

Ervin Panel Likely to Call Buzhardt to Testify Again

Decision Could Invite Clash Over Claim of Executive Privilege—Campaign Gift to Rebozo Seen as Target of Inquiry

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WASHINGTON, March 5—Investigators for the Senate Watergate committee, inviting a clash over President Nixon's newly revived claim of executive privilege, have again summoned J. Fred Buzhardt, the White House counsel, to testify in secret about a controversial \$100,000 campaign contribution, informed sources said today.

The sources said that Mr. Buzhardt would appear this Tuesday or Wednesday.

Last month, Mr. Buzhardt testified before the Senate panel for more than three hours about the cash contribution from Howard R. Hughes, the billionaire recluse, without invoking either executive privilege or attorney-client privilege, the sources said. The money, in \$100 bills, was given to Charles G. Rebozo, one of the President's closest friends, in 1969 and 1970.

Leonard Garment, another high-level White House aide, is also scheduled to testify, the sources added.

Gen. Alexander M. Haig Jr., the White House chief of staff, precipitated what could be another major confrontation during testimony last Thursday by invoking executive privilege and refusing to answer Senate questions about the \$100,000. General Haig, who was accompanied by James D. St. Clair, Mr. Nixon's special Watergate counsel, gave the committee a Presidential letter ordering him "not to testify about any information received or activities undertaken while you served as my chief of staff or as a member of the National Security Council staff." Prior to his appointment as White House chief of staff last year, General Haig worked on the staff of the National Security Council.

It was the first use of executive privilege by a high-level White House aide since last May 22, when the President—in a televised speech about Watergate—promised that executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct in the matters presently under investigation, including the Watergate affair and the alleged cover-ups.

'In a Real Bind'

The Senate committee's decision to call Mr. Buzhardt for more testimony places the White "in a real bind" because of the executive privilege decree, one source said.

The source theorized that Mr. Buzhardt could be cited for contempt of the Senate if he chose to follow what appeared to be a new White House policy of noncooperation that emerged after Mr. Nixon's release last Tuesday of more than 1,200 pages of edited transcripts of Watergate-related conversations between the President and some of his key aides.

On the other hand, the source added, if Mr. Buzhardt does testify, it would place General Haig in seemingly direct conflict with the Senate committee and expose him to retaliatory action.

Last week, a spokesman for Senator Lowell P. Weicker Jr., the Connecticut Republican who participated in the interrogations of Mr. Buzhardt, was quoted as saying that Mr. Weicker would favor giving General Haig one more opportunity to testify voluntarily. If he again cited executive privilege, the spokesman said, the Senator would then be willing to cite the retired Army general for contempt.

'A Fairly Heavy Week'

"Next week should be a fairly heavy week," a source close to the Senate inquiry said.

The seven-member committee is scheduled to meet Thursday in executive session to discuss, among other matters, what one official termed "appropriate decisions" about the invocation of executive privilege by General Haig.

In an interview on the American Broadcasting Companies television program "Issues and Answers" today, General Haig pointedly noted that he was "carrying instruction from the President of the United States" when he refused last week to cooperate with the Senate. The general added that he personally supported the use of privilege because of his close association with the President.

"When we're talking about the right-hand man of the President being called to testify," General Haig said, "we're talking about the very core of executive privilege."

He described the President's letter as a "very important instruction" to him that he said was aimed at re-establishing the doctrine of executive privilege. That doctrine, he added, has been "violated" by only one exception—the Watergate inquiry.

Asked whether he would modify his stand because of possible contempt of the Senate charges, General Haig replied, "I have neither the option nor the desire to change the instructions of the President on this matter."

Last March, the Senate investigators, headed by Terry F. Lenzner, heard testimony from Herbert W. Kalmbach,

President Nixon's former personal attorney, about a conversation he and Mr. Rebozo had in the White House on April 30, 1973. Mr. Kalmbach testified that Mr. Rebozo told him during that meeting that he had "used" the cash for personal gifts or loans to Mr. Nixon's brothers, F. Donald Nixon and Edward C. Nixon, "among others."

