

Announcer: The Democratic chairman of a House subcommittee investigating government secrecy testified today that the Nixon administration has arrogantly asserted "the divine right of the presidency" to withhold information from Congress. Rep. Williams Moorhead of Pennsylvania said, "I submit that this is a doctrine of monarchial origin at best, or at worst a totalitarian dogma espoused by banana republic dictatorships." His comments at a joint hearing of three Senate subcommittees were directed at the testimony two days ago of Atty. Gen. Richard Kleindienst. Moorhead continued: "I never thought the day would come when any attorney general of the United States could have ~~shown~~ the audacity to proclaim that in effect Congress has no power to order an employe of the executive branch to appear and testify if the President, in his almighty wisdom, barred such testimony."

A spokesman for the President said yesterday that Kleindienst's testimony was an expression of administration policy. He asserted that under the constitutional separation of powers the President may use executive privilege to prevent any subordinate from giving information to Congress. While Moorhead called Kleindienst's testimony "an amazingly arrogant performance," Ralph Nader testified "the major problem with executive privilege is that the Congress has not in any meaningful way challenged its use by Nixon and other Presidents." Nader said, "The Congress has totally failed in asserting its right to executive information. It has growled, but it has never grappled." Nader said Congress must serve subpoenas and force court tests. He said "all the executive privilege crises of the past have been resolved by settlement that almost without exception has confirmed the very dubious power of the executive to claim it."

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