

NIXON REJECTS SUBPOENAS, TELLS RODINO HE WILL GET NO MORE WATERGATE DATA

'A GRAVE MATTER'

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Panel Implies Refusal Could Be Grounds for Impeachment

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By JOHN HERBERS
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WASHINGTON, May 22—President Nixon informed the House Judiciary Committee today that he would refuse to comply with two subpoenas for additional Watergate tapes and documents and would do the same on future demands.

Mr. Nixon's action, which was both decisive and carefully

Thought out, appeared to flout a long-standing legal precedent that public officials and legal scholars have cited over the years — that in an impeachment process the House of Representatives is entitled to whatever information from White House files it believes is necessary to complete its inquiry.

In a letter to Peter W. Rodino Jr., Democrat of New Jersey, the committee chairman, Mr. Nixon said that he had already submitted all material pertinent to his role in the Watergate case and that the "constantly escalating requests" for more materials would only prolong the impeachment inquiry and "constitute such a massive invasion into the confidentiality of Presidential conversations that the institution of the Presidency itself would be fatally compromised."

'The Pertinent Portion'

Mr. Rodino called the President's refusal to honor the two subpoenas "a very grave matter." In a statement he said was issued on behalf of the committee, he strongly implied that the President's action could ultimately be considered grounds for impeachment.

Mr. Rodino added that open hearings would begin next week on non-Watergate aspects of the impeachment inquiry and that any formal action on the Watergate subpoena issue would be withheld until next week.

At the same time, James D. St. Clair, the President's lawyer, informed John M. Doar, the committee's special counsel, in writing that the committee's requests for further materials in the International Telephone and Telegraph Corporation antitrust case and political contributions from dairy interests would not be met, with the possible exception of an April 4, 1972, conversation on the I.T.T. matter.

That tape recording will reviewed, Mr. St. Clair said, and a transcript of "the pertinent portion" — not the requested tape — will be furnished to the committee "in a few days."

"The President does not believe," Mr. St. Clair said of the request for materials on I.T.T.,

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"that any further production of materials would serve any useful purpose."

On May 7, Mr. St. Clair said that President Nixon had decided not to yield more White House materials, either to the Judiciary Committee or to Leon Jaworski, the special prosecutor, even if they were subpoenaed. That was before the committee had put its request for additional tapes in the form of a subpoena.

The tone of the letters, as well as the refusal of the President and his assistants to indicate any move toward conciliation with the committee, had an air of finality — that the President, after months of wavering from one position to another on release of material, had now set a hard-line course and intended to follow it to the end.

Even though his flat refusal to yield more materials is considered certain to increase the chances of his impeachment by the House, his assistants said his action was backed up by a deep sense of commitment and determination.

Mr. Nixon's outright rejection of Congressional subpoenas in an impeachment proceeding had no precedent. On April 30, he complied in part with the committee's first subpoena by making public edited transcripts of recorded conversations, both those requested and additional ones that taken together, he said, constituted all of the Presidential conversations dealing with Watergate.

Many Presidents have refused requests from Congressional committees for a variety of information from the White House files, but their refusals were usually accompanied by an explanation that only in the event of an impeachment inquiry would a President have no ground for refusing Congressional access to Presidential records.

President James K. Polk wrote in 1846 that in event of a House impeachment proceeding "all the archives and papers of the executive departments, public or private, would be subject to the inspiration and control of a committee [of the House] and every facility in the power of the executive be afforded to enable them to prosecute the investigation."

The Judiciary Committee on May 15 issued two subpoenas demanding that the President turn over the tape recordings of 11 conversations said to concern the Watergate case, and diaries of Mr. Nixon's White House meetings during an eight-month period in 1972 and 1973. This was part of a sustained bipartisan effort by the committee to obtain materials Mr. Nixon had refused to yield.

Mr. Nixon, in his letter to Mr. Rodino, said neither subpoena had been specific as to subject matter and "I can only presume that the material sought must be thought to relate in some unspecified way to what has generally been known as "Watergate."

In a memorandum submitted with the subpoenas, however, Mr. Doar had specified why he believed the requested conversations between Mr. Nixon and several of his aides were connected to the Watergate burglary and its cover-up by White House officials.

As to the diaries, Mr. Nixon said, it is obvious they "are intended to be used to identify even more Presidential conversations, as a basis for yet additional subpoenas."

