

# Dean Cites Privilege, Balks Hill

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The White House invoked executive privilege to block an inspection of tax-paid flights by administration officials during last fall's presidential campaign, a House subcommittee learned yesterday.

Counsel to the President John W. Dean III held last Nov. 20 that the passenger lists and flight logs in question were "personal to the President and thus not the proper subject of congressional inquiry."

Officials of the General Accounting Office, Congress's watchdog agency, said it was the first time that the privilege doctrine had been used, at least "in the recent past," to deny information to GAO investigators.

They cited the episode at the opening of hearings on executive privilege by the House Subcommittee on Government Information.

Urging legislation to limit the practice, GAO general counsel Paul G. Dembling said his agency had tried to review the flights made last September by aircraft assigned to the 89th Military Airlift Wing at Andrews Air Force Base, including the President's plane.

In a letter to President Nixon's chief of staff, H. R. Haldeman, last Oct. 31, Comptroller General Elmer B. Yates, the head of GAO, said his agency had been asked "by a member of the Congress" to review September trips by the President and his family, the Vice President, White House staff

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members and Cabinet members. Staats said the GAO also wanted to determine "the extent" to which the Government had been reimbursed for those flights by the Committee for the Re-Election of the President.

In that fashion, GAO officials said yesterday, they might have been able to determine what trips the White House deemed "political" and what flights it considered properly chargeable to the taxpayers.

According to Dembling, the Comptroller General's request for access to the passenger manifests and flight logs on file at the White House went unanswered until after Election Day.

Replying for Haldeman on

Nov. 20, White House Counsel Dean wrote that "information of this nature has traditionally been considered personal to the President" and could not be reviewed.

"All political flights made during September," Dean added, "were billed to the Committee to Re-Elect the President and that data will, of course, be reflected in the committee's financial reports."

In his policy statement on executive privilege last month, Mr. Nixon said he had no intention of using the doctrine "as a shield to prevent embarrassing information from being made available." But he said he could not permit any formal congressional appearances by either past or present members of his personal White House staff.

The chairman of the House Government Information Sub-

committee, William S. Moorhead (D-Pa.), and its ranking Republican, Rep. John N. Erlenborn (Ill.), had urged the President to permit Dean to testify at their hearings anyway, with the understanding that he would be asked no questions on the sensitive Watergate case.

Dean's office sent word to the subcommittee yesterday afternoon that he would not appear. The subcommittee, which is focusing on an Erlenborn bill to limit the use of executive privilege, was also unsuccessful in its efforts to elicit testimony from the Office of Management and Budget, the Treasury Department, and the Department of Health, Education and Welfare. All maintained that the Justice Department would be the "most appropriate administration spokesman" on the issue.