

ROCKEFELLER BALKS ON PRIVILEGE ISSUE

FORD AD

He Refuses to Give Senators
Commitment on Its Use
—Hearing Is Ended

NYTimes SEP 26 1974

By LINDA CHARLTON

Special to The New York Times

WASHINGTON, Sept. 25—

The Senate Rules Committee concluded its two and a half day interrogation of Vice President-designate Nelson A. Rockefeller today, with Mr. Rockefeller refusing to commit himself on how he would apply the doctrine of executive privilege should he succeed to the Presidency.

The question of executive privilege was brought up toward the end of the three-hour morning session by Senator Robert C. Byrd, the West Virginia Democrat. Mr. Byrd's questioning of Mr. Rockefeller has been so persistent that the former New York Governor murmured, half-laughing, "I'm going to brace myself" when it was Mr. Byrd's turn to question him again today.

During questioning by Mr. Byrd and the eight other members of the committee, Mr. Rockefeller said he did not

Continued on Page 16, Column 3

Continued From Page 1, Col. 5

controls at this time, because domestic inflation was intertwined with international factors, such as rising oil prices.

He also told the committee that, in his opinion, "Henry Kissinger for this nation at this particular time has been an absolute Godsend in his total grasp on the world picture." He also praised the ability of the Secretary of State, who was Mr. Rockefeller's foreign-affairs adviser before coming to Washington, for his ability to "think conceptually" and for his integrity.

Senator Howard W. Cannon, Democrat of Nevada, the committee chairman, asked Mr. Rockefeller if he had had any contact with former Vice President Spiro T. Agnew.

Mr. Rockefeller said that he had received an inquiry from Mr. Agnew after the Vice-Presidential resignation. "It wasn't funds, it was help in connection with a book . . . and I did not," Mr. Rockefeller said. He added that Mr. Agnew had wanted "somebody to sponsor or finance payments in advance on a book."

Mr. Rockefeller went on to volunteer, "I have had two letters, I think, from Mr. Ehrlichman, asking me to contribute to his defense. . . . From a human point of view, I'm embarrassed to say that I did not answer the letters."

John D. Ehrlichman was former President Richard M. Nixon's chief domestic affairs adviser until he resigned in April, 1973, in the midst of the growing Watergate furor. He was convicted in July of perjury and of conspiring to violate the civil rights of Daniel Ellsberg's former psychiatrist, and will go on trial next week in the Watergate cover-up case.

Defends Albany Project

Mr. Cannon also brought up the South Mall, a state office building complex and a Rockefeller-backed building project in Albany that has been described by Mr. Cannon noted, as "a personal monument at public expense."

Mr. Rockefeller said the South Mall project had been undertaken to provide needed office space for the scattered state agencies, and also as part of a plan to rejuvenate the central city. He said the increase in cost—from, he said, \$480-million to \$900-million—was due in part to the amount of mud on the site that had to be removed before construction could begin. "The same things are said about this that were said about Rockefeller Center," he added.

Mr. Cannon asked Mr. Rockefeller

about his 1972 appointment of Stephen S. Gottlieb to the State Liquor Authority, a move that was widely charged to have been a deal for dropping a challenge to the State Senate minority leader, Joseph Zaretzki, a Democrat and Rockefeller ally. Mr. Zaretzki was later defeated by a reform Democrat.

Mr. Rockefeller today denied any political motivation for the appointment, saying he had named Mr. Gottlieb solely because he was a "tough young man, fearless. I asked him. He didn't have to accept, and he did."

Wary of Commitments

As was true yesterday, it was only during Mr. Byrd's persistent questioning that Mr. Rockefeller displayed the slightest hesitancy or tension. At one point during the polite struggle, he burst out to say, "There's one commitment that really got me into trouble. . . . when I said in 1962 that I wouldn't raise taxes" and later was forced to do just that. "Believe me," he went on, "I was gun-shy after that about making a commitment."

"We're gun-shy also," Mr. Byrd said heatedly. "The people of the country are gun-shy after what we've gone through. It's not my intention to appear to pillory or badger . . . I want to ask once again, let me try once more . . ."

What he wanted from Mr. Rockefeller, and what Mr. Rockefeller was just as determined not to give him, was a firm commitment that he would not invoke executive privilege to keep any member of the executive branch from appearing before any Congressional committee on matters not involving

diplomatic or military secrets or national security.

"I can think of no cause at the present time in which I would invoke the doctrine . . . but I would be irresponsible to make a flat commitment," Mr. Rockefeller said after an exchange of more than a dozen questions and answers.

Mr. Byrd said later that Mr. Rockefeller's attitude "gave me trouble," adding that there is "no question but that he has tremendous ability and capacity to govern." He said he had not yet decided how he would vote on Mr. Rockefeller's nomination, but that he was sure the committee would vote to confirm it.

Throughout the hearings, almost all the committee members have commented on two topics not directly related to their proceedings—the failure of the major television networks to carry the hearings live, and the anticipated failure of the House Judiciary Committee to complete its hearings on Mr. Rockefeller before the Nov. 5 elections.

During today's afternoon session, which was devoted entirely to statements from Senators and members of Congress urging Mr. Rockefeller's confirmation, there were similar expressions of distress at the idea of delay in Mr. Rockefeller's confirmation.

Recess Schedule Set

WASHINGTON, Sept. 25 (AP)—The Senate plan to recess Oct. 11 for the November election, and the House will do so a few days later.

This timetable was disclosed today by the Senate majority leader, Mike Mansfield, Democrat of Montana, after a meeting with House Speaker Carl Albert, Democrat of Oklahoma.