

Nixon Won't Yield Further Tape Data

Stage Set For New Showdown

5/8/74
By Richard L. Lyons
Washington Post Staff Writer

President Nixon will turn over no more records of taped White House Watergate conversations to the House Judiciary Committee or to the Watergate special prosecutor, the President's lawyer, James D. St. Clair, said yesterday.

St. Clair told reporters that if the House Judiciary Committee issues a subpoena demanding 76 more Watergate tapes it has requested for its impeachment inquiry the President will not comply.

"Then we would have a confrontation," St. Clair said. But he said he did not believe refusal to comply would be an impeachable offense.

Judiciary Committee Chairman Peter W. Rodino (D-N.J.) said he believed the committee "will be adamant in seeking this material." This was a clear indication that he expects to subpoena the tapes. His staff has said failure to comply could be an impeachable offense.

The White House had indicated for weeks that it would not give the Judiciary Committee any more Watergate tapes or transcripts, but it had made no flat turndown until St. Clair did so yesterday.

There was some indication Monday that an accommodation might be worked out over Watergate Special Prosecutor



United Press International

Presidential lawyer James D. St. Clair tells reporters there'll be no more data.

Leon Jaworski's subpoena of 64 Watergate tapes. St. Clair said Jaworski approached him on this Sunday, and a court delay for talks was granted Monday.

But St. Clair said yesterday that Mr. Nixon has turned this down and instructed St. Clair to move forward with his motion to quash Jaworski's subpoena.

Ultimately, the case will go to the Supreme Court.

The reason for the President's decision, St. Clair said, is that "the President has made available to the public what he believes is the full Watergate story."

Both the committee and Jaworski have obtained some Watergate tapes from the White House. A week ago the President also made public 1,254 pages of edited Watergate tapes, which he said would show he was innocent of involvement in the cover-up of the Watergate break-in.

Many of the 76 tapes requested by the Judiciary Committee and the 64 subpoenaed by Jaworski are the same.

See IMPEACH, A16, Col. 3

IMPEACH, From A1

They cover a period of about a year, starting June 20, 1972, three days after the break-in of Democratic National Committee headquarters in the Watergate complex.

Jaworski said he needs the tape for prosecution of the Watergate cover-up trials, involving several of Mr. Nixon's former top aides, which are scheduled to begin in September. He must now detail, in court hearings on St. Clair's motion to wipe out the subpoena, exactly why they are needed.

The Judiciary Committee wants the tapes to help determine whether Mr. Nixon was involved in the Watergate cover-up, and if so whether he should be impeached.

St. Clair did not turn down the Judiciary Committee's separate request for taped White House conversations on the International Telephone & Telegraph Corp's settled antitrust suit or the question of whether the dairy industry made big campaign contributions in exchange for higher milk price supports. But he added: "We don't believe any of these tapes exist, but we will look."

White House release of the mass of edited transcripts last week was precipitated by the Judiciary Committee's subpoena demanding tapes and other records of 42 presidential conversations. The White House contended that this constituted compliance with the subpoena, but the committee, by a vote of 20 to 18, contended that it did not, because the committee wanted to hear tapes, not read edited transcripts.

Now, St. Clair has announced in advance that the White House will not comply with a subpoena if it is issued. The committee has decided it has no practical way to enforce a subpoena, except perhaps make it an impeachable offense.

St. Clair told reporters that "the only basis for further requests would be a desire by some to erode the presidency, and the President is not going to stand for it."

St. Clair met with a group of reporters covering the Judiciary Committee in the Executive Office Building at the invitation of Ken W. Clawson, the President's director of communication.

Rep. Edward Hutchinson (R-Mich.), senior Republican on

the Judiciary Committee, would not comment on St. Clair's announcement. Hutchinson approved the request for the 76 additional Watergate tapes, but is opposed to subpoenaing the President as a futile act that could only produce confrontation that would settle nothing.

But Rep. Tom Railsback (R-Ill.), a senior committee member, called St. Clair's rejection "most unfortunate." He predicted that it would provoke a confrontation with the committee that "will certainly be bad for the country as well as for the Republican party."

The Judiciary Committee is to meet Thursday at 1 p.m. to begin hearing in closed session evidence assembled by its staff on whether Mr. Nixon should be impeached for Watergate or other matters.

The original plan had been for the staff to present evidence covering all allegations against the President, ranging from Watergate to bombing Cambodia, in one series of closed hearings. Then the committee was to open its doors to hear witnesses and debate and vote on the issues.

Rodino said yesterday that the committee may instead take the case by topics—hear-

ing confidential Watergate material in closed session for a few days, then opening up for public discussion and testimony on Watergate, then going secret again to hear staff evidence on other allegations. Late yesterday he said the format for proceeding was still "up in the air."