

# Ervin Challenges Nixon on Privilege

U.P. & A.P.

## Washington

Senator Sam J. Ervin Jr., rejecting President Nixon's stand on executive privileges, threatened yesterday to use the Senate's full contempt and arrest powers against White House aides or anyone else refusing to cooperate in his Watergate investigation.

Ervin, a North Carolina Democrat, also expressed hope that his colleagues on the Senate Judiciary Committee would delay final action on the nomination of L. Patrick Gray III as permanent FBI director until the Watergate inquiry is completed — up to a year from now.

However, Ervin said that since Gray has been acting director for over nine months — and “as a matter

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any of the people on the White House staff.

“I think he was there to monitor their testimony,” he continued, “not to protect them.”

“I'd suggest to the White House aides, that if anybody has to go to jail on account of the invocation of executive privilege, that it'll be the President, it'll be the White House aides,” he said.

Ervin said his special committee investigating the Watergate incident had been empowered “to take testimony from anybody,” and that he would recommend the Senate issue contempt

citations “and request prosecution” against all persons who fail to cooperate.

As for chances that the fight over executive privilege might have to be settled by the Supreme Court, Ervin said: “I imagine it will.” In the event of a long delay in the court process, “I would certainly recommend sending the (Senate) sergeant at arms to arrest any White House aide” who persisted in refusing to appear before his panel, he said.

Ervin appeared on the CBS program, “Face the Nation.”

The Senate chose Ervin to head a special committee to investigate the June 17

of justice to him” — he should be kept in the post until the issues are resolved.

The senator said that Mr. Nixon, by declining to let top White House aides appear before committees of Congress, “has stretched the doctrine of executive privilege beyond its true boundaries, beyond any precedent . . .”

Ervin was particularly critical of Mr. Nixon's decision to prevent White House counsel John W. Dean III from testifying on grounds that some presidential dealings with officials in the executive branch do not have to be made public.

“The President has some peculiar notions about executive privilege,” he said.

Asked about the President's contention that Dean had a lawyer's privilege as well as executive privilege, Ervin said, “I don't think Mr. Dean was counsel for

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break-in and bugging at Democratic National Headquarters in the Watergate complex, and all the resulting charges and countercharges of political espionage. Three of the seven men who either pleaded guilty or were convicted in the case in January were connected with the Nixon re-election campaign.

The judiciary committee is set to meet tomorrow to resume its lengthy hearings on the Gray nomination, in which the Watergate affair has figured heavily, and Ervin said, “I hope they'll put off the matter until after the Watergate investigation is complete.”