

Historian Tells Senators Meeting on Executive Privilege,
'You Are the Superior Power'

by Anthony Ripley

Washington, April 12 - Senators examining President Nixon's use of executive privilege were told today that they needed no new laws and no further hearings, only the "gumption" to assert their "superior power" under the Constitution.

Raoul Berger, a law historian and senior fellow at the Harvard Law School, told a joint meeting of three subcommittees that the Administration had relied on "pseudo-precedents" and "boilerplate" law to back the "myth" of executive privilege.

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Mr. Berger took the Senators through 12 pages of legal history that he had drawn up. They showed that there was no precedent under English parliamentary practice for the withholding of information from Congress and no precedent under the Constitution.

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