

Rodino Calls Nixon's Refusal 'Grave' And Hints It Is Ground for Impeachment

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WASHINGTON, May 22—

The chairman of the House Judiciary Committee declared tonight that President Nixon's refusal to honor two more committee subpoenas was "a very grave matter."

In a statement he said was made on behalf of the committee, Representative Peter W. Rodino Jr., Democrat of New Jersey, strongly implied that the President's defiance of the subpoenas for Watergate-related tape recordings and documents could ultimately be considered grounds for Mr. Nixon's impeachment.

But Mr. Rodino said that the committee would withhold until next week any formal action on the Watergate subpoena issue.

The chairman also announced that the committee would begin open hearings sometime next week on Mr. Nixon's political dealing with the International Telephone and Telegraph Corporation and milk producer groups, both of which pledged large contributions to the President's 1972 re-election campaign.

Mr. Rodino said that the committee would decide, at the end of the I.T.T. and milk case hearings, whether to issue subpoenas for tapes and documents related to those investigations.

Mr. Nixon asserted, in a letter delivered to Mr. Rodino this morning, that he would not honor any subpoenas now or in the future for Watergate-related evidence because to do so would "fatally weaken" the Presidency.

At the same time, White House lawyers advised the committee that Mr. Nixon would not voluntarily supply recordings of about 66 conversations the committee staff believes are related to the I.T.T. and milk matters. At issue in those cases is whether Mr. Nixon made Government decisions in exchange for the large campaign contributions.

Acts Called Impeach

Many members of the committee agreed with the chairman that Mr. Nixon had acted improperly in withholding the subpoenaed and requested evidence. But the course of action the committee will adopt to deal with the matter was not immediately set.

Mr. Rodino said, "The Committee on the Judiciary considers this response by the President to be a very grave matter."

His statement also contained the following broad suggestion that Mr. Nixon's conduct might be judged an impeachable offense:

"The committee will give careful consideration to the content of the President's letter as it proceeds to meet its constitutional responsibility to investigate fully whether sufficient grounds exist for the House of Representatives to exercise its constitutional power of impeachment."

In reply to questions, Mr. Rodino declined to amplify the remark. But he categorically rejected the White House suggestion that the committee's demands for evidence would somehow weaken the presidency.

"I have great reverence for the office of the Presidency," he said, "and I intend to pursue my constitutional responsibility with respect for that office."

"But I think that our prime

responsibility is one to the American people," Mr. Rodino went on, "one to assure that this Republic continues to survive in a manner where there are co-equal branches [of government]."

Earlier in the day, James D. St. Clair, the President's chief defense attorney, told reporters earlier that the Judiciary Committee had "more than enough" evidence to decide whether Mr. Nixon had committed impeachable acts.

John M. Doar, the committee's special counsel on impeachment, said tonight, however, that he did not believe the panel had all the relevant evidence it needed.

"The minutiae can go on forever," Mr. St. Clair said. "We think these matters ought to be brought to a prompt conclusion."

But Republicans on the committee echoed the attitude of their second-ranking member, Representative Robert McClory of Illinois. He said that it was a "mistake" for Mr. Nixon to believe the panel would be satisfied with his position and that "we are all disappointed" at what he called the "lack of cooperation" from the White House.

Says Nixon Hurts Himself

"We have to get all the information we requested if we are to properly discharge our responsibilities," said Representative William S. Cohen, Republican of Maine.

Another Republican, Representative Tom Railsback of Illinois, said of the President, "I just think he's hurting himself."

Mr. Nixon said in his letter to Mr. Rodino that "the institution of the Presidency itself would be fatally compromised" if he permitted "massive invasion" of his confidential records.

But Representative Hamilton Fish Jr., an upstate New York Republican, reacted to the President's contention with incredulity.

"He really believes it," Mr. Fish told reporters. "I think he's sold himself on this Presidency thing."

Democrats on the panel were even more caustic. Representative Joshua Eilberg of Pennsylvania said that Mr. Nixon was "dragging out executive privilege again, which we absolutely refuse to buy."

There was no evident unanimity on the committee, however, about the course the panel should take to deal with the White House obstinance.

Favor Court Ruling

Some Republicans, including Mr. Railsback and Mr. Fish, said that they believed the committee should seek a definitive Supreme Court ruling ordering the President to obey the subpoenas.

But Democrats generally leaned toward a continuation of their past course of action—the issuance of more subpoenas, formal citations for noncompliance when they were defied, and ultimately citing subpoenas as one of the grounds for his impeachment.

When Mr. Nixon declined to supply tapes subpoenaed by the committee on April 11 and instead released edited transcripts of the subpoenaed recordings, the committee split, 20 to 18, nearly along party lines in voting to send the President a letter saying he was not in compliance with the legal demand for evidence.

Representative William L. Hungate, Democrat of Missouri, said that the committee

should follow up the latest subpoena rejection with another letter, "perhaps with a little bit stronger tone." He said that he hoped more Republicans would be willing to support such a move now.

The committee has three possible options. It can seek a vote of the full House formally citing the President for contempt of Congress. The panel can go to court to seek a judgment against the President. Or it can build a record of Mr. Nixon's noncompliance with committee subpoenas and draw a legal "inference" that the evidence being withheld would incriminate the President if released.

It is the third option that most committee members have appeared to favor, because court dispute would be time-consuming and might involve the judiciary in the impeachment process, and a formal contempt citation would have little immediate impact and presumably not produce any evidence.

As Representative Don Edwards, Democrat of California, stated it, the committee cannot force its will upon Mr. Nixon because "he's got the Army, Navy and Air Force and all we've got is Ken Harding." Kenneth R. Harding is the House sergeant-at-arms.

In a related development, Mr. St. Clair indicated to reporters that the White House was not likely to turn over any additional evidence related to a meeting March 17, 1973, between Mr. Nixon and John W. Dean 3d, the former White House legal counsel.

Early Knowledge Denied

Mr. St. Clair said that the President definitely "did not know of any [Watergate] cover-up until March 21" of last year.

Mr. Rodino suggested last night that the President may have discussed "the Watergate matter and the possible involvement of White House personnel and others" with Mr. Dean on March 17. Mr. Rodino said that the committee would seek "clarification" of why that discussion was not contained in the edited transcript of the March 17 meeting that the White House prepared. The panel has no tape of that conversation.

Mr. St. Clair said that, if the committee needed more information about the March 17 meeting, Mr. Rodino and the panel's senior Republican, Representative Edward Hutchinson of Michigan, were "welcome to come down and listen to the tape."

The President's attorney said that if others on the committee "feel they can't trust the ranking minority member and chairman" then it was possible that others on the panel could also be permitted to hear the tape.

Mr. Rodino has declined White House offers to let him screen recordings with Mr. Hutchinson, on the ground that the committee's lawyers, not the chairman, should do any screening and that the panel needed the tapes to test their authenticity.