

THE NEW YORK TIMES, FRIDAY, MARCH 24, 1972

Goldberg Bids Congress Define President's Role in Giving Data

By RICHARD HALLORAN

Special to The New York Times

WASHINGTON, March 23 — Arthur J. Goldberg, the former Supreme Court Justice, urged Congress today to adopt a "comprehensive statute" to define the President's responsibility in furnishing vital information to the legislature.

"That vital information necessary to Congress in the performance of its duties has been and is being withheld by the executive, no one can really challenge," Mr. Goldberg asserted before the House Government Operations Subcommittee on Government Information.

Mr. Goldberg, who was representative to the United Nations in the Johnson Administration and Secretary of Labor under President Kennedy, also asserted, "It is an understatement to say that we are witnessing an increasing confrontation between the executive and legislative branches in this area."

Operation of Law Queried

"In my view," he said, "we must promptly take all necessary steps to prevent this confrontation from becoming a constitutional crisis."

The subcommittee, headed by Representative William S. Moorhead, Democrat of Pennsylvania, has been investigating the operation of the Freedom of Information Act, which was intended to increase the flow of information from the executive branch to Congress and the public.

In addition, Mr. Moorhead has been a leading critic of President Nixon's new Executive order to reduce the secrecy

in national security papers and to speed up the release of such papers to the public.

In a related matter, many Democratic and some Republican Congressmen have become increasingly critical of Mr. Nixon's exercise of executive privilege to forbid senior White House aides to testify before Congressional committees.

On that point, Mr. Goldberg said this morning that he found it "absolutely untenable" for White House aides to submit publicly to interrogations by newsmen but to refuse to testify before Congressional committees.

Cites Gravel Case

Senior White House officials such as Henry A. Kissinger, the President's assistant for national security affairs, often brief newsmen on policy decisions. But none, despite repeated invitations, have appeared before Congressional committees.

Mr. Goldberg also said, "I find it rather ironic that the executive branch, which strongly insists upon the President's privilege in his dealings with his own staff, should be challenging in the courts the privilege of Congress in relation to Congressional staffs."

He cited the case before the Supreme Court in which the Justice Department contends that the Congressional immunity of Senator Mike Gravel, Democrat of Alaska, does not extend to his staff and others who helped him in publishing the secret Pentagon study of the Vietnam war.