

Nixon Aide Refuses to Testify

Washington

Citing the doctrine of "executive privilege," presidential counsel John W. Dean III yesterday formally refused an invitation to testify in the Senate confirmation hearings on the nomination of L. Patrick Gray III to be director of the FBI.

Dean's refusal put the White House on a collision course with Democratic

members of the Senate Judiciary Committee who have vowed to block Gray's nomination unless Dean testifies about matters pertaining to the Watergate case.

Both Republican and Democratic sources on the committee said privately yesterday that Dean's refusal had placed Gray's nomination in serious jeopardy and predicted an extremely close vote on reporting the nomination to the Senate floor.

Leaders of the move to call Dean as a witness said they believe they can block the nomination in committee.

WATERGATE

Dean's refusal to testify had the immediate effect of intensifying Democratic opposition on the committee and shifting the Gray confirmation hearings away from the nominee himself and closer to the issues of "executive privilege" and the White House role in the

FBI's Watergate investigation.

Senate majority whip Robert C. Byrd (Dem - W.Va.), one of the leaders of the move to call Dean, took the Senate floor to denounce the White House for claiming executive privilege "in such a questionable area."

"Mr. Dean's testimony before the Judiciary Committee is vital to any considered, collective committee judgment on the proper con-

in Gray Hearing

duct of the FBI investigation of the Watergate break-in and Mr. Gray's fitness to be director of the bureau," Byrd said.

'DISSERVICE'

Senator Birch Bayh (Dem-Ind.), who during the confirmation hearings has praised Gray's personal integrity while questioning whether the White House interfered with the FBI's Watergate probe, said yesterday: "I think the Presi-

dent has done a great disservice to Mr. Gray by refusing to allow Mr. Dean to appear before the Judiciary Committee."

Dean's refusal to testify was contained in a two-paragraph letter to Judiciary Committee chairman James O. Eastland (Dem - Miss.), a supporter of the Gray nomination. Dean did offer to reply in writing to the committee's questions, which Eastland described as

"better than getting nothing."

The chairman urged that "we . . . give it a try and see what information we get."

However, other members of the 9 to 7 Democratic majority on the committee were understood to be unanimous in rejecting Dean's offer, and Republican Charles M. Mathis (Rep - Md.) was also expected to reject it.

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