

NIXON SAYS AIDES WILL NOT TESTIFY BEFORE CONGRESS

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Policy Statement Indicates
Dean and Chapin Will Bar
Questions on Watergate

LONG PRECEDENT CITED

Former Members of Staff
Covered by the Ruling—
Informal Help Vowed

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WASHINGTON, March 12 —

In a policy statement on the use of executive privilege, President Nixon said today that members and former members of his personal staff would decline to make any formal appearances before Congressional committees.

The statement indicated that Mr. Nixon was ruling out an

Excerpts from the statement
are printed on Page 16.

appearance before Congress of John W. Dean 3d, the President's counsel, and Dwight L. Chapin, a former White House aide, in the continuing inquiry into political sabotage during last year's Presidential race.

"A member or former member of the President's personal staff normally shall follow the well-established precedent and decline a request for a formal appearance before a committee of the Congress," Mr. Nixon said.

"At the same time," he continued, "it will continue to be my policy to provide all necessary and relevant information through informal contacts between my present staff and committees of the Congress in ways which preserve intact the constitutional separation of the branches."

A Controversial Practice

The use of executive privilege has become a heated issue recently, not only in regard to Congressional efforts to find out about possible White House

involvement in last year's Watergate bugging and break-in case but also in the evolution of Presidential government — the drawing of more authority and decision-making away from the departments and into the White House, where the President can curtail the extent of Congressional and public access.

Mr. Nixon's 1,000-word statement on the issue, promised by the President in his Jan. 31 and March 3 news conferences, was designed to clarify the White House position.

Although he promised not to use the privilege "as a shield to prevent embarrassing information from being made available," the thrust of the statement was not likely to stop accusations that he has extended use of the privilege beyond that of any previous President, particularly in protecting Administration officials well down the line of authority.

Senators Weigh Request

"The manner in which the President personally exercises his assigned executive powers is not subject to questioning by another branch of government," Mr. Nixon said. "If the President is not subject to such questioning, it is equally inappropriate that members of his staff not be so questioned, for their roles are in effect an extension of the Presidency."

On the watergate case Mr. Nixon was asked March 3 if he would object to Mr. Dean's appearing before a Congressional committee.

"Of course," Mr. Nixon said. "It is executive privilege."

Mr. Dean was present when Federal Bureau of Investigation agents questioned White House staff members about alleged political espionage, and the Sen-

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ate Judiciary Committee is expected to vote later this week to ask him to testify.

Mr. Nixon's position regarding his present counsel came as no surprise. But his statement today seemed to extend the use of the privilege by including former aides.

Mr. Chapin, who resigned earlier this year as a deputy special assistant to the President and returned to private life, may be asked to testify in the Watergate inquiry. There

has been testimony before the Senate Judiciary Committee that Mr. Chapin made payments from Republican campaign funds to Donald H. Segretti, who was allegedly hired to conduct political sabotage against Democratic candidates.

Ronald L. Ziegler, the White House press secretary, questioned about the President's statement, said the use of executive privilege by former aides had been used in other administrations, but he was unable to provide specific precedents.

Mr. Nixon in his statement and Mr. Ziegler in a press briefing contended that the Nixon White House was not extending the use of executive privilege in any way.

The issue was discussed at length last Thursday at a Congressional conference that brought two dozen historians, political scientists and other scholars to Washington to discuss the struggle.

Arthur Bestor, history professor at the University of Washington, said that executive privilege was not sanctioned by the Constitution nor provided for by parliamentary precedent.

Raoul Berger, the Charles Warren senior fellow at Harvard Law School, agreed that executive privilege was "a myth." He said that Congress should test it by calling the Secretary of State to Capitol Hill and demanding documents and, if they were not provided, citing him for contempt of Congress.