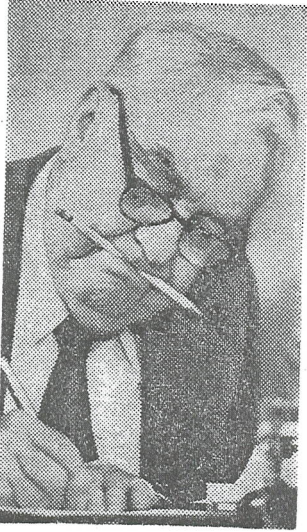


President, Ervin to Meet on Privilege



SAM J. ERVIN JR.
... letter to Nixon

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President Nixon will meet with Watergate Committee Chairman Sam J. Ervin Jr. in an effort to avoid a constitutional confrontation over the President's refusal to release documents to the committee.

In announcing the meeting yesterday, deputy White House press secretary Gerald L. Warren said it will be private and that a date will be set later. The President's illness made the date more uncertain.

Warren said the meeting will cover procedural matters between the White House and the committee, but he added that "there will be no change" in Mr.

Nixon's refusal to testify or permit the Senate investigators to have access to the presidential papers dealing with the Watergate scandal. He described the meeting as "a matter of courtesy."

The Senate select committee met twice yesterday in secret session to discuss the pending crisis over the documents. Significantly, it did not pass a resolution to subpoena the documents. Such a subpoena, if rejected by the President, would have precipitated a titanic Supreme Court battle.

Instead, at its first meeting, held before former Attorney General John N. Mitchell began his third day of testimony, the committee approved a letter from Ervin to Mr. Nixon and a

note saying Senator Ervin would telephone the President at noon. Both messages were hand-delivered by messenger in a sealed envelope marked "For the President's eyes only."

The letter stated that the President's and the committee's positions "present the very grave possibility of a fundamental constitutional confrontation between the Congress and the presidency. We wish to avoid that, if possible.

"Consequently," the letter continued, "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."

At noon the President and the North Carolina Senator talked for 17 minutes and agreed to meet alone. The committee's second secret meeting followed that conversation.

Afterward, Ervin said he would not bring up the question of the President's testifying himself.

While most of the members of Ervin's committee have indicated no desire to subpoena the President, some of them have said they wish he would appear voluntarily. And they have requested all documents related to presidential aides and the 1972 campaign, a request that Mr. Nixon refused in a

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letter last Saturday to Ervin.

The constitutional crisis escalated Wednesday when Warren announced that White House lawyers had decided May 23 that former presidential aides involved in the Watergate investigation could "peruse" their old documents but could not take notes on them or copy them in any way.

Yesterday, after learning that Mr. Nixon had agreed to meet with Ervin, the committee passed a resolution saying it "is of the unanimous opinion" that it "is entitled to have access to every document in the possession of the White House or any department or agency of the executive branch ... which is relevant" to the committee's investigation.

While neither side appeared to be giving ground on the document issue, the committee also said in its resolution that it "is anxious to avoid any confrontation with the White House" and for that reason had authorized Ervin to meet with the President "to ascertain whether there is any reasonable possibility of working out any reconciliation."

Another indication of possible compromise came from an administration source, who pointedly noted a section in the President's July 6 letter that said:

"The White House will continue to cooperate fully with the committee in furnishing information relevant to its investigation except in those instances where I determine that meeting the committee's demands would violate my constitutional responsibility to defend the office of the presidency against encroachment by other branches."

Although the Senate com-

The Senate Watergate committee, headed by Sam J. Ervin Jr. and Howard R. Baker (foreground) sits in executive session yesterday.

Associated Press

