

Presidential Papers Will Be Topic

Nixon Says He'll Talk to Ervin

Washington

President Nixon consented yesterday to meet with the chairman of the Senate Watergate committee to discuss the President's refusal to make White House documents available to the congressional investigators.

But a White House spokesman said Mr. Nixon would not budge from his refusal.

Mr. Nixon agreed to meet at an unspecified time with Senator Sam J. Ervin Jr., the chairman, after the Senate committee sent an urgent appeal to the White House for a conference that

might head off "the very grave possibility of a fundamental constitutional confrontation" over documents sought by the committee.

Deputy White House press secretary Gerald L. Warren insisted nonetheless that the President had acquiesced in the meeting only as a "cour-

tesy" to Ervin and that Mr. Nixon would neither testify before the committee nor provide presidential papers.

All the same, officials at the White House suggested that Mr. Nixon, who had asserted and later abandoned

Back Page Col. 1

From Page 1

rigid positions on the Senate investigation earlier this year, might yet make some form of accommodation with the committee.

The effort to iron out seemingly irreconcilable conflict between the President and the Senate committee exploring Mr. Nixon's possible role in the Watergate case unfolded against a backdrop of testimony that the President was innocent of any knowledge of the Watergate break-in or the subsequent coverup until March 21 of this year.

Richard A. Moore, a White House special counsel, appeared before the Senate

More Watergate news on Pages 8 and 9.

panel late yesterday to rebut the charge by John W. Dean III that Mr. Nixon had been enmeshed in the coverup as long ago as last September.

He appeared moments after the Senate Select Committee on President Campaign Activities completed the third day of testimony by former Attorney General John N. Mitchell.

Mitchell refused, amid sharp questioning, to depart from his central statement that he had deliberately withheld his own knowledge of the Watergate case from Mr. Nixon.

When Moore entered the Caucus Room of the old Senate Office Building and spotted Mitchell in the witness chair, he gave the former attorney general a salute, clenching his upraised right hand into a fist.

Then Moore chatted briefly with Mitchell, telling him,

"You're a tough act to follow. It's a nice one-two combination."

The conflict between the accounts given last month by Dean and yesterday afternoon by Moore placed renewed stress on the potential importance of White House papers relating to the Watergate case.

The Senate panel met in private yesterday morning to consider whether to subpoena the documents and thus initiate a formal legal challenge of the President's contention that they are protected by the doctrine of executive privilege.

But Senator Howard H. Baker Jr. of Tennessee, the ranking Republican, persuaded the committee to make one more attempt to persuade Mr. Nixon to volunteer the documents.

Neither the White House nor Ervin was certain when the meeting between the President and the committee chairman would take place.

Ervin said Mr. Nixon pledged, in a 15-minute lunch-hour telephone conversation, to arrange the meeting as soon as he clears his calendar of some pressing matters. The Senator said that he hopes the meeting will be held next week.

The committee formally asked the President late last month to provide a variety of documents, including several that Dean had testified he was not permitted to copy.

But the President responded Saturday, in a letter to Ervin, that it is his "constitutional responsibility" to maintain the separation between the executive and legislative branches by refus-

ing the request.

Furthermore, although the committee had not yet formally asked Mr. Nixon to give testimony at the Watergate hearings, Mr. Nixon added that he would refuse even an informal meeting with the panel.

Ervin talked by telephone with the President at midday after dispatching to the White House a letter, approved by the full committee, urging an opportunity to explore "ways to avoid" a confrontation over the documents.

Authoritative officials in the White House said Ervin asked the President to per-

mit the entire panel and its senior lawyers to meet with Mr. Nixon, but that the President immediately rejected the proposal.

Ervin then sought, the officials said, to convince the President to accept a meeting with both Ervin and Baker, the two senior members of the investigating committee. Mr. Nixon ruled that out as well.

According to the White House account, the President then told Ervin that he is welcome to come alone to meet Mr. Nixon "one on one," with no others present. Ervin agreed.

DEAN

The test of wills between the White House and the Senators has been building ever since the week-long testimony last month by Dean that the President had been aware of the cover-up since September 15.

Senators Ervin, Baker and Lowell P. Weicker Jr. (Rep.-Conn.) declared publicly that the President should make some form of response, preferably under-

oath and interrogation, to the charges.

In his letter to Ervin last week, Mr. Nixon said that he would "address publicly the subjects you are considering" at some point that seems to him to be "appropriate."

But the letter said that, "In the meantime, I consider it my constitutional responsibility to decline to appear personally under any circumstances before your committee or to grant access to presidential papers."

Ervin announced at the hearing yesterday that the committee had authorized him to send Mr. Nixon a letter that stated, in part, the following:

"The committee feels that your position, as stated in the letter, measured against the committee's responsibility to ascertain the facts . . . present the very grave possibility of a fundamental constitutional confrontation between the Congress and the Presidency. We wish to avoid that, if possible."

The letter was written by Baker and signed by Ervin.

LAUGHTER

The letter was sealed in an envelope and marked "For the Eyes of the President Only" — a point that drew loud laughter when Ervin pointed it out at the hearing — and it was accompanied by a covering letter advising the President that Ervin would telephone him.

Ervin also read into the record of the Watergate proceedings the text of a resolution that the committee adopted unanimously after the telephone conversation.

The resolution declared that the committee believed it was "entitled to have access to every document in the possession of the White House or any department or agency of the executive branch of the federal government which is relevant to prove or disprove" the issues involved in the inquiry.

New York Times

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United States Senate

SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
(PURSUANT TO S. RES. 11, 93D CONGRESS)
WASHINGTON, D.C. 20516

July 12, 1973

The President
The White House
Washington, D. C.

Dear Mr. President:

This letter is a product of deliberations of the Committee this morning, authorizing the Chairman to direct a letter to the President. It is the intention of the Chairman to try to reach the President by telephone at mid-day today.

Very truly yours,

Sam J. Ervin, Jr.
Chairman



United States Senate

SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
(PURSUANT TO S. RES. 11, 93D CONGRESS)
WASHINGTON, D.C. 20516

July 12, 1973

The President
The White House
Washington, D. C.

Dear Mr. President:

I acknowledge receipt of your letter of July 6, addressed to me with a copy to Senator Baker.

The Committee feels that your position as stated in the letter, measured against the Committee's responsibility to ascertain the facts related to the matters set out in Senate Resolution 60, present the very grave possibility of a fundamental constitutional confrontation between the Congress and the Presidency. We wish to avoid that, if possible. Consequently, we request an opportunity for representatives of this Committee and its staff to meet with you and your staff to try to find ways to avoid such a confrontation.

We stand ready to discuss the matter with you at your convenience. We would point out that the hearings are on-going and that time is of the essence. We trust that this may be done very promptly.

Very truly yours,

Sam J. Ervin, Jr.
Chairman

AP Wirephotos

Senator Sam Ervin signed the letter to the President