

President Vows No More Data For House Panel

Won't Honor Old or New Subpoenas

By Richard L. Lyons
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President Nixon yesterday personally vowed that he would give the House Judiciary Committee no more Watergate materials for its inquiry into whether he should be impeached. (TEXT)

In a letter to committee Chairman Peter W. Rodino (D-N.J.), Mr. Nixon said he would not comply with two pending or any future subpoenas for Watergate materials because the committee's "never-ending" demands for tapes constitute "such a massive invasion into the confidentiality of presidential conversations that the institution of the presidency itself would be fatally compromised."

Earlier in the day, the President's lawyer, James D. St. Clair, gave a virtual turn-down to a committee request for tapes of White House conversations relating to milk industry campaign contributions and the International Telephone and Telegraph Corp. antitrust settlement.

St. Clair offered hope of giving over only a transcript of one tape, either because the other talks were not recorded or the President felt it would not "serve any useful purpose" to turn them over.

Rodino called the President's decision not to comply with the subpoena "a very grave matter" and said the committee will meet next week to consider a response.

Rodino said presentation of Watergate evidence by the committee staff in closed session has only reinforced his belief that the subpoenaed tapes are needed to determine whether the President should be impeached.

Some members, mostly Republicans, want to ask the courts to order Mr. Nixon to comply with the subpoena. Rep. Tom Railsback (R-Ill.) said that if the President defied such a court order "he's in big trouble." But going the court route is a minority view.

The committee appears to have decided to make no effort to enforce its subpoenas. It does not wish to seek a court order because it feels the courts have no constitutional jurisdiction over impeachment. And the House is not expected to send its sergeant at arms down to the White House to

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seize the tapes. Instead, the committee is expected to let members draw what inferences they choose from the President's turn-down. The committee could also make the President's refusal to comply an impeachable offense.

The President is also embroiled in a court battle with Watergate Special Prosecutor Leon Jaworski, who is seeking 64 tapes for Watergate trials scheduled to begin in September.

Mr. Nixon's refusal to give more Watergate tapes or other materials to the House committee had been signaled by St. Clair two weeks ago. But it came with more force and finality in the President's own words.

Two subpoenas issued by the committee a week ago ordered Mr. Nixon to produce by 10 a.m. yesterday 11 tapes of presidential conversations before and immediately after the June 17, 1972, Watergate break-in, and his daily diaries, detailing his appointments, during four periods covering 8½ months of the Watergate period.

Mr. Nixon's letter refusing to comply was delivered to Rodino as the committee met in a closed hearing to hear other Watergate tapes the President had given them about two months ago.

"The committee has the full story of Watergate in so far as it relates to presidential knowledge and presidential actions," Mr. Nixon wrote Rodino. The President said he had turned over the 1,239 pages of edited Watergate transcripts last month so that the record of his knowledge and actions "would be fully disclosed once and for all."

Now, he said, the committee has subpoenaed 11 tapes, has a request pending for 65 more and has asked for daily diaries which "it is obvious" would be used to identify further presidential conversations to be subpoenaed.

This would weaken the office of the President for future occupants, said Mr. Nixon, and, "Accordingly, I respectfully decline" to comply with any more Watergate subpoenas.

Mr. Nixon repeated his offer to respond under oath to written pertinent questions from the committee and to be interviewed under oath by Rodino and Rep. Edward Hutchinson (R-Mich), the committee's senior Republican.

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There was no answer yesterday to Rodino's statement Tuesday that it appeared the President knew of the Watergate cover-up earlier than he has said and edited this out of released transcripts.

Rodino said the committee has information indicating that possible White House involvement was discussed with the President on March 17, 1973, while the President has said he first learned of the cover-up on March 21.

St. Clair told newsmen that Rodino and Hutchinson could go to the White House to listen to the March 17 tape and decide for themselves whether such a discussion took place. Later, committee sources said St. Clair had said he would check and provide a transcript if relevant material had been deleted from the March 17 tape.

Rep. Robert McClory (R-Ill.), second-ranking committee Republican, called the President's action "very unfortunate. It hurts him with the committee. If we were on a fishing expedition that would be one thing. But we were very specific and justified each request. It's poor strategy if it is a strategy."

