

Nixon Warned on Using 'Privilege'

Washington

The ranking Republican on the House Judiciary Committee said yesterday that President Nixon could not use executive privilege to withhold information from the impeachment inquiry.

Representative Edward Hutchinson (Rep-Mich.), told newsmen that if White House officials asked his advice, "I would tell them that executive privilege, in the face of an impeachment inquiry, must fall."

Hutchinson's opinion, while not necessarily shared by the other Republicans on the committee, gained impact when Albert E. Jenner, special counsel to the minority on the impeachment inquiry, endorsed the statement "100,000 per cent."

Jenner added that any White House effort to resist a subpoena could be included "in the consideration of whether articles of impeachment should be brought."

The White House position on the matter is unclear. No decision on the use of execu-

tive privilege has been put forward by the President's lawyer and President Nixon has said only that he will "fight like hell" against the efforts to impeach him.

In a press briefing, committee and staff members made these points:

- Jenner reported confidence that a way would be found for the inquiry staff to gain access to information gathered by the Watergate special prosecutor, Leon Jaworski, without having to go to court.

- Doar said the staff would be ready to produce a report on impeachable offenses and other impeachment issues for a public meeting of the committee on February 20 and a progress report on their own investigation by March 1.

- Both attorneys have concluded that impeachment proceedings are not "judicial proceedings" and that, in Jenner's words, "no court in the land has the power to review House and Senate actions on impeachment."

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