"Thus, it is clear that the continued succession of demands for additional Presidential conversations has become

a never-ending process," Mr. Nixon said.

He said the committee, in the mass of documents and tape recordings in its possession, "has the full story of Watergate, in so far as it relates to Presidential knowledge and Presidential actions."

"Production of these additional conversations," he said, "would merely prolong the inquiry without yielding significant additional evidence. More fundamentally, continuing ad infinitum the process of yielding up additional conversations in response to an endless series of demands would fatally weaken this office not only in this Administration but for future Presidents as well."

"Accordingly," he continued, "I respectfully decline to produce the tapes of Presidential conversations and Presidential diaries" sought in the subpoenas, as well as "those allegedly dealing with Watergate that may be called for in such further subpoenas as may hereafter be issued."

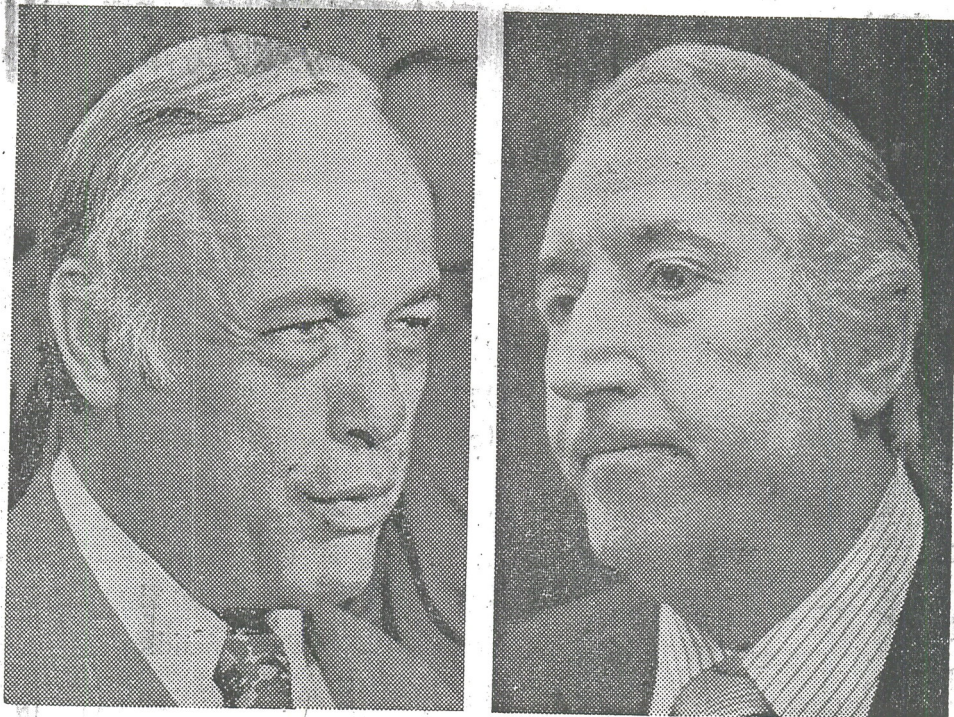
In conclusions, Mr. Nixon requested his previously announced offer to answer, under oath, any "pertinent written interrogatories" from the committee or to be interviewed under oath by Mr. Rodino and Representative Edward Hutchinson of Michigan, the ranking Republican of the committee.

The letters by Mr. St. Clair were in the same vein. The committee had a mass of information, he said, and he could see no evidence that the materials requested would help the committee in its deliberations. The President, he pointed out, had published long documents on both the campaign funds from dairy interests and the I.T.T. case, which answered all the important questions.

"In case you do not have a copy," he said of both matters, "one is enclosed for your information." Both papers had been given wide publicity when they were released last year.

The Nixon White House treated the President's action today as if it were relatively minor. The President's letter to Mr. Rodino arrived at the Judiciary Committee at 11 A.M., one hour after the deadline for compliance with the subpoena had expired.

Copies of the letters, even though they had been prepared, were not released until after the regular White House press briefing, in which Gerald L. Warren, the deputy press secretary, discussed routine appointments, the President's meeting with foreign dignitaries and Congressmen, signing of a flood relief bill and other matters.



The New York Times/George James

James D. St. Clair, left, the President's lawyer, and Peter W. Rodino Jr., chairman of the House Judiciary Committee, talking to reporters in Washington yesterday.