The Kalmbach account contradicted the assertions of Mr. Rebozo and the President that the \$100,000 was left untouched in a safety deposit box. The money was returned last June, about two months after the Internal Revenue Service began an inquiry into the matter.

On April 23, The New York Times reported that sources familiar with the Senate inquiry said the investigators believed that the White House played a major role in coordinating the subsequent I.R.S. inquiry into Mr. Rebozo and the \$100,000. It was that belief, the sources said, that prompted Mr. Lenzner to summon Mr. Buzhardt for questioning.

A number of sources depicted Mr. Buzhardt's subsequent testimony as "evasive." "He didn't remember things that took place three days earlier," one source contended.

Mr. Buzhardt was asked specifically about a letter he had drafted for Miss Woods last Oct. 18, dealing with the I.R.S. inquiry into Mr. Rebozo's actions. It was on that same day—according to subsequent Senate testimony—that General Haig telephoned Elliot L. Richardson, then the Attorney General, to complain on the President's behalf about a separate inquiry into the Hughes-Rebozo matter that had been initiated earlier by Archibald Cox, who was then the special Watergate prosecutor.

Doubts About I.R.S.

Mr. Lenzner and his investigators are known to have developed grave doubts about the efficacy of the revenue agency's inquiry into the \$100,000. The I.R.S. learned about the alleged Presidential campaign contribution in May, 1972, but did not interview Mr. Rebozo about it until the following May, according to the investigators.

Adding to their doubts was the subsequently discovered fact that John Bartlett, the I.R.S. agent conducting the inquiry, apparently took it upon himself to alert Mr. Rebozo last Oct. 18 that Mr. Cox had asked for and received revenue agency data on Mr. Rebozo.

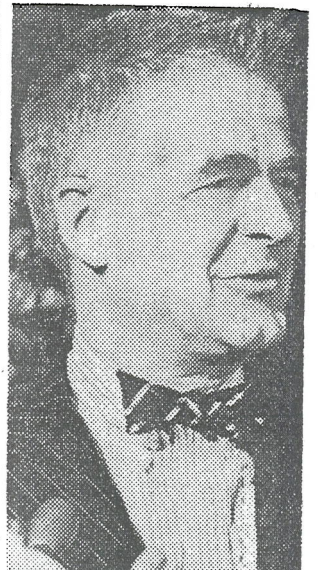
The Senate investigators unsuccessfully attempted to question General Haig last week about his activities of last Oct. 18. During Senate testimony late last year, Mr. Richardson quoted General Haig as protesting about the Cox inquiry into Mr. Rebozo's financial affairs because "the I.R.S. has given Mr. Rebozo a clean bill, [and] that it was the most thorough investigation in years."

The senate investigators are reported to be uncertain that it was a coincidence that Miss Woods did not respond to an I.R.S. question about her knowledge of Mr. Rebozo's handling of the Hughes contribution until last Oct. 18.

Mr. Rebozo had listed Miss Woods as the one person in whom he confided about the cash—one of the few witnesses the I.R.S. could seek out. Mr. Lenzner and his aides have expressed amazement that Miss Woods was permitted to respond to Mr. Bartlett's inquiry as late as October, at least three months after Mr. Rebozo said he had been cleared by the I.R.S.

Miss Woods subsequently told the Senate committee that her response, characterized by some sources as less than adequate, had been drafted by Mr. Buzhardt and merely signed by her.

On Oct. 20, two days after Miss Woods's response to Mr. Bartlett's inquiry, Mr. Richardson resigned as Attorney General and his deputy, William D. Ruckelshaus, and Mr. Cox were dismissed by the President in the so-called "Saturday night massacre."



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Archibald Cox, the former Watergate prosecutor, in Houston. He said it could be inferred that events of March 21 tended to obstruct justice.