

Ervin Insists Aides Testify Under Oath

By Bob Woodward and Carl Bernstein
Washington Post Staff Writers

4/3/73

Sen. Sam J. Ervin (D-N.C.) yesterday rejected a White House suggestion that presidential aides appear informally before the Watergate investigating committee, observing that they are not "royalty or nobility" who can be excused from testifying under oath and in public.

Ervin, who heads the seven-member investigating committee, said he would accept nothing less than the sworn testimony of presidential aides in public sessions and added: "Divine right went out with the American Revolution and doesn't belong to White House aides."

In San Clemente, Calif., presidential Press Secretary Ronald L. Ziegler responded with sharp White House criticism of the Ervin committee, citing what he called "irresponsible leaks in tidal wave proportions" from the committee's closed-door session last week.

"I would encourage the chairman," Ziegler said, "to get his own disorganized house in order so that the investigation can go forward in a proper atmosphere of traditional fairness and due process."

Ervin also repeated his threat to have White House aides arrested and cited for contempt by the Senate if they refuse to respond to a subpoena. He gave no indication when subpoenas for the aides might be issued.

Ervin presently has the backing of at least five of the other six members of the Watergate committee to force a showdown with the White House on executive privilege.

The clash apparently left the Ervin committee and the White House more than ever at an impasse over the President's claim that executive privilege allows him to keep his aides from testifying before Congress. The President has said he would welcome a court test to determine whether his aides could be forced to testify.

In other developments yesterday:

• Former White House aide G. Gordon Liddy, described by

state supreme court judge added, said in answer to a question at a morning press conference, "The President is conducting himself in such a way as to reasonably engender in the minds of people the belief he is afraid of the truth."

At one point Ervin criticized the President's legal judgment. "I am going to suggest that Duke Law School give him a refresher course," Ervin said. President Nixon graduated from Duke law school, which is in Ervin's home state of North Carolina. (During a March 15 press conference, the President called Ervin a "great constitutional lawyer.")

Ervin continued: "If all the allegations (about Watergate and other political espionage) are true, we have to consider this was an assault on the integrity of the process by

which the President of the United States is chosen.

"Every person—be he Republican or Democrat or Mugwump—should cooperate with the committee to try to determine the truth of these allegations."

Ziegler's reference to "leaks of tidal wave proportions" from the Ervin committee was an apparent reference to widespread news reports of 4½ hours of sworn, closed-door testimony by convicted Watergate conspirator McCord last week.

According to Senate sources, McCord testified that he had been told that some of the President's top White House and campaign aides had advance knowledge of the bugging operation.

Ziegler also said yesterday: "We've always said that we stand ready to cooperate and to work out a procedure with the (Watergate) committee which we do not feel infringes on the doctrine of separation of powers. . . and it is time to bring this entire procedure back into the framework of orderliness, fairness and respect for the rights of individuals, and no press conference statement, no TV appearance comment, and no use of overstated rhetoric is going to do this."

On a Sunday television show, Sen. Lowell P. Weicker (R-Conn.), a member of Watergate committee, charged that White House chief of staff H. R. (Bob) Haldeman probably

had knowledge of an overall espionage operation run by the President's re-election committee.

Weicker said that it is "absolutely necessary that Mr. Haldeman testify before the select committee" to explain his role.

Weicker also said that nine Republican and Democratic critics of the Nixon adminis-

tration on Capitol Hill had their offices placed under surveillance last year by the President's re-election committee

One of those critics, Rep. Shirley Chisholm (D-N.Y.), yesterday called the alleged surveillance "shocking, inane, and one of the foulest acts of man."

In what she described as "a rare display of bipartisan congressional activity," Mrs. Chisholm said that she was lending a member of her staff to Sen. Weicker to assist him in his investigation of the Watergate espionage.

In U.S. District Court yesterday, Judge Charles R. Richey ordered McCord to appear for a deposition hearing today before lawyers for his former employer, the Committee for the Re-election of the President. Last week, the committee subpoenaed McCord, its former security coordinator, as a witness in a civil suit arising from the June 17 bugging of Democratic headquarters.

Kenneth W. Parkinson, attorney for the committee, said

that the news reports of McCord's testimony had been "highly damaging" and cited them as a primary factor in the committee's desire to question McCord.

"It's all coming out," said Parkinson. I think it's coming from the Senate, from senators and may be coming from McCord's counsel, Mr. (Bernard) Fensterwald. The information is getting out. It's time we should have an opportunity to find out what is on McCord's mind, what is motivating him to make these kinds of outrageous statements involving innocent persons."

When Nicholas McConnell, an associate of Parkinson, sought to introduce 29 pages of newspaper articles as evidence to support the point, Judge Richey interrupted: "What do leaks have to do with whether a deposition ought to be taken tomorrow?"

Discovering the sources of news reports, McConnell responded, "would be one of the points we'd be interested in." At that moment, Parkinson, who last month subpoenaed 10 reporters and news executives to appear for questioning and produce their notes in the same civil suit, rushed to the courtroom lectern and told Richey: "We're not interested in running down sources." McConnell later told a reporter he had made "a misstatement" about his intentions.

Although McCord was ordered to appear for questioning at 10 a.m., his attorneys told Judge Richey that he would refuse to answer questions on Fifth-Amendment grounds until the government grants him immunity from further prosecution.

prosecutors as the "boss" of the Watergate bugging, refused to answer "all substantive questions" put to him in a 2½-hour appearance before a federal grand jury, according to Liddy's attorney, Peter Maroulis. Liddy was convicted at the Watergate trial and could face a contempt of court

See WATERGATE, A4, Col. 1

WATERGATE, From A1

citation unless he cooperates with the grand jury.

• Another convicted Watergate conspirator, James W. McCord Jr., was ordered to give a sworn deposition today to attorneys for the President's re-election committee in pending civil suits stemming from the Watergate bugging. (McCord has voluntarily testified before the Senate committee, and is scheduled to appear before the Hill panel again Wednesday.)

President Nixon was emphatic last month in stating that he would not allow present or former aides to testify in a formal session of a congressional committee. Without elaborating, Ziegler said last Friday that some informal testimony might be permitted before the Ervin Committee.

In holding firm to his position that public, sworn testimony is required, Ervin said that Mr. Nixon's assertion is "shooting the so-called executive privilege doctrine way out past the stratosphere . . . and a terrible disservice to the high office of the presidency."

"That is not executive privilege, that is executive poppycock," Ervin said. He said executive privilege does not apply to illegal or unethical behavior, such as the Watergate bugging.

Ervin, a 76-year-old former