

ERVIN INDIRECTLY ASKS PRESIDENT TO TESTIFY ON ROLE UNDER OATH; WEICKER ACCUSES NIXON BACKERS



The New York Times/George Tames
Senator Sam J. Ervin Jr., right, committee chairman, making a point during interrogation of John W. Dean 3d, back to camera. At left is Senator Howard H. Baker Jr.

BAKER JOINS CALL

Aide Says Nixon Does Not Intend to Go Before Panel

By JAMES M. NAUGHTON

Special to The New York Times

WASHINGTON, June 28—

The Senate Watergate committee publicly pressed President Nixon today to make a formal reply—perhaps under oath—to the explosive charges against the President by his former counsel, John W. Dean 3d.

During the fourth day of testimony by Mr. Dean that the President had been deeply involved in the Watergate cover-up, the Democratic chairman

Excerpts from the testimony are on Pages 23-26.

and the Republican vice chairman of the investigating committee strongly suggested that the accusations could not be dismissed without a credible explanation from the President.

The committee chairman, Senator Sam J. Ervin Jr. of North Carolina, told Mr. Dean this morning that the "only reliable way" to test the credibility of a principal in a criminal case was to examine him under oath.

Not a Direct Call

He did not directly call for Mr. Nixon's appearance as a witness, but he told reporters that they could "draw any deduction you want."

The vice chairman, Senator Howard H. Baker Jr. of Tennessee, told Mr. Dan later today that his testimony had been "mind boggling," and that the committee would have to determine some way to "gain access to the President's knowledge" of the events that Mr. Dean said persuaded him of Mr. Nixon's involvement in the cover-up.

A Presidential spokesman at

the Western White House in San Clemente, Calif., said, nonetheless, that Mr. Nixon remained opposed to answering a committee subpoena on the ground that it would be "constitutionally inappropriate." The spokesman, Gerald L. Warren, added that the President did not intend to appear voluntarily.

White House Disavowal

Mr. Dean's adherence to his charges against the President—despite some 40 questions posed by the White House and meticulous examination by the committee—appeared to the Senators to require a forceful and convincing rebuttal. But the White House disavowed, as a formal challenge to Mr. Dean, a long memorandum submitted to the committee yesterday along with the questions.

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Weicker Jr., Republican of Connecticut, charged that the White House was attempting to intimidate him and witnesses before the committee.

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Senator Ervin, in a long series of questions that he posed to Mr. Dean, suggested strongly that President Nixon had at least briefly violated the Fourth Amendment to the Constitution by approving—for what the President said was only a five-day period—a domestic intelligence gathering plan that called for wiretapping, burglaries and other clandestine activities.

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Intimidation Charged

The pressures for a Presidential response appeared to escalate late today as Senator Lowell P. Weicker Jr., Republican of Connecticut, charged that the White House was attempting to intimidate him as well as Watergate witnesses.

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In another series of questions to Mr. Dean, Senator Ervin in effect rebuffed the argument—presented to the committee yesterday in a document prepared by the White House special counsel on Watergate, J. Fred Buzhardt Jr.—that Mr. Dean had been the "mastermind" of the cover-up, thwarting President Nixon's efforts to reveal the truth to the nation.

Asks to be Excused

But when Senator Ervin asked Mr. Dean point blank if he "knew anything that the President did or said at any time between Jun 17 and the present moment to perform his duty to see that the laws are faithfully executed in respect to what is called the Watergate affair," Mr. Dean replied: "Mr. Chairman, I have been giving the facts as I know them, and I don't — I would rather be excused from drawing my own conclusion on that at this point in time."

More sharply than at any previous time in the hearings, the focus of the committee's inquiry was on what Senator Baker described as the "central question" of what President Nixon knew about the Watergate cover-up and when, as a consequence, he might have become involved in it.

Senator Baker told a television interviewer during one of the committee's breaks that the questioning by Senator Ervin had seemed to represent a "skillful and reasonable outline" of a potential case of "Presidential malfeasance."

Mr. Baker told Mr. Dean that the former White House lawyer's description of a meeting last Sept. 15 with Mr. Nixon and Mr. Haldeman, then the White House chief of staff, was crucial to the inquiry.

"This is really a terribly important moment in history," Senator Baker said of the meeting.

But through the examination by Mr. Baker about the details of the meeting, in an attempt to sort out direct evidence from circumstantial evidence, Mr. Dean clung to his conclusions that the President was aware on that date of the cover-up.

Based on Compliment

Mr. Dean conceded that his conclusion had been based on a compliment paid to him by the President for his handling of the Watergate investigation. The "inference" he drew, Mr. Dean said, was that the President was acknowledging Mr. Dean's efforts to guarantee last summer that no one in the White House would be indicted or implicated in the campaign conspiracy.

Mr. Dean went on to state, however, that his impression had been bolstered by other comments that the President made at the meeting—a discussion about efforts to impede a civil lawsuit filed by the Democratic party, for one thing. He also said that he had specifically warned Mr. Nixon that he did not know if the Watergate criminal investigation could be "contained" indefinitely.

