

Probers Urge Dean Testify On Privilege

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President Nixon was urged yesterday to sanction testimony by White House counsel John W. Dean III on the controversial doctrine of "executive privilege."

The ranking members of the House Government Information Subcommittee, Chairman William S. Moorhead (D-Pa.) and Rep. John N. Erlenborn (R-Ill.), said they would steer clear of the Watergate case if the President would permit Dean to testify.

They made the request public in announcing the opening of hearings next week on the administration's policies in withholding information from Congress.

On the question of executive privilege, which Mr. Nixon has invoked in blocking Dean's testimony thus far, Moorhead charged that the President has "abused" the practice. He called it a legal fiction which Congress has tolerated largely as "a matter of courtesy between the two branches of government."

Erlenborn said he was prepared to concede the need for the administration's exercise of a "limited privilege," but he said he felt it was time for Congress to stop letting the President invoke it "as he sees fit."

At another congressional session on the issue yesterday, former Supreme Court Justice Arthur Goldberg said Mr. Nixon has clearly gone too far in claiming that the doctrine protects Dean from having to testify on the Watergate affair and the administration's subsequent investigations of it.

The President invoked the doctrine in a March 12 policy statement that would appear to prohibit Dean and other members of the White House staff, past and present, from any "formal appearance before a committee of the Congress," no matter what its inquiries might be.

Maintaining that the doctrine of executive privilege is "rooted in the Constitution,"

Mr. Nixon said the manner in which he and his staff carried out their assigned executive duties were "not subject to questioning by another branch of government."

Goldberg, however, told the Joint Committee on Congressional Operations that Mr. Nixon had waived the privilege for his aides in the Watergate case by declaring that he had no knowledge of the political espionage attempt.

"There is no privilege for matters that go beyond the relationship between the President and his staff," Goldberg said.

Moorhead and Erlenborn said they have formally requested Dean's appearance at their upcoming hearings in a March 23 letter to Mr. Nixon. They said that Dean had a "key role" in the handling of claims of executive privilege under Mr. Nixon and they promised to limit their questioning to that issue. Deputy White House Press Secretary Gerald Warren said the request was being "studied carefully."

Releasing a special Library of Congress study on the issue, Moorhead said the doctrine of executive privilege really dates back only to 1954 when President Eisenhower invoked it over a hurried weekend to head off testimony demanded by the late Sen. Joseph McCarthy (R-Wis.).

Erlenborn has introduced a bill that would permit invocation of the privilege only after a presidential finding that disclosure would "seriously jeopardize the national interest" or the administration's ability "to obtain forthright advice." Moorhead said he feared this proposal would give the practice more legitimacy than it deserves.