

Privilege Invoked By Ziegler

By Hanrahan

Washington Post Staff Writer

President Nixon's press secretary Ronald L. Ziegler claimed executive privilege on a number of matters yesterday during his testimony behind closed doors in a civil damage suit arising out of the Watergate affair, Democratic sources said.

Asked for an explanation, the White House issued a statement saying that Mr. Nixon's previous pledge not to invoke executive privilege concerned "official investigations into the Watergate matter" and not civil suits arising from this case.

The claim of executive privilege comes in the midst of what has come to be known as "Operation Candor," the effort by Mr. Nixon to make public more information concerning the Watergate affair. Ziegler's sworn deposition taken yesterday is expected to be made public later this month but, sources said, the claim of executive privilege has decreased its informational value.

Democratic lawyers said they will go into court soon with a motion to compel Ziegler to testify.

Ziegler cited executive privilege yesterday as he was giving testimony in the \$6.4 million damage suit filed by the Democratic National Committee against the Committee for the Re-election of the President and seven Nixon campaign officials and employees.

According to Democratic sources, Ziegler took the position that all of his conversations with Mr. Nixon were covered by executive privilege, as were Ziegler's office files, background papers and briefing materials that he used in preparing statements to the press on the Watergate affair.

Democratic sources also said that Ziegler had cited executive privilege on some questions relating to conver-

sations he had with other White House aides prior to giving briefings to the press on Watergate, but the White House said this was not so. A press aide said the claim of privilege had come on documents and only on conversations Ziegler had with Mr. Nixon.

"We're back to pre-May 22 on this," one Democratic source said.

Before May 22, former top presidential aides H. R. Haldeman and John D. Ehrlichman refused to answer certain questions in their depositions in the civil suit, citing executive privilege. Haldeman and Ehrlichman later answered the questions after President Nixon on May 22 issued a statement that said:

"Considering the number of persons involved in this case whose testimony might be subject to a claim of executive privilege, I recognize that a clear definition of that claim has become central to the effort to arrive at the truth.

"Accordingly, executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal matters presently under investigation, including the Watergate affair and the alleged cover-up."

More recently, on Nov. 7, Ziegler promised detailed answers to Watergate-related questions in an effort "to communicate to the Congress, the press and the American people, the President's position more effectively than we have done in the past."

Ziegler could not be reached for comment yesterday, but his office quoted him as saying, "I certainly don't have any tantalizing facts or documents but there is a serious important principle here . . ."

Another statement, released by the office of special counsel J. Fred Buzhardt, said that Ziegler invoked executive privilege "in relation to a broad request for materials and testimony relating to discussions between a presidential adviser and the president.

The White House has also claimed executive privilege in other civil suits, but the citing of the privilege by Ziegler yesterday was the first such claim by a major White House figure since Mr. Nixon recently promised fuller disclosure on the Watergate affair.