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HOUSE UNIT ISSUES
2 NEW SUBPOENAS
TO NIXON FOR DATA

Some on the Impeachment Panel Say Transcripts Omit Significant Material

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WASHINGTON, May 15—The House Judiciary Committee issued today two new subpoenas for White House tape-recordings and other documents amid charges by some committee members that significant portions of President Nixon's Watergate conversations had been omitted from edited White House transcripts.

In a series of votes on the two subpoenas, the committee

Text of the memorandums on tape subpoenas, Page 26.

demanding this morning that the President turn over to its impeachment inquiry the tape recordings of 11 Watergate-related conversations as well as diaries of Mr. Nixon's White House meetings over more than eight months in 1972 and 1973. The committee has not seen any of this material, either in tape or other documentary form.

Two White House recordings previously obtained by the Judiciary Committee were played for the panel members this afternoon, prompting several Democrats to increase their resolve to obtain tapes, and not transcripts, of the relevant Watergate conversations.

Significance Disputed

Two Democratic members of the panel, Representatives Robert F. Drinan of Massachusetts and Jerome R. Waldie of California, told reporters after hearing the tape of a Sept. 15, 1972, White House conversation that material had been omitted from the White House transcripts not because it was inaudible but, as Mr. Waldie stated it, "because of the content."

Both Democrats declined to specify the nature of the missing material, however, and some Republicans on the committee said that they did not regard the omissions as serious or deliberate.

"The only thing that was deleted was the expletives, nothing of substance," Representa-

tive Delbert L. Latta, Republican of Ohio, said after the four-hour closed hearing at which recordings were played for about 40 minutes.

According to one committee source, however, the Sept. 15 tape contained a threat by the President to take action against The Washington Post and its attorney, Edward Bennett Williams. The President, according to the source, specifically noted that The Post owned television stations and said, "The main thing is The Washington Post is going to have a damnable, damnable thing out of this one."

The new subpoenas, which "commanded" Mr. Nixon to supply the recordings and diaries by next Wednesday, were the first step in a renewed and bipartisan effort by the Judiciary Committee to obtain tapes and documents that Mr. Nixon has so far refused to yield.

John M. Doar, the commit-

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tee's special counsel on impeachment, said that he would meet tomorrow with White House lawyers to get a final answer on whether Mr. Nixon would voluntarily supply recordings of 66 other conversations bearing on pledges of large political contributions to the President's re-election campaign by dairy industry groups and the International Telephone and Telegraph Corporation.

The committee chairman, Representative Peter W. Rodino Jr., Democrat of New Jersey, said that if the White House refused to supply the I.T.T. and dairy material or continued to defer a definite decision, he would "schedule a meeting" next week to "take up the issue of a subpoena" for the evidence.

Mr. Doar also told the committee at its public meeting this morning that he would make requests later for subpoenas of "quite a number" of other recordings related to the President's actions in the aftermath of the ill-fated June 17, 1972, burglary of the Democratic party's offices in the Watergate complex.

Little perceptible drama but much history was involved in the Judiciary Committee's decision to subpoena the President a second time. Before the panel's first formal demand for White House evidence six weeks ago, no President had ever been served with a Congressional subpoena.

The White House had no official reply today to the new subpoenas, but Gerald L. Warren, the deputy press secretary, told reporters he knew of no plans by the President to back down from his decision last week to reject any requests or subpoenas for more evidence on the Watergate case.

Two Republicans Shift

The Judiciary Committee's votes on the two subpoenas today reflected an apparent stiffening of bipartisan resolve to obtain what Mr. Doar described as the "best evidence" on which Congress will ultimately judge Mr. Nixon's fitness to finish his second term.

By a vote of 37 to 1, with only the senior Republican, Representative Edward Hutchinson of Michigan, dissenting, the committee demanded the tapes of 11 conversations occurring on April 4, June 20 and June 23, 1973, bracketing the Watergate break-in.

Mr. Hutchinson has opposed the issuance of any subpoenas on the premise that they are unenforceable and provide only for a constitutional collision between the White House and Congress.

But two other Republicans who joined Mr. Hutch-

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inson in opposing an April 4 subpoena of 42 other Watergate discussions voted with the majority today. They were Representatives Charles E. Wiggins of California and Trent Lott of Mississippi.

