

NYTimes JUL 9 1973
**GURNEY ASSERTS
 PANEL SHOULD GET
 PRESIDENT'S FILES**

**Says Papers With 'Direct
 Bearing' on Watergate
 Should Be Available**

By **DAVID E. ROSENBAUM**
 Special to The New York Times

WASHINGTON, July 8—Senator Edward J. Gurney, who has been the staunchest defender of President Nixon on the Senate Watergate committee, said today that he believed that Presidential papers bearing on the Watergate investigation should be made available to the committee.

Yesterday, Mr. Nixon declared that he would not appear personally before the committee in any circumstance and would not permit the committee to inspect his files.

Mr. Gurney, a Florida Republican, was interviewed on the American Broadcasting Company's program "Issues and Answers." He said that he agreed with Mr. Nixon that "there are confidential communications, certainly, that ought to be protected, between a President and his advisers and staff people."

With 'Direct Bearing'

But he went on to say:

"I think we probably ought to be able to get any documents that have a direct bearing on this Watergate affair and who is involved and what happened, and I think we ought to have that for our committee deliberations."

On the same television program, Senator Herman E. Talmadge, another committee member, agreed that the papers should be provided, and asserted: "I have always thought that public records belong to the American public, and that a committee of the the United States Senate would have a right to see those records and to subpoena them if necessary."

Mr. Gurney and Mr. Talmadge, a Georgia Democrat, also agreed that the committee did not have the authority to subpoena the President to appear before the committee.

But Senator Talmadge urged a voluntary appearance by the President to dispel "this cloud that's hanging over the White House."

Query on Refusal

"If he has nothing to hide, why does he refuse to appear?" Mr. Talmadge asked.

Senator Gurney suggested that the President could answer charges made against him by John W. Dean 3d, his former counsel, by holding a "free-swinging press conference."

Mr. Nixon, in his letter yesterday to the committee's chairman, Senator Sam J. Ervin Jr., promised that he would publicly answer Mr. Dean's al-

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Associated Press

Senators Herman E. Talmadge, right, and Edward J. Gurney during televised interview in Washington yesterday.

**Gurney Say Watergate Panel
 Should Have President's Files**

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legations "at an appropriate time," but he did not suggest when or how he would do so.

Senator Ervin was sharply critical of the President's letter, saying that Mr. Nixon would have to "take the consequences" of his decision "to withhold information from the committee and the American people."

The Watergate committee's ranking Republican, Senator Howard H. Baker Jr. of Tennessee, said that he agreed with the President that the separation of powers doctrine would make it impossible for the committee to subpoena the President to testify. But he said that he hoped "some other means can be worked out" to get Mr. Nixon's version.

Another committee member, Senator Daniel K. Inouye, Democrat of Hawaii, said that testimony from Mr. Nixon was "vital to his future."

"Silence does not necessarily indicate guilt," he said. "Unfortunately, many people do interpret silence in that manner."

Senator Inouye added, however, that Mr. Nixon's appearance before the committee might not "be vital to the committee's work."

In his letter to Mr. Ervin, the President said that the "principle of confidentiality of Presidential papers" was "indispensable."

"No President could function if the private papers of his office, prepared by his personal

staff, were open to public scrutiny," Mr. Nixon wrote.

Papers sought by the committee are reported to cover a wide range of subjects, although the panel has not specified publicly precisely what it is seeking.

Among the papers requested are copies of news summaries made for the President with his personal notes on the margin and information relating to income tax returns.

Mr. Dean told the committee that he could provide some of this material if he could get to his own files, which are still under lock at the White House.

Today's statement by Senator Gurney that the President should allow the committee to inspect his documents that deal directly or indirectly with the Watergate case was the first time that he has been directly critical of Mr. Nixon since the Senate hearings began.

Mr. Gurney was the only member of the committee who was openly hostile to Mr. Dean, and the Senator went to some lengths to impeach Mr. Dean's credibility.

But the Senator declared today that he was in no way a defender of the President, saying that he was trying only to bring the entire truth to light. He reiterated that the White House had nothing to do with his selection as a committee member and that he had been in touch with no one there since the committee was formed.