Senator Baker interrupted Mr. Dean.

"Are those close to your exact words?" he asked.

"That is very close to my

words," Mr. Dean replied, "because I told him it had been contained to that point, and I was not sure that it would be contained indefinitely."

Senator Baker told Mr. Dean that his questioning was not aimed at testing his credibility.

"It is not my purpose to try to impeach your testimony, to corroborate your testimony, to elaborate or extend particular aspects of it, but rather to try to structure your testimony so we have a coherent presentation," Mr. Baker said.

He said that it was essential if the committee was to sort out the later responses of other key witnesses and deal with the crucial challenge that Mr. Dean's testimony posed to the President.

"Some of the allegations that you make," Mr. Baker said to Mr. Dean, "are at least prima facie extraordinarily important. The net sum of your testimony is fairly mind-boggling."

Mr. Dean responded calmly to the questions, sorting out for Senator Baker what he knew first-hand from what he had inferred and from what he had gained through hearsay about Mr. Nixon's role in Watergate.

Attorneys Chart Replies

Behind Mr. Dean, his two attorneys, Charles H. Shaffer and Robert C. McCandless, chartered the replies on yellow legal pads.

But by the end of Mr. Baker's interrogation, Mr. Dean had not altered the testimony he had given all week.

Earlier, Senator Ervin's questioning of Mr. Dean had the tone of an *amicus curiae*—a friend of the court—as he led the witness toward agreement with the Senator's interpretations of Mr. Dean's account.

Referring to a contention by Mr. Buzhardt, in the White House document introduced at the hearing yesterday, that the President had been eager for the facts to be disclosed, Senator Ervin asked:

"Do you know any action that the President took, subsequent to the establishment of this committee and prior to the time this committee started to function, which showed his concern that all the available facts with respect to Watergate be made known?"

"Mr. Chairman," said Mr. Dean, "I must testify to the contrary."

Given the opening, Mr. Dean related anew his earlier charges that the White House had sought, from last September until April, to keep the relevant information about Watergate hidden.

Senator Ervin later prodded Mr. Dean to tell, for the fourth or fifth time, about February meetings in La Costa, Calif., at which Mr. Dean said White House aides planned a counter-attack against the Senate investigation.

Description Repeated

The Senator drew the witness once more through descriptions of meetings at which Mr. Dean had charged the White House drafted plans to pledge cooperation with the Watergate investigation.

Mr. Ervin quoted from President Nixon's statements earlier this year in which Mr. Nixon adamantly refused to permit White House officials to appear as witnesses—a position the President later abandoned.

And Senator Ervin drew the attention of Mr. Dean, the committee and the television audience to Mr. Nixon's challenge, at one point, to make a court test of the doctrine of executive privilege if the Senators insisted on obtaining witnesses and documents from the White House.

"Do you know," Mr. Ervin asked pointedly, and to laughter from those in the hearing room, "how facts can be revealed except by people who know something about those facts?"

"No, sir, I do not," Mr. Dean said when the laughter had subsided.

The hearing began this morning on a curious note, with Senator Daniel K. Inouye, Democrat of Hawaii, telling the committee that Mr. Buzhardt had apparently sought, in a White House statement, to disavow

the statement that Mr. Buzhardt had submitted yesterday to the panel about Mr. Dean's testimony.

The memorandum, casting Mr. Dean in the role of the "principal actor" in the Watergate cover-up, was head publicly yesterday by Senator Inouye.

Samuel Dash, the committee's chief counsel, told reporters today that Mr. Buzhardt had explained in a telephone conversation that he had submitted the document—along with 41 questions—merely to make a hypothetical interpretation of Mr. Dean's charges of Presidential complicity in Watergate and not to make an official White House reply.

Mr. Dash said that Mr. Buzhardt had told him the White House counsel had not meant for the document to be read publicly, but only used to suggest to the Senators possible lines of inquiry.

According to Mr. Dash, Senator Inouye, puzzled by the position taken today by Mr. Buzhardt, had jokingly said, "What does he want me to do, become part of the cover-up?"

In any event, Senator Inouye said that "fifteen minutes ago" he received a call from Mr.

Buzhardt, who said that the questions "were in fact prepared by his office, and he was desirous that I would use them in my interrogation."

Senator Inouye then began to read Mr. Buzhardt's questions, and Mr. Dean, in his replies, used them to reiterate—as he did the day before in his comments on the Buzhardt memo—the version he had told last Monday in his 245-page opening statement and in his answers to the questions of committee members Tuesday and yesterday.

Senator Inouye, it soon became apparent, was in an awkward position. As a kind of stand-in for the President's counsel, he could read the questions supplied to him. But he could not follow up the opening question as a cross-examining attorney might have done, because he obviously did not know what follow-up questions the President's counsel might have asked.

Yet Mr. Inouye, with what observers regarded as rare disinterestedness in a politician of the opposite party, tried to wkyyla part of "the President's advocate."