The committee took four separate votes on the subpoena for diaries covering four distinct periods that Mr. Doar "crucial" junctures in the Watergate scandal. On each vote, a solid, bipartisan majority prevailed in demanding the diaries, which are, in effect, logs of Mr. Nixon's daily meetings and telephone conversations.

Nixon Aide Limited

James D. St. Clair, the President's chief defense attorney, and two associates sat in the audience in the austere, crowded meeting room. But Mr. St. Clair's activities were limited to occasional whispered asides and laughter at some light-hearted banter that occurred in the midst of the serious legal ritual of the formal votes on the subpoenas.

The committee chairman, Representative Peter W. Rodino Jr., Democrat of New Jersey, ruled that while Mr. St. Clair was entitled to take part in evidentiary hearings, his role at committee deliberations was "as a spectator, as any other member of the public."

Mr. Rodino did permit the President's attorney, however, to submit informally two memorandums opposing the new subpoenas on the ground that the committee already has enough evidence to complete the Watergate phase of its inquiry. But one Democratic member, Representative John F. Seiberling Jr. of Ohio, dismissed the St. Clair documents as "the most incredible mish-mash of irrelevancies I've ever seen," and the committee disregarded their basic argument.

Closed Hearings Resume

After the three-hour public meeting on the subpoenas, the committee resumed for the third day, closed hearings on evidence related to the attempt to cover up the Watergate case.

Mr. Rodino said that two tapes, totaling about 40 minutes, were played at the closed hearing. The first was of a meeting on June 30, 1972, between President Nixon and two key former associates—H. R. Haldeman, then the White House chief of staff, and former Attorney General John N. Mitchell, then the director of the President's 1972 re-election campaign.

Meeting With Dean

The second, and apparently more significant, recording was of the President's Sept. 15, 1972 meeting with Haldeman and John W. Dean 3d, then the White House legal counsel.

Mr. Rodino declined, at a

news briefing late today, to characterize his own reaction to the recordings or to the portions of the Sept. 15 conversation deleted from the edited White House transcript.

The committee chairman said he had not yet concluded "if the failure to include some of the material was deliberate or otherwise."

Representative William S. Cohen, Republican of Maine, said in an interview this evening that he believed the edited transcripts gave "a worse impression" of Mr. Nixon's conversations than did the tapes. He said that "it would be misleading" to suggest important passages had been excised because they were "damning."

But Father Drinan, a Roman Catholic priest who is leading Democratic critic of the President, said of the Sept. 15 conversation:

"When you hear how they're planning and plotting the cover-up, your worst suspicions are verified."

Asked what was the essence of the Sept. 15 discussion, Father Drinan replied, "The cover-up."

A Severe Judgment

Mr. Waldie, another Democratic critic of Mr. Nixon, would not specify the material he believed to have been cut from the Sept. 15 transcript. But he said that "there was quite a bit" and that the tape itself had left him with a more severe judgment than before of what he called "the shabbiness of the President."

Representative Edward Mezvinsky, Democrat of Iowa, said that after hearing the two recorded conversations his attitude was one of "deep depression" about the President's actions.

The Judiciary Committee obtained 19 White House recordings earlier this year from the Watergate grand jury. In response to an April 11 subpoena of 42 more Watergate discussions, however, the President withheld the tapes and instead supplied partial, edited transcripts of 31 of the subpoenaed conversations. The White House said the 11 other discussions never were recorded.

The Judiciary Committee has neither tapes nor transcripts of the conversations covered by the subpoena issued today. Specifically, the subpoena demanded tapes of the following:

Two meetings involving Mr. Nixon, Mr. Haldeman and Mr. Mitchell on April 4, 1972, five days after Mr. Mitchell allegedly approved the political intelligence-gathering plan.

Two meetings and four telephone conversations involving the President, Mr. Haldeman and Charles W. Colson, then a White House special counsel, on June 20, 1972, the first day Mr. Nixon was at the White House

after the Watergate burglary three days earlier.

Three meetings between Mr. Nixon and Mr. Haldeman on June 23, 1972, the day that White House officials allegedly sought to involve the Central Intelligence Agency in an effort to thwart the Watergate investigation by the Federal Bureau of Investigation.

