

# Nixon Ends Insistence That Executive

## Will Not Invoke Doctrine On Possible Illegal Acts

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WASHINGTON, May 22 — President Nixon abandoned today his once adamant insistence that "executive privilege" should keep his personal staff from having to testify before Congress about the Watergate scandal.

A single sentence near the end of his long statement today marked the decline of the controversial doctrine in Mr. Nixon's recent interpretations of it. "Executive privilege," the President declared, "will not be invoked as to any testimony concerning possible criminal conduct, or discussions of possible criminal conduct, in the matters presently under investigation, including the Watergate affair and the alleged cover-up."

The statement means that Mr. Nixon's present and former aides will not be able to refuse to appear and answer questions in the Senate Watergate hearings on the ground that White House communications have an inherent Presidential privacy.

### Exchange Is Recalled

Only weeks ago, President Nixon saw executive privilege as a virtually absolute power to deny White House information and staff to Congress. When it was first suggested early in March that John W. Dean 3d, then the President's counsel, might be called to testify about Watergate before the Senate Judiciary Committee, reporters asked Mr. Nixon if he would object.

"Of course," the President replied.

"Why?" another reporter asked.

"Well, because it is executive privilege," the President answered. "I mean, you can't—I, of course—no President could ever agree to allow the counsel to the President to go committee."

### Compromise Was Made

Later the White House compromised with the Senate on appearances by staff members before the select committee investigating Watergate, but clung to the doctrine that executive privilege would entitle witnesses to keep silent on some questions.

In the last statement prior to today's, the White House declared on May 3 that executive privilege still applied to conversations with the President, conversations among aides about communications with the

WEDNESDAY, MAY 23, 1973

## Privilege Bars

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## Testimony by His Staff

President, and all official White House papers.

At the time, the White House was also declaring that illegal acts would not be covered; indeed they could not possibly be covered, aides explained, since it was inconceivable that illegal acts would ever have been discussed with the President or undertaken with any official sanction.

### Reports of Violations

In the meantime, it has been reported that a variety of violations of the law, including burglary and perjury, were cloaked with official justifications. And charges related to Watergate have extended to the highest levels of the White House staff.

Accordingly, any further insistence on "executive privilege" as a reason for silence faced a powerful attack from Republican and Democratic members of the Senate's Watergate committee.

President Nixon had indicated earlier that he would not invoke executive privilege to limit the testimony of his aides in grand jury investigations of the Watergate affair.

### Position of Critics

President Nixon was said by his liberal critics to have claimed a broader reach of executive privilege than any President before him. But by his new statement he seems to derive less protection than any of his recent predecessors from this doctrine of staff privacy—an idea that Mr. Nixon once compared to the privacy between a judge and his clerk, or between a lawyer and his client.

"Under the doctrine of separation of powers," Mr. Nixon declared last March 12, "the manner in which the President personally exercises his assigned executive powers is not subject to questioning by another branch of Government. If the President is not subject to such questioning, it is equally appropriate that members of his staff not be so questioned, for their roles are in effect an extension of the Presidency."

May 3?