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Fulbright Asserts Rogers Frequently Withheld Data

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WASHINGTON, March 4 —

Senator J. W. Fulbright of Arkansas charged today that Secretary of State William P. Rogers had "all too often withheld information" on the war in Indochina from the Senate Foreign Relations Committee.

The Secretary, who only yesterday was defending himself against Senate charges that he had been eclipsed in power by Henry A. Kissinger, the President's adviser on national security, seemed taken aback by the latest attack by a personal friend on the Foreign Relations Committee.

Leaving a House Appropriations subcommittee hearing, Mr. Rogers declined comment on the Fulbright charge but immediately ordered an aide to get a copy of the senator's speech.

As examples of how Mr. Rogers had "withheld" information, Senator Fulbright said that "neither the Cambodian nor the Laotian intervention were made known to the Foreign Relations Committee in advance, although on both occasions Secretary Rogers had met with the committee shortly before the military operations began, ostensibly to discuss those very subjects."

Secret War Charged

In a speech he is to deliver in the Senate tomorrow, Senator Fulbright will cite as another example the failure of the executive branch to make "known to Congress and the American people that the United States has been conducting a secret war in northern Laos." The Senator did not specifically blame Mr. Rogers for withholding this information from the Foreign Relations Committee.

Responding to the Fulbright complaints, Robert J. McCloskey, a State Department spokesman, said that Mr. Rogers had "never failed to answer questions" by members of the Foreign Relations Committee and that "every answer given was given truthfully and fully." The only information withheld, he said, "had to do with impending military operations."

Following the release of the Fulbright speech, Senate sources disclosed, Mr. Rogers also called Senator Fulbright, and the Senator reportedly explained that the main target of his speech was not Mr. Rogers but the growing influence of Mr. Kissinger and his refusal to appear before Congressional committees.

Senator Fulbright, chairman of the Foreign Relations Committee, also joined in the growing complaint within the committee that Mr. Rogers's powers as Secretary of State had been largely pre-empted by Mr. Kissinger.

Criticism by Symington

Senator Stuart Symington of Missouri, another member of the committee, contended on Tuesday that Mr. Kissinger had become "Secretary of State in everything but title" and that as a result Mr. Rogers had become a laughing-stock on the Washington social circuit. The Symington statement drew an emphatic denial from the White House, which said that President Nixon regarded Mr. Rogers as his "chief adviser on foreign policy."

Despite this White House denial, Senator Fulbright renewed the charge today with the statement:

"Power and influence in the making of foreign policy have passed largely out of the hands of the State Department—which is accountable to Congress—into the hands of Mr. Kissinger's National Security Council staff, which is not,

under the present practice, accountable to Congress.

Senator Fulbright is scheduled to introduce tomorrow legislation that would require officials of the executive branch, when summoned, to appear before Congressional committees even though they may subsequently refuse to testify about certain information on the ground of executive privilege. The legislation is aimed in particular at Mr. Kissinger, whom Senator Fulbright described as "the principal architect of our war policy in Indochina."

Unlike Mr. Rogers, who Senator Fulbright observed at least withheld information while appearing in person before the committee, Mr. Kissinger has refused repeated requests to testify, even informally and privately, before the Foreign Relations Committee, citing executive privilege as a member of the President's staff.

Senator Fulbright said the purpose of the bill was to eliminate the "unwarranted extension" of the concept of executive privilege and to make a "small breach in the wall of secrecy behind which the Administration has barricaded itself in matters relating to foreign policy in general, to our war aims in Indochina in particular."

Senator Fulbright noted that at a recent closed-door committee hearing, Mr. Rogers, whom he identified only as "a high Administration official," had refused to answer the "seminal question" of whether the Administration intended to withdraw all forces from Indochina regardless of political consequences or would withdraw them only if anti-Communist governments were firmly established in the area.

The Administration's refusal to answer this question, he said "means that the American people are being committed to an open-ended, undeclared, unconstitutional war for unknown, classified objectives."

"We are entitled to more than an answer," he said. "As citizens of a Constitutional democracy, we are entitled, through the electoral process and through the legislative process in Congress, to ratify or reject a President's proposed course of action. He is not, in the law, at liberty to make war as he alone sees fit."

It becomes impossible, however, he said, for Congress to exercise its legislative role or its Constitutional responsibilities to declare war if the executive branch is at liberty to withhold information or deny direct access to foreign policy-makers on grounds of executive privilege.