

Nixon Denies Senate Request

Judiciary Committee Asks Dean's Testimony

WASHINGTON (AP)—The Senate Judiciary Committee voted unanimously Tuesday to invite White House counsel John W. Dean to testify at its hearings on L. Patrick Gray's nomination to be FBI director.

President Nixon has said he would not permit Dean to appear for questioning about an investigation he conducted for the President of the bugging of Democratic headquarters at the Watergate complex here last June.

Sen. Edward M. Kennedy, D-Mass., told newsmen that he hoped Nixon will reconsider. But Sen. Robert C. Byrd, D-W.Va., another committee member, said it appears "the President already has closed the door" to Dean's testimony.

Byrd, the assistant Democratic leader, said that if Nixon is unwilling to let Dean appear, he should withdraw Gray's nomination.

However, Sen. James O. Eastland, D-Miss., the committee chairman, said he is confident of approval of Gray's nomination regardless of whether Dean accepts the invitation to testify.

The committee met after Senate Democratic leaders made speeches protesting the sweep of President Nixon's assertion of right in barring testimony by his aides before congressional committees.

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Galbraith, testifying in defense of Daniel Ellsberg and Anthony

Elsewhere, in a court proceeding, subpoenas were issued for Dean and six other present or former Nixon administration officials to give pre-trial depositions in a suit brought by Common Cause. Common Cause seeks to force disclosure of certain information about financing of the Nixon re-election campaign.

In the Senate, Democratic Leader Mike Mansfield of Montana joined Byrd in urging Nixon

to reconsider the policy he set forth Monday of not permitting any members or former members of his personal staff to testify before a congressional committee.

The President said this policy was in line with well-established precedent and was necessary to preserve the Constitutional separation of powers, but he said he would arrange through informal contacts between his staff

and congressional committees to provide "all necessary and relevant information."

Mansfield said he recognizes there must be "a degree of confidentiality between a President and his advisers," but he declared any assertion of executive privilege must "not spread too far, too wide, or too far back."

Byrd said he was particularly disturbed by Nixon's "precedent-

setting shield of former staff members from congressional inquiries" and by the fact that the President's statement was issued during the Judiciary Committee's consideration of Gray's nomination.

Galbraith Testifies For Ellsberg

LOS ANGELES (AP)—Former presidential adviser John Kenneth Galbraith testified it is "inconceivable" that criticism of U. S. ambassadors and policies in Vietnam contained in the Pentagon papers could have harmed national defense interests.

Galbraith, testifying in defense of Daniel Ellsberg and Anthony

Russo at the Pentagon papers trial, said that criticisms in three volumes of the papers are in the best tradition of America's "open society."

"The United States is an open society where a wide variety of matters are discussed every day, many of them critical of our government," said Galbraith, former

U. S. ambassador to India. "We do not conclude because many of the comments are critical of the government that they are damaging to the national defense."

The comment by Galbraith came after he read to jurors several Pentagon papers passages which criticize U. S. officials' actions in Saigon between 1963 and 1967.

The passages showed that Ambassador Henry Cabot Lodge supported efforts by the South Vietnamese government to silence criticism by the American press corps. One passage quoted Lodge as saying, "The United States press should be induced to leave the new government alone. . . . Extensive press criticism at this juncture would be disastrous."

Turning to the jurors, Galbraith said, "Generally, these comments are criticisms of our ambassadors, who should not be immune to criticism. . . . Since this goes on in the United States every day, I cannot think that the addition of the statements in these volumes would appreciably have affected the conditions of our affairs in Vietnam or elsewhere."

The tall, graying Galbraith added that not only was the material useless to an enemy by the time Ellsberg and Russo copied it in 1969, but it probably also was of little use if released "con-

temporarily," when some events happened, in 1964.

"Five years later," he said, "I certainly think this information is, in every sense of the word, harmless."

Galbraith, now a Harvard professor of economics, was the third adviser to President John F. Kennedy to testify in defense of the men accused of stealing the Pentagon papers.

All three witnesses have disputed the government's contention that Ellsberg and Russo endangered the country by stealing valuable secrets.

Ellsberg, 41, and Russo, 36, are charged with espionage, conspiracy and theft for copying in 1969 20 volumes of the Pentagon study of the Vietnam war. Although the papers were released in 1971, the indictment involves the copying, not the release.

Galbraith, McGeorge Bundy and Arthur Schlesinger Jr., supported defense contentions that the papers were of no value to an enemy. Schlesinger and Galbraith added that the papers were of value to the American public and should have been released earlier.

A defense spokesman said Galbraith will be followed to the witness stand by Melvin Gurtov, author of part of the Pentagon study. Another Kennedy adviser, Theodore Sorenson, is expected to testify later.

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Cong Infiltrating Vietnam To Break Agreement, Says U.S.

WASHINGTON (AP)—North Vietnamese troops and materiel have infiltrated into South Vietnam in apparent violation of the Paris cease-fire agreement, government intelligence sources said Tuesday.

Administration spokesmen refused public comment when asked about reports that Hanoi has sent men and heavy equipment into the South, but other officials acknowledged privately there is evidence of such infiltration.

However, these sources could not or would not estimate the number of men nor the volume of materiel that have crossed the frontier, although they said the figures are not yet very large.

The Pentagon and other administration officials have acknowledged reports that some 30,000 North Vietnamese troops have moved down the Ho Chi Minh trail into Laos.

In addition, other sources report more than 300 tanks have come down a Laotian supply trail as well as several large artillery pieces, armored personnel carriers and large quantities of ammunition.

State Department spokesman Charles W. Bray said the situation reached such a point "in the past several days which led us to express our concern to the other side."

"We have been and continue to watch this very closely and with some concern in the context of articles VII and XX of the

agreement signed in Paris," Bray said.

These provisions prohibit the reintroduction of troops or materiel into South Vietnam, except for a one-to-one replacement of worn-out supplies.

They also ban any foreign nation from engaging in military activities in Cambodia and Laos and call on those nations to "totally withdraw from and refrain from reintroducing into these two countries troops, military advisers and military personnel, armaments, munitions and war materiel."

Aggies Split Doubleheader With Bearcats

HUNTSVILLE — Texas A&M whipped Sam Houston State 6-5 in the first game of a non-conference baseball doubleheader Tuesday, but the Bearcats hung the first defeat of the season on the Aggies in the nightcap 11-2.

Jim Hacker singled across the winning run for the Aggies in the first game. Sam Houston retallied with 10 hits in the second game, including a two-run homer by John O'Leary.

A&M is now 6-1 for the season and Sam Houston is 7-4.

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