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**RODINO PANEL BIDS
LAWYERS OBTAIN
GRAND JURY DATA**

**Impeachment Inquiry Also
Seeking to Learn if White
House Will Give Evidence**

IMPLICIT THREAT IS SEEN

**House Group May Use Its
Subpoena Powers Against
Courts and President**

By **JAMES M. NAUGHTON**
Special to The New York Times

WASHINGTON, March 5—The House Judiciary Committee directed its lawyers today to obtain a sealed grand jury report on President Nixon's possible role in the Watergate cover-up and to determine by Thursday if the White House would supply evidence for use in an impeachment inquiry.

Implicit in both decisions by the committee was a threat to use, if necessary, the panel's broad subpoena powers against both the White House and the courts to obtain evidence for the investigation of the President's conduct in office.

The committee chairman, Representative Peter W. Rodino Jr., Democrat of New Jersey, scheduled meetings Thursday and Friday to "take further action" if the committee's quest for information was not successful.

Meanwhile, it was learned that the special Watergate prosecutor, according to a letter he sent to the chief judge of United States District Court here, would seek at least a dozen more major indictments.

Two Developments Cited

The committee's actions at a closed two-hour briefing this morning, were intended to bring to a climax tomorrow two developments that could determine the duration of the impeachment inquiry.

The committee authorized its two senior impeachment lawyers, John M. Doar and Albert E. Jenner Jr., to take part in a hearing tomorrow before Chief Judge John J. Sirica of the United States District Court on what is to be done with

the grand jury's sealed report and a briefcase said to contain evidence supporting the jurors' conclusions about Mr. Nixon's role in an alleged conspiracy to obstruct the Watergate investigation.

The House panel specifically instructed the lawyers to tell Judge Sirica that the committee was entitled under the Constitution to any material bearing on the President's conduct,

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and that the committee was not subject to the jurisdiction of the courts.

Asked by newsmen if the committee would have the right to obtain the grand jury material even if Judge Sirica refused to release it, Mr. Doar said that the House of Representatives "would have that right."

Mr. Doar's position was apparently based on the widespread belief among committee members that the Constitution, in giving the House the "sole power" to impeach, confers on the committee unlimited authority to obtain any information necessary to reach a judgment.

The committee also focused today on a letter sent to Mr. Doar late yesterday by James D. St. Clair, the President's special Watergate counsel. In the letter, Mr. St. Clair said that he would "try to expedite" a Feb. 25 request from the committee for a number of Watergate tape recordings and documents, but that he could not give the White House reply before tomorrow.

The Judiciary Committee reportedly discussed briefly today whether to issue an immediate subpoena for the White House evidence. Mr. Rodino said that the panel had reached a consensus that it should wait until Thursday and then taken further action "in the event there is a failure to honor our request."

Representative Jerome R. Waldie, Democrat of California, told newsmen after the meeting "There's going to be a subpoena, sure as hell," if the White House does not supply the material voluntarily.

Others on the committee, Republicans and Democrats, voiced the same view in softer terms but said that the panel would prefer to avoid the risk of having subpoenas challenged in court and the completion of the impeachment inquiry delayed.

Lawyers for the White House, the Judiciary Committee, the Watergate special prosecutor, Leon Jaworski, and defendants in Watergate criminal cases met privately with Judge Sirica this afternoon regarding the scheduled open hearing on the grand jury report.

Judge Sirica apparently faces a choice between the conflicting arguments of the defense

attorneys that issuance of the sealed report could jeopardize their clients' rights to a fair trial and the Judiciary Committee's position that the impeachment inquiry is of overriding importance to the nation.

John J. Wilson, the attorney for two former White House aides, H. R. Haldeman and John D. Ehrlichman, submitted a letter today to Judge Sirica saying that if his clients were mentioned "even incidentally" in the sealed report, or excerpts from their sworn testimony were involved, the report "should be expunged or returned to the grand jury with the court's instructions that their act was wholly illegal and improper."

Mr. Haldeman and Mr. Ehrlichman were among seven former White House and Nixon re-election campaign officials indicted by the grand jury last Friday in connection with the Watergate cover-up.

Mr. Wilson's letter contended that the grand jury "has no power other than to indict or ignore."

"It may not make special reports," he said.

The special prosecutor submitted a legal memorandum under seal to Judge Sirica. Well-placed sources said that it contained arguments in support of a decision to turn over to the Judiciary Committee the grand jury report and the briefcase full of evidence.

The committee has avoided contact with the courts because in the judgment of House members, the courts have no jurisdiction over impeachment proceedings, and any committee participation in court actions would set a precedent to the contrary.

A Courtesy to Judge

Mr. Rodino said that the committee has been "strong in its assertion" that the panel's lawyers should tell Judge Sirica they were attending the hearing as a courtesy to the judge, who invited the committee as an "interested party."

Mr. Doar said that the would make clear that the committee's authority came directly from the Constitution, that the panel had adopted rules to safeguard confidential material and that while the committee was "prepared to receive material" bearing on Mr. Nixon's conduct, "we have no authority to accept conditions" on the possible use of the sealed grand jury document.

Mr. Rodino said in response

to a question that the committee would have to deliberate before deciding on any subpoena directed at the courts. But he added that in general the committee would feel compelled "to issue subpoenas whenever they are necessary" to complete the impeachment inquiry.

Representative Joshua Eilberg, Democrat of Pennsylvania, said that the sealed grand jury report "is probably critical to our work" but that without any certainty as to its contents the committee felt "it would be premature to make any big decisions today."

Representative David W. Dennis, Republican of Indiana, said in an interview, "We don't concede we have to ask the court for anything. We feel we're entitled to anything that bears on our inquiry."

In a 22-page interim report on the inquiry that Mr. Doar submitted to committee members and later made public, the im-

peachment staff suggested that it was investigating a number of allegations against the Nixon Administration that had not come to public attention.

They included charges "that lawsuits were not prosecuted by the Environmental Protection Agency because of campaign contributions on behalf of the corporations involved," and that the Justice Department's Antitrust Division had "dropped an investigation of a corporation because its owner was a friend of the President."

The report also cited allegations that former Attorney General John N. Mitchell "caused the Antitrust Division to substitute civil for criminal charges against a defendant because of a pledge of financial assistance to the Republican party," and that "in exchange for a contribution to the President's re-election campaign, the Department of the Interior failed to revoke an import allocation grant to an oil corporation."



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Peter W. Rodino Jr., right, chairman of House Judiciary Committee, with John M. Doar, counsel, after the committee decided to ask for grand jury's sealed report on Watergate.