

Judiciary To Limit Witnesses

Rodino Unit Votes to Call 5 for Testimony

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House Judiciary Committee Democrats lost their first vote of the impeachment inquiry yesterday but quickly reversed it under party pressure and voted a tighter limit on witnesses to be called than Republicans wanted.

All day and into the evening the committee wrangled over whether President Nixon's lawyer, James D. St. Clair, should be permitted to call six witnesses he had requested or be limited to two for certain and the other four possibly after committee lawyers interview them.

Four Democrats then joined all 17 Republicans on a preliminary motion that was voted 21 to 17 in St. Clair's favor. Chairman Peter W. Rodino (D-N.J.) promptly recessed the meeting for a half-hour caucus of committee Democrats to regroup his forces. Rodino wants to limit the number of witnesses to those needed to fill gaps in the evidence in order to get a committee vote before the end of July on recommending whether Mr. Nixon should be impeached.

When the committee resumed meeting, Republicans moved to have 10 witnesses called, but lost on a 19-to-19 tie. They lost again on an attempt to call seven witnesses, 22 to 19, by which time Rodino had all committee Democrats back in the fold except for Rep. Wayne Owens of Utah.

The committee then voted 33 to 5 to do what Rodino wanted, which was to agree to hear five witnesses and to decide later on five others. The committee adjourned shortly before 8 p.m. and will meet in closed session today to hear St. Clair respond to staff evidence presented to the committee in closed session dur-

ing the past six weeks.

As the closed meeting began yesterday morning, a resolution was offered for the Democrats by Rep. Ray Thornton (D-Ark.) which provided for calling five witnesses to testify next week and the week following and listed another five persons to be interviewed by staff and to testify if Rodino and the senior Republican, Rep. Edward Hutchinson of Michigan, decided their testimony was needed.

Six of the 10 names were requested by St. Clair. But only two of those six were on the list to be definitely called. The other four were tentative.

Republicans angrily denounced the proposal as unfair. Rep. Tom Railsback (R-Ill.) said St. Clair's request was reasonable and that if it were not granted the effect on committee efforts to proceed in a bipartisan manner would be "disastrous."

"I say that as one who may vote to impeach him," said Railsback.

St. Clair requested that the committee call the following:

- John W. Dean III, former White House counsel who pleaded guilty to conspiring to obstruct justice in the Watergate cover-up and whose testi-

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mony during the last year has been damaging to the President.

- Frederick C. LaRue, an official at the Committee for the Re-election of the President who also pleaded guilty to a conspiracy to obstruct justice charge. He helped raise and pay out hush money to Watergate defendants.

- H. R. (Bob) Haldeman, former White House chief of staff, under indictment for conspiracy, perjury and obstruction of justice charges in the Watergate cover-up, scheduled for trial in September.

- John N. Mitchell, former Attorney General and former chairman of the re-election committee, indicted along with Haldeman and others in the cover-up.

- William O. Bittman, lawyer for Watergate defendant E. Howard Hunt who reportedly had threatened to blackmail White House officials and was allegedly being paid the hush money.

- Paul L. O'Brien, lawyer for the re-election committee who allegedly was contacted by Bittman for money for Hunt and conveyed that message to the White House.

Members said St. Clair advised the committee that he wished to question these six about the events of March 21, 1973. That is the date that President Nixon says Dean first told him of the payment of hush money. Transcripts of their conversation revealed that the President several times suggested that the money should be raised and paid. That evening \$75,000 allegedly was turned over to Bittman. St. Clair has repeatedly said he believes "the name of the game is Watergate," that this is the only serious impeachment allegation against the President. He evidently is attempting to knock holes in the allegation that the President knew of the cover-up and if he did not join in it, at least did nothing to stop it.

"Obviously, hush money is where he's squirming most," said Rep. Edward Mezvinsky (D-Iowa.).

Thornton's motion listed Dean and LaRue as certain witnesses, but put the other four on the tentative list.

Thornton also proposed calling:

- Herbert W. Kalmbach, the President's former personal lawyer who helped raise hush money and has been sentenced to 6 to 18 months in prison after pleading guilty to a violation of the corrupt practices act and to promising an ambassadorship in exchange for campaign donations.

- Henry E. Petersen, assistant attorney general in charge of the criminal division who headed the investigation of the Watergate cover-up and probably would be asked what the President knew of the cover-up.

- Alexander P. Butterfield, now head of the Federal Aviation Administration and a former assistant to Mr. Nixon, who first told the nation that the Oval Office was bugged. He would be asked about the staff organization of the White House.

Thornton also put on his tentative list Charles W. Colson, former White House special counsel who pleaded guilty to an obstruction of justice charge in the break-in of the office of Daniel Ellsberg's psychiatrist. The fact that Democrats still list Colson as tentative even though committee special counsel John Doar interviewed him for an entire day suggests they have doubts of his value.

Rep. Charles Sandman (R-N.J.) offered an amendment yesterday afternoon adding Colson, Mitchell and Haldeman to the list of definite witnesses.

Rep. Lawrence J. Hogan (R-Md.) then moved to amend Sandman's amendment by adding Bittman and O'Brien,

thus granting St. Clair's full request.

Hogan's amendment won 21 to 17 as four Democrats voted with the Republicans. The four were Reps. Don Edwards of California, Wayne Owens of Utah, James Mann of South Carolina and Walter Flowers of Alabama.

The Thornton motion provided that the committee conclude questioning witnesses by July 12. This would permit keeping to a schedule that calls for a House vote on impeachment before the end of August.

An attempt to knock out the deadline was defeated 19 to 18. But the committee approved an amendment acknowledging that it could extend the deadline later.

An amendment by Rep. John Conyers (D-Mich.) that would have required all testimony from witnesses to be taken in closed session was rejected. The decision will be made each day.