

Text of Ervin Panel Guidelines

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Following is the text of guidelines issued today by the Senate Watergate committee dealing with witnesses who appear before the panel:

In investigating the matters mentioned in S. Res. 60, the Senate Select Committee on Presidential Campaign Activities will observe its standing rules, its previously established procedures for staff interviews of prospective witnesses, and these guidelines:

1. The committee will receive oral and documentary evidence relevant to the matters S. Res. 60 authorizes it to investigate and matters bearing on the credibility of the witnesses who testify before it.

2. All witnesses shall testify before the committee on oath or affirmation in hearings which shall be open to the public and the news media. This guideline shall not abridge, however, the power of the committee to take the testimony of a particular witness on oath or affirmation in an executive meeting if the committee would otherwise be unable to ascertain whether the witness knows anything relevant to the matters the committee is authorized to investigate.

TV Coverage Allowed

3. All still and motion picture photography will be completed before a witness actually testifies, and no such photography shall occur while the witness is testifying. Television coverage of a witness and his testimony shall be permitted, however, under the provisions of the standing rules of the committee.

4. In taking the testimony of a witness, the committee will endeavor to do two things: First, to minimize inconvenience to the witness and disruption of his affairs; and, second, to afford the witness a fair opportunity to give him testimony without undue interruption.

To achieve the first of these objectives, the committee will honor the request of the witness to the extent feasible for advance notice of the time and place appointed for taking his testimony, complete the taking of his testimony with as much dispatch as circumstances permit, and release

the witness from further attendance on the committee as soon as circumstances allow, subject, however, to the power of the committee to recall him for further testimony in the event the committee deems such action advisable.

To afford the witness a fair opportunity to present his testimony, the committee will permit the witness to make an opening statement not exceeding 20 minutes, which shall not be interrupted by questioning and a closing statement summarizing his testimony, not exceeding five minutes, which will not be interrupted by questioning: Provided, however, questions suggested by the closing statement may be propounded after such statement is made.

Right to Counsel

5. The committee respects and recognizes the right of a prospective witness who is interviewed by the staff of the committee in advance of a public hearing as well as the right of a witness who appears before the committee to be accompanied by a lawyer of his own choosing to advise him concerning his constitutional and legal rights as a witness.

6. If the lawyer who accompanies a witness before the committee advises the witness to claim a privilege against giving any testimony sought by the committee, the committee shall have the discretionary power to permit the lawyer to present his views on the matter for the information of the committee, and the committee shall thereupon rule on the validity of the claim or its application to the particular circumstances involved and require the witness to give the testimony sought in the event its ruling on the claim is adverse to the witness.

Neither the witness nor any other officer or person shall be permitted to claim a privilege against the witness testifying prior to the appearance of the witness before the committee, and the committee shall not rule in respect to the claim until the question by which the testimony is sought is put to the witness.

7. The committee believes that it may be necessary for it to obtain the testimony of some White House aides if

the committee is to be able to ascertain the complete truth in respect to the matters it is authorized to investigate by S. Res. 60.

Testify in Open Hearings

To this end, the committee will invite such White House aides as it has reason to believe have knowledge of information relevant to the matters it is authorized to investigate to appear before the committee and give testimony on oath or affirmation in open hearings respecting such matters.

In this connection, the committee will extend to such aides the considerations set forth in detail in Guideline No. 4 and the right to counsel set forth in detail in Guidelines Nos. 5 and 6.

In addition to these considerations and rights, the committee will permit the White House to have its own counsel present when any White House aide appears before the committee as a witness, and permit such counsel to invoke any claim that a privilege available to the President forbids a White House aide to give the testimony sought by the committee, and the committee shall thereupon rule on validity of such claim or its application to the particular testimony sought in the manner and with the effect set forth in Guideline No. 6 in respect to a claim of privilege invoked by a witness or his counsel.

The committee will not subpoena a White House aide to appear before it or its staff unless such aide fails to make timely response to a invitation to appear.

8. The committee may require the sergeant-at-arms of the Senate, or any of his assistants or deputies, or any available law-enforcement officer to eject from a meeting of the committee any person who willfully disrupts the meeting or willfully impedes the committee in the performance of its functions under S. Res. 60.

9. Whenever the committee takes testimony through the agency of less than the majority of the members of the committee as authorized by its standing rules, the member or members of the committee taking the testimony shall be vested with the powers set forth in these guidelines and shall be deemed to act as the committee in exercising such powers.