Clues to Nixon's Role

Mr. Doar told the committee that the three sets of tapes could determine "whether or not" Mr. Nixon knew of the political eavesdropping scheme, what the President's "action or inaction" may have been in the early stages of the cover-up attempt, and "what approach" Mr. Nixon wanted the C.I.A. and F.B.I. to take in the investigation.

Albert E. Jenner Jr., the senior Republican counsel to the impeachment inquiry, endorsed Mr. Doar's subpoena request and said he hoped, as the lawyer for the panel's minority, that the tapes would contain "exonerative material" clearing the President of any wrongdoing.

But Mr. Jenner added that the President's continued refusal to supply the evidence would justify the committee members in drawing "inferences" that the tapes would incriminate Mr. Nixon.

The committee debated at some length over the second subpoena, for the President's daily diaries. Representative David W. Dennis, Republican of Indiana, contended that many of the listings of Mr. Nixon's activities would be irrelevant to the inquiry and another Republican, Representative Wiley Mayne of Iowa, opposed the subpoena as "an invitation to go out and ransack Presidential files on every conceivable subject."

Mr. Doar countered, however, as did Representative Wiggins, that the diaries would be useful and proper "tools" to discover relevant Presidential conversations that the panel might subsequently examine as part of its investigation.

At Mr. Dennis's insistence, the committee voted separately on each of the four periods covered by the diaries and eventually took the following actions:

By a vote of 36 to 2, with Mr. Hutchinson and Mayne voting "nay," the panel subpoenaed diaries for April through July, 1972, the time just before and after the Watergate burglary. Mr. Dennis agreed that these diaries might prove to be relevant.

On a roll-call vote of 32 to 6, the panel demanded diaries for February through April, 1973, that Mr. Doar said could bear on Mr. Nixon's attitude toward the Watergate investigation. Three more Republicans—M. Caldwell Butler of Vir-



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Representative Charles B. Rangel, New York Democrat, trying out headphones for listening to the tapes.

ginia, Delbert L. Latta of Ohio and Mr. Lott—joined Mr. Hutchinson, Mr. Mayne and Mr. Dennis in opposing this part of the subpoena.

The committee divided, 29 to 9, over the demand for diaries covering July 12 through July 31, 1973, a period that surrounded the July 17 disclosure at the Senate Watergate hearings that Mr. Nixon had tape-recorded his White House conversations. Voting "nay" were one Democrat, Representative Ray Thornton of Arkansas, and eight Republicans—Henry P. Smith 3d of Moorhead of California, Mr. Hutchinson, Mr. Dennis, Mr. Mayne, Mr. Butler, Mr. Lott and Mr. Latta.

On another vote of 32 to 6, the panel sought diaries for all of October, 1973, the month in which Mr. Nixon directed that the first special Watergate prosecutor, Archibald Cox, be dismissed for going to the Federal courts to obtain Watergate recordings. The six Republicans who opposed this portion of the subpoena were Mr. Hutchinson, Mr. Smith, Mr. Dennis, Mr. Butler, Mr. Lott and Mr. Latta.

The demand today, and the expected one tomorrow, for more White House evidence disrupted the committee's timetable for the closed hearings on the Watergate scandal. Mr. Rodino said it was unlikely that the panel would be able to begin open hearings next Tuesday as planned.

Although the White House

has not formally rejected the committee's April 19 request for 42 recordings related to the President's dealings with dairy industry contributors and for 20 conversations bearing on campaign funds from International Telephone and Telegraph, Mr. Doar said that "we have had no response from Mr. St. Clair" and that he would therefore seek a subpoena tomorrow for the material.

Despite the tension of the subpoena votes, the meeting this morning was not without its lighter moments.

Laughter From St. Clair

Mr. St. Clair put his head back and roared with laughter when Representative William L. Hungate, Democrat of Missouri, punctuated a technical debate with a slightly blue anecdote about a couple appearing at a marriage ceremony with their 5-year-old son.

Earlier, Representative Butler offered two amendments to the tape subpoena and Gardner J. Cline, associate general counsel to the committee, began reading the wrong one.

"This appears to be the only amendment we have," Mr. Cline said.

"We're in a hell of a shape then," said Mr. Butler.

Amid laughter at his choice of words, Mr. Butler echoed a phrase made familiar by the edited White House transcripts: "Expletive deleted."

"So ordered," Chairman Rodino declared with mock severity.