ordered Mr. Nixon to "appear and bring with you" the tapes and documents. He said this, too, was in error.

The Senate committee has not authorized the issuance of a subpoena for the President personally.

So a third version was drafted. This one called for the production of only the tapes and documents.

Once signed by the chairman, the document was hand-carried to the White House.