

Rodino Unit Yields On Nixon Witnesses

House Panel Questioning To Be Closed

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House Judiciary Committee Chairman Peter W. Rodino (D-N.J.) backed away yesterday from an implied threat to limit the number of witnesses President Nixon's lawyer can call for his impeachment inquiry.

Rodino announced that all six witnesses requested by White House counsel James D. St. Clair will be called for the final phase of the committee's fact-finding inquiry beginning this morning.

The committee then voted, 25 to 13, over near-solid Republican opposition, to hear all witnesses in closed session. This means that the entire six-month inquiry into whether the President should be impeached, up to the point of a committee debate and vote, will have been closed.

The full House, meanwhile, rebuffed a Judiciary Committee request for a rules change that virtually would have prevented committee members from questioning witnesses in an effort to speed up the proceedings. A majority of 207 to 140 supported the rule suspension, but it failed because committee leaders, expecting little opposition, brought it up under a procedure requiring a two-thirds majority.

The plan was for special counsel John Doar to question witnesses on relatively narrow points. Members would have been permitted to submit written questions for Doar to ask.

The committee at an angry partisan session last week had voted to call two of St. Clair's requested witnesses but to reserve judgment on the rest until Doar had interviewed them.

Yesterday, Rodino announced that all of St. Clair's witnesses would be called as he asked the House to approve the rule change. If he expected that would win Republican support for his proposal, he was wrong. The opposition included 120 Republicans and 20 Democrats, most of whom would be counted as defenders of the President.

Rep. David W. Dennis (R-Ind.) led the resolution, arguing that elected members of Congress should not give up their "rights and responsibilities" to conduct the inquiry. "Why should the investigation be conducted by the hired help?" he asked.

Keeping the rule intact means that each of the 38 Judiciary Committee members will be entitled to question each witness for five minutes — more than three hours if each takes his time.

The committee vote to hear the witnesses in closed session was supported by all 21 Democrats, senior Republican Edward Hutchinson of Michigan and Republican Trent Lott

of Mississippi.

A majority of the committee has changed position on the issue of closed versus open sessions since the presentation of evidence began more than seven weeks ago.

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Democrats who favored open sessions at the start now opposed them. Their argument is that since witnesses are to be questioned on narrow areas, public injury would give a distorted picture, causing the public to believe this was the whole case.

Republicans who earlier had favored closed sessions now want to go public on grounds that leaks have given a distorted picture of the evidence and that the public should be let in to see for itself.

St. Clair has asked for six witnesses to focus on one point — his attempt to show that President Nixon was not involved in the Watergate cover-up and most especially the payment of hush money to Watergate conspirator E. Howard Hunt Jr. on March 21, 1973.

St. Clair considers a crucial point to be the time and content of two telephone calls made from the White House that day.

St. Clair's requested witnesses are John W. Dean III, Frederick C. LaRue, H. R. (Bob) Haldeman, John N. Mitchell, William O. Bittman and Paul O'Brien.

St. Clair expects that Dean, then White House counsel, will testify that a phone call he made to LaRue, an official of the Committee for the Re-Election of the President, which set in motion the payment of \$75,000 to Hunt on March 21, 1973, was made before a long morning conversation at which Mr. Nixon said Dean first told him of the payment of hush money. St. Clair believes that if he can establish the fact that the phone call was made prior to that meeting, it will show the President played no part in the payment.

St. Clair also wants to show that a phone call from Haldeman, then White House chief of Staff, to Mitchell, former director of the re-election committee, just after that March 21 meeting with the President made no mention of the payment of hush money.

Haldeman and Mitchell have been indicted on charges stemming from the cover-up, and many committee members

doubt that they will testify. Their trial is scheduled to begin in September.

Bittman, Hunt's attorney, and O'Brien, a lawyer at the re-election committee, were requested by St. Clair to show the relay of Hunt's demands for money for Bittman to O'Brien to Dean.

The committee also has agreed to summon three witnesses requested by Doar. They are Alexander Butterfield, former assistant to Mr. Nixon; Henry E. Petersen, assistant attorney general in charge of the criminal division of the Justice Department who supervised the early investigation of the Watergate break-in and cover-up, and Herbert Kalmabach, former personal counsel