The committee had requested last month 76 Watergate tapes. When St. Clair said the President would not give them, the committee decided against issuing a single subpoena for all of them, but to ask for them in small groups as their need appeared during staff presentation of evidence on Watergate. Last Wednesday the committee voted 37 to 1 to subpoena the first group of 11.

These were tapes of conversations on April 4, 1972, June 20 and June 23. April 4 was five days after John N. Mitchell, Mr. Nixon's campaign director, approved a political intelligence-gathering plan that allegedly included the break-in at Democratic National Committee headquarters in the Watergate. The Judiciary Committee want to know whether this talk with Mitchell

shows the President had advance knowledge.

On June 20, just returned from a Florida weekend, the President met with top aides for the first time after the Watergate break-in three days earlier. The committee wants to know whether the President took part in the beginning of the cover-up. June 23 was the day the President's top aides met with Central Intelligence Agency officials to determine whether the CIA was involved in the break-in, and to tell the CIA to be sure the FBI Watergate investigation did not interfere with any of its covert operations.

The subpoenaed daily diaries, which also won't be turned over, detail Mr. Nixon's appointments during periods surrounding the break-in, the period in March, 1973, when Mr. Nixon said he first learned of the cover-up, the period in July when the fact that his conversations were taped became publicly known, and October, when Archibald Cox, the first Watergate special prosecutor, was fired.

The committee had requested, and now may subpoena, 46 tapes of presidential conversations it wants to help determine whether Mr. Nixon approved an increase in milk price supports worth an estimated \$500 million to the industry in March, 1971, in exchange for campaign contributions.

St. Clair wrote committee counsel John Doar yesterday that the White House had already turned over "voluminous" material on the milk matter.

"You have been provided with tapes of all operative discussions during the course of which the decision to increase the support price was reached," he wrote. "The President does not feel that any further production of materials would serve any useful purpose."

St. Clair added that many of the milk talks were not recorded because the recording system had not been fully installed then.

The committee also requested 20 tapes to help determine whether the President acted improperly in the settlement of an antitrust suit against ITT, which had pledged to help finance the 1972 Republican National Convention.

Specifically, the committee in this request is trying to learn whether Mr. Nixon knew of testimony by Richard G. Kleindienst, which he admitted last week was inaccurate, to the Senate Judici-

ary Committee considering his nomination as Attorney General in April, 1972.

Kleindienst testified that while deputy attorney general he had no White House pressure put on him about antitrust cases, when in fact Mr. Nixon had personally called Kleindienst to order him not to appeal a lower court decision favorable to ITT. The President reversed his position two days later, and eventually the case was settled out of court.

St. Clair wrote Doar that with the exception of an April 4, 1972, conversation between the President, Mitchell and H. R. (Bob) Haldeman, then White House chief of staff, "there is no evidence that this subject matter was discussed during any of the conversations covered in your request." St. Clair promised to review this tape and "a transcript of the pertinent portion thereof, if any, will be furnished to you in a few days."

Committee members said that the two tapes of presidential conversations they heard yesterday added nothing important to the Watergate record. The conversations occurred on March 21 and 22, 1973.

The members were intrigued, however, with some words from a dictabelt on which Mr. Nixon had recorded his thoughts about the March 21 conversation with John W. Dean III, then his counsel.

Dean had told him that day that a "cancer" was growing on the presidency, that money was needed for the Watergate burglars, and that he might have to go to jail.

According to one member's notes of what that dictabelt contained, Mr. Nixon began by saying: "It was a relatively uneventful day."

The committee listened to a tape of a conversation between Mr. Nixon, Dean and two top-ranking aides, Haldeman and John D. Ehrlichman. That meeting took place on the evening of March 21, 1973. The second tape was a conversation on March 22 among Mr. Nixon, Haldeman, Ehrlichman, Dean and Mitchell.

Committee members said that the tape of the March 22 conversation contained considerably more conversation than had appeared in the transcript released by the White House. The added material, however, was not relevant to the Watergate investigation, they said. It added nothing new to the impeachment inquiry, they said.