

GOP Leader Scores Kleindienst

Privilege Claims Denounced

4/12/73

By George Lardner Jr.
Washington Post Staff Writer

The chairman of the House Republican Conference yesterday angrily denounced Attorney General Richard Kleindienst's sweeping claims of executive privilege and urged their immediate repudiation by Congress.

"The Attorney General has literally thrown down the gauntlet," Rep. John B. Anderson (R-Ill.) told three Senate subcommittees conducting joint hearings on the controversy. He charged that Kleindienst's testimony in the same forum Tuesday "borders on contempt for the established law of the land."

An unscheduled witness at

the hearings, Anderson said he had not been inclined before this to "take an overly restrictive view of executive privilege" but felt "compelled" to speak up in the face of Kleindienst's assertions.

Elaborating on the privilege doctrine that President Nixon enunciated last month to cover his personal White House staff, Kleindienst maintained that the President has the right to prevent any federal employee from testifying before Congress, even in impeachment proceedings.

Touching on the Watergate case, the Attorney General said that alleged criminal violations were "uniquely the province of the Judiciary" and that presidential immunity

from congressional testimony could even be invoked for subordinates accused of wrongdoing.

Despite that assertion, Sen. Edward J. Gurney (R-Fla.), who is also a member of the Senate's Watergate investigating committee, said at yesterday's session that "I think we're going to get all the witnesses we want to get" at the upcoming Watergate hearings.

"I think the political process will force that," Gurney said. "I hope it will."

Calling himself "a peace-loving man," Sen. Sam J. Ervin Jr. (D-N.C.), a chairman of the Watergate committee, said he hoped so, too, but he emphasized again his readiness for a

See PRIVILEGE, A3, Col. 8



REP. JOHN B. ANDERSON
... disputes Kleindienst

PRIVILEGE, From A1

showdown in maintaining Congress's "constitutional power to get witnesses," including White House aides.

"It's inconceivable to me that they have a special status of royalty," Ervin said.

Anderson voiced "utter shock and dismay" at Kleindienst's testimony, calling it "not only unnecessarily provocative and contemptuous of the Congress but ... such an alarming and dangerous expansion of the notion of the 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."

The House GOP Conference chairman said Kleindienst's claims left him wondering whether "the chief lawyer of the government has ever heard of the Freedom of Information Act." In asserting the President's uncontrolled

right to withhold any administration, document as well as witness from Congress, as he did Wednesday, the Attorney General was claiming the authority to deny information that the law already makes available to the general public, Anderson protested.

Later, he told a reporter that he "would hope" that most House Republicans agree with him. "I didn't come over here to be heroic or anything like that," Anderson said.

He proposed that executive privilege be restricted to "direct, personal and confidential relationships between the President and his chief advisers on matters involving national security and other public policy decisions."

Another witness, former Defense Secretary Clark M. Clifford, said at Tuesday's session that the privilege could not conceivably cover the Watergate affair unless the President knew of it and talked about it with his staff "before and after the events took place."

Sen. Edmund S. Muskie

Maine) said yesterday that Kleindienst "seemed to be flying by the seat of his pants" during much of his testimony. But when asked at a briefing yesterday if the White House concurred in the Attorney General's definition of executive power, presidential press secretary Ronald L. Ziegler said: "He was expressing administration policy, yes."

Ziegler said the administra-

tion regularly provides Congress with "massive amount of material," and he said Kleindienst "pointed out that we have a policy of being very forthcoming."

"The Attorney General's statement related to broad principles and was not addressed to specific matters," Ziegler said. "We have made our position clear on our desire to cooperate with the Ervin (Watergate) committee."