

A G.O.P. Leader in House Urges Congress to Nullify Kleindienst's Claim to Wider Executive Privilege

By ANTHONY RIPLEY
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WASHINGTON, April 11—A leading Republican in the House of Representatives expressed "utter shock and dismay" today at Attorney General Richard G. Kleindienst's broad interpretation of executive privilege.

Representative John B. Anderson of Illinois, chairman of the House Republican Conference, told three Senate subcommittees meeting jointly to examine executive privilege and secrecy that Mr. Kleindienst's statements yesterday were "unnecessarily provocative and contemptuous of Congress."

"The Attorney General has thrown down the gauntlet," Mr. Anderson said. "If this Congress is to preserve even a semblance of integrity and independence, it must act immediately to nullify the sweeping claim of executive power asserted by the Attorney General."

The attack by a member of his own party on Mr. Kleindienst's position came as the White House was supporting the Attorney General. Ronald L. Ziegler, the Presidential press secretary, said at a news briefing at the White House that "the Attorney General was explaining the Administration's point of view."

Shield Broadened

In testimony yesterday before the three subcommittees, Mr. Kleindienst said that if the President objected, none of the 2.5 million employees of the executive branch of the Government could testify before Congress. He repeatedly suggested that, if Congress wished to remedy the situation, it could cut off funds to the executive branch or impeach the President.

Mr. Anderson told the subcommittees today: "Until the present, I have not been inclined to take an overly restrictive view of executive privilege."

"It seemed to me quite reasonable to allow the President to enjoy confidential relations with his direct advisers regarding matters of national security."

"But I feel compelled to stress before the committee today in the strongest terms possible my utter shock and dismay at the testimony presented yesterday by Attorney General Kleindienst."

Mr. Anderson added that Mr. Kleindienst's statement "was not only unnecessarily provocative and contemptuous of Congress, but, more importantly, it contained such an alarming and dangerous expansion of the notion of executive privilege that I can see only one course of action: Congress must immediately pass legislation strictly limiting executive privilege lest the delicate balance of shared power between the two branches be ruptured permanently."

Asked as he left the hearing room if his statement reflected the position of House Republicans, Mr. Anderson replied:

"I would hope so. I didn't come over here to be heroic."

The acting chairman of the subcommittees, Senator Edmund S. Muskie, Democrat of Maine, also expressed alarm about Mr. Kleindienst's testimony.

'Executive Wishing'

"If his testimony does represent the considered policy of the Administration — and he seemed to be flying by the seat of his pants—then it seems to say to us that executive privilege is none of our business," Mr. Muskie said.

Senator Adlai E. Stevenson 3d, Democrat of Illinois, said executive privilege had no roots in the Constitution as the President contended, but was "a doctrine created not so much by legal or judicial deliberation as by executive wishing, conjuring and speechmaking."

Mr. Stevenson said Congress had broad powers in the matter and suggested that Congress or the courts set up a "special prosecutor" to handle the matter.

Controller General Elmer B. Staats told the subcommittees that his efforts to investigate actions by the executive branch on behalf of Congress were not frustrated directly by Presidential orders of executive privilege.

Instead, he said, agencies have become "super cautious" under the President's directives, resulting in "tremendous delays," records being "screened," and requests for information being referred "up the organizational hierarchy."

He added that "department or agency privilege" was often invoked.

Harding F. Bancroft, executive vice president of The New York Times, testified about the newspaper's difficulties in obtaining information under an Executive order the President

issued last year in an effort to lift needless secrecy from Federal documents.

Mr. Bancroft said that 13 months of effort to declassify 51 documents had produced only five. He supported amendments to the Freedom of Information Act that would speed the declassification.

In a separate hearing before the Senate Foreign Relations Committee, Senator J. W. Fulbright, Democrat of Arkansas, discussed Mr. Kleindienst's testimony and asked Alexander M. Bickel, Yale University law professor, if there was any way

to invoke censure short of impeachment.

Mr. Bickel noted that President Jackson was censured by resolution, but Congress recanted after Jackson became very angry.

Nicholas deB. Katzenbach, former Attorney General and one-time Under Secretary of State, commented that, before enacting such a censure resolution, "you might inquire where the nearest B-52's are."

Dispute Called Political

DETROIT, April 11 (AP) — The dispute over Mr. Nixon's power to withhold information from Congress is a "political matter" engineered by a Democratic Congress against a Republican President, Mr. Kleindienst told newsmen here today.

In remarks preceding a speech at a Federal Bar Association seminar on business-government relations, the Attorney General said his Senate testimony yesterday, in which he maintained that the President had the power to refuse to let any executive branch employe respond to a Congressional subpoena to testify, was merely that of a lawyer giving his constitutional opinion.