

Probers, Nixon Clash

Showdown Seen on Efforts For New Data

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The House Judiciary Committee and the White House moved closer to collision yesterday over the committee's efforts to obtain more data for its impeachment inquiry of President Nixon.

First, the White House angered the committee by releasing to some news organizations Monday a letter from the committee's special counsel, John Doar, requesting tapes of specified presidential conversations. Most committee members had not seen the letter. They were especially critical because the committee has imposed on itself a secrecy rule on sensitive impeachment data received from the White House or other sources.

Then, at a news briefing yesterday, White House spokesman Ronald L. Ziegler said the committee should study material already delivered before asking for more. He also strongly suggested that the committee should define impeachable offenses before proceeding further, but refused to make that an absolute condition for giving the committee more material.

"We are prepared to cooperate," Ziegler told newsmen, but the overall impression given by his comments was that of resisting committee efforts to obtain more information than the White House has agreed to give, and part of which has been delivered.

Committee Chairman Peter W. Rodino (D-N.J.) repeated his determination, backed by a resolution approved by the House, "to obtain information we need wherever it is." He also repeated his statement that the committee will not attempt to define impeachable offenses, on grounds that that is a decision each congressman must make.

Rep. Robert McClory of Illinois, second-ranking commit-

tee Republican, said that if Ziegler's remarks meant that the White House will not provide the tapes requested, "it signals a very serious confrontation between the committee and the White House."

Rep. Jack Brooks of Texas, third-ranking committee Democrat called the White House release of a letter whose key section identifying dates and participants in taped talks has not even been shown to committee members an "affront" and "hucksterism."

"The White House is not going to cooperate," Brooks said at a committee meeting. "It's just a question of time before

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we send a subpoena down there."

The committee made clear last week that it would issue a subpoena to compel delivery of information if the White House does not offer it voluntarily. The collision would come if the White House ignored the subpoena or went to court to try to have it ruled invalid.

The present difficulty had its public beginning at a committee meeting last Thursday when Doar read most of a letter requesting White House materials that he had sent on Feb. 25 to James D. St. Clair, the President's chief defense counsel.

But Doar referred to the key items only as "six tapes" of conversations involving Mr. Nixon and others about "the Watergate cover-up."

Ziegler protested yesterday that the request was not for six but for 42 taped conversations. He said he made this statement to show that the committee had requested far more data than its public statements indicated.

Doar's letter was leaked by Ken W. Clawson, White House director of communications.

Rodino then made the Doar letter public at the Capitol. It does not state the number of tapes involved, but indicates that the "six" referred to different subject matters rather than tapes.

Doar's requests were for taped conversations between the following:

- The President and his former White House chief of staff H. R. (Bob) Haldeman "on or about" Feb. 20, 1973 "that concern the possible appointment of Mr. (Jeb S.) Magruder to a government position."

- The President, Haldeman and John D. Ehrlichman, Mr. Nixon's former chief domestic adviser, "on or about" Feb. 27, 1973, "that concern the assignment of (former presidential counsel John) Dean to work

directly with the President on Watergate and Watergate-related matters."

- The President and Dean "on March 17, 1973 from 1:25 to 2:10 p.m. and March 20, 1973 from 7:29 to 7:43 p.m."

- The President and Ehrlichman on March 27, 1973 from 11:10 a.m. to 1:30 p.m. and on March 30 from 12:02 to 12:18 p.m.

- All conversations between the President and Haldeman and between the President and Ehrlichman during the period of April 14 through 17, 1973.

- All conversations between the President and his former Attorney General, Richard G. Kleindienst, and Henry E. Peterson, assistant attorney general in charge of the criminal division of the Justice Department from April 15 through 18, 1973.

One committee member said last week the requested tapes also included talks involving former Attorney General John N. Mitchell and former White House special counsel Charles Colson. Their names do not appear in Doar's letter.

St. Clair, in his reply to Doar's letter, offered the committee more than 700 documents and 19 tapes which the White House had already given to Watergate Special Prosecutor Leon Jaworski. But his letter made no mention of these six other categories of tapes that had not been given to Jaworski.

There has been no response from the White House, except for Ziegler's remarks yesterday whether these tapes, which Ziegler said number 42, will be turned over.

Rodino said he understood St. Clair was to discuss this issue with the President yesterday after his return from a Florida weekend.

Ziegler, like St. Clair, portrayed the House committee

as requesting blanket permission to rummage through all of the President's files and, as Mr. Nixon said at his news conference last Wednesday, to "paw" over them in a "fishin' expedition."

They apparently drew that conclusion from this language in Doar's letter:

"We believe the next logical step is to have you outline for us how the White House files are indexed, how presidential papers are indexed, and how presidential conversations and memoranda are indexed. We are particularly interested in knowing how the files of Mr. Haldeman, Mr. Ehrlichman, Mr. Colson and Mr. Dean are indexed. If we could work out a way whereby members of the inquiry staff may examine these files for the purpose of

selecting materials which, in our opinion, are necessary for the investigation, I believe that the inquiry would be expedited."

Rodino insisted that this was not a request for access to files, but an effort to learn how the system works so that requests could be made more precise.

Ziegler said the committee has no authority "to back up a truck and haul off the White House files."

Ziegler said, as did St. Clair in his letter, that the information offered should be sufficient for the committee to complete its inquiry into whether the President should be impeached for Watergate or other matters.

"Aren't you attempting to limit the areas of the committee's inquiry?" Ziegler was asked.

"No," he replied. "The White House is trying to cooperate, but in a way that does not undermine the doctrine of separation of powers." He said it would be "constitutionally irresponsible" for the President to open up all files to the committee.

Ziegler said the breadth of the committee's requests for documents and tapes "emphatically illustrates the necessity of authoritatively defining what is an impeachable offense."

But when asked whether he was saying that the White House will provide no more material until the committee has taken this action to which it is opposed, Ziegler gave no direct answer.

"We are prepared to cooperate, to discuss additional areas with the committee, and we will enter into the discussions with a cooperative attitude," said Ziegler.

The White House had agreed to send to the committee the same material it gave Jaworski only after the committee responded to St. Clair's concern about confidentiality of White House files by adopting a rule binding members not to divulge material received. Last Thursday Rodino discouraged committee members from asking to see Doar's letter to St. Clair for fear of leaks.

Rep. Edward Hutchinson (R-Mich.), senior committee Republican, caused a flurry during yesterday's committee meeting when he said he had

been told that some of the disputed tapes had been delivered. Rodino later reported that this was incorrect.

The meeting was called to act on other legislation to

limit the President's power to pocket-veto legislation. The issue of the leaked letter and the withheld tapes was the subject of only a few critical remarks by Democrats.