

Nixon Challenges Senate on Gray

Washington

President Nixon challenged the Senate yesterday to a Supreme Court fight over his refusal to let an aide testify at the confirmation hearing of L. Patrick Gray III as director of the FBI.

Commenting at a time of rising clamor over the division of power between the executive and legislative branches, Mr. Nixon vowed that "members of the White House will not appear before a committee of Congress in any formal session."

Several Democratic members of the Senate Judiciary Committee have talked of dropping Gray's nomination unless Mr. Nixon's legal counsel, John W. Dean III, will answer questions over exchanges he had with the FBI concerning the Watergate bugging scandal.

Mr. Nixon said he "cannot

believe" that the Senate "would hold Mr. Gray as hostage." But he added that "perhaps this is the time to have the highest court of this land make a definitive decision" on the overall issue of executive privilege.

Asked repeatedly at his news conference about the Gray and Watergate issues, Mr. Nixon renewed his offer to have Dean furnish written information, "provided it is pertinent."

ACCEPTANCE

Mr. Nixon's challenge was promptly taken up by the Democratic chairman and ranking Republican of the special committee which is to conduct the senate's official inquiry into the Watergate bugging.

Senator Sam J. Ervin Jr., (Dem.-N.C.) the chairman, said he fully intended to subpoena Dean or anyone else with knowledge of the Watergate incident, and would take him to court under a contempt citation if he refused to cooperate.

Senator Howard H. Baker Jr., (Rep-Tenn.) the ranking republican on Ervin's panel, said he was "disappointed" by Mr. Nixon's statement and that he hoped "something mutually acceptable" could be worked out with the White House.

A.P. & U.P.