

Rodino Proposes to Issue Series of Tape Subpoenas

NYTimes

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MAY 9 1974

Special to The New York Times

WASHINGTON, May 8 — President Nixon will face a series of subpoenas for tape recordings and other documents on specific subjects if he continues to withhold evidence from the House impeachment inquiry, according to a plan the chairman of the House Judiciary Committee outlined privately to other Democrats this morning.

The chairman, Representative Peter W. Rodino Jr. of New Jersey, said at a meeting of Committee Democrats that he favored issuing subpoenas throughout the impeachment hearings as gaps appeared in the evidence already obtained from the White House and other sources.

The hearings are scheduled to start tomorrow and last at least six weeks. Opening statements by Mr. Rodino and the committee's ranking Republican, Edward Hutchinson of Michigan, will be carried live on television at 1 P.M.

The hearings will provide the basis for any charges that are brought against Mr. Nixon and will set in motion, for the first time in a century, a process that could lead to the President's impeachment by the House and removal from office if convicted by the Senate.

Mr. Rodino's approach to the question of withheld evidence had the support of most of the Democrats on the panel. Many Republican members said later that they thought it was logical and practicable.

James D. St. Clair, Mr. Nixon's chief attorney, announced yesterday that the President would release no more Watergate-related material to the committee.

'As far as Watergate is concerned, the President has con-

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clude that the full story is now out," Mr. St. Clair declared, referring to the more than 1,200 pages of transcripts of tape-recorded White House conversations that were made public last week.

But, at a news conference today after the private meeting of committee Democrats, John M. Doar, chief counsel for the impeachment inquiry, was asked whether the staff had obtained all the evidence it required to determine President

Nixon's role, if any, in the burglary of the headquarters in the Watergate complex and its cover-up.

"Definitely not," Mr. Doar replied.

The White House has refused to supply the committee with the 42 tapes of Watergate-related conversations that were subpoenaed April 11, as well as 75 tapes concerning Watergate that were requested April 19 but not subpoenaed and 66 tapes of conversations about the President's relations with dairy interests and the International Telephone and Telegraph Corporation that were also sought April 19.

Mr. Doar held out the possibility that the 66 recordings might be produced, saying that Mr. St. Clair had told him the question was subject to "further review by the President."

The impeachment hearings are to be divided into six phases, the first dealing with the Watergate burglary and cover-up.

Under Mr. Rodino's plan according to Democratic sources, Mr. Doar and the Republican counsel, Albert E. Jenner, Jr., while they are presenting evidence to the committee members will note each time they come to a point where a missing piece of evidence might implicate or exonerate the President.

Then, at the end of each phase of the hearings, the committee will vote on whether to subpoena the items cited by Mr. Doar and Mr. Jenner.

Inference From Defiance

Should Mr. Nixon continue to defy the subpoenas, each refusal to cooperate could take on, in legal terms, a "negative inference" that he is withholding evidence that might harm his case.

A large majority of committee members have said that they would consider the President's refusal to answer a subpoena a potential ground for impeachment.

This morning, Representative Lawrence J. Hogan, a Maryland Republican, who has been a staunch supporter of the President, told reporters, "Clearly, contempt of Congress is an impeachable offense."

There was further evidence, in addition to Mr. Hogan's remark, that the content of the Presidential transcripts had weakened Mr. Nixon's position among the Republicans on the Judiciary Committee.

Representative Edward Hutchinson of Michigan, the ranking Republican on the panel, refused to say whether he thought the transcripts provided evidence that could lead to impeachment. But he did say, "There was much in those

conversations that, in my opinion, didn't support a very high moral tone."

Mr. Hutchinson, while continuing to oppose the issuing of subpoenas, on the ground that they were unenforceable, did go part way toward agreeing to Mr. Rodino's approach to obtaining material withheld by the President.

"If, as the presentation of evidence is made and as relevancy becomes apparent, the committee should decide that a particular piece of nonavailable material is necessary, it should make a request for it," Mr. Hutchinson said at a news conference.

With the beginning of the hearings, most members of the committee will get their first look at the evidence on which they will have to judge if there are grounds to find probable cause that the President committed acts or omissions for which he should be subject to trial by the Senate and possibly removal from office.

Until now, only Mr. Rodino and Mr. Hutchinson have had access to the material the staff has assembled.

Sirica Urged Secrecy

Mr. Rodino said that the first four days of hearings—tomorrow and next Tuesday, Wednesday and Thursday—would deal with the Watergate break-in and its aftermath and would be held in closed session.

Some of the material that is to be presented during these days was provided to the committee by the Watergate grand jury, and Judge John J. Sirica of the United States District Court here urged the committee to keep the grand jury evidence secret.

The hearing room has been equipped with special earphones so that the members

can hear the tapes of several of the President's conversations that were received from the grand jury. The members will also be supplied with transcripts of these tapes prepared by the committee staff.

Among the tapes is the one of the President's conversation on March 21, 1973, with John W. Dean 3d, his former counsel, at which hush money and clemency for the Watergate burglars were discussed.

Calls Transcripts Better

Mr. Doar repeated today that, because of better electronic equipment, the committee's transcripts were "better transcripts, more complete, fuller" than those made public by the White House.

But Mr. Doar emphasized that he was not saying there were "gross inaccuracies or distortions" in the President's transcripts.

Mr. Rodino said that after the Watergate phase of the hearings was completed the committee would decide whether to make public its tapes and transcripts.

It is expected that the hearings, after the first four days, will be open to the public and will be televised live by the networks on a rotating basis. The first day of hearings on television is likely to be May 21.

Mr. St. Clair will be permitted to sit in on the closed hearings as well as the open ones, but the committee members will not be permitted to have personal staff members at the closed sessions.

The five other phases of the hearings will involve the President's finances, domestic surveillance, campaign intelligence activities, improper use of departments and agencies and other matters, such as the bombing of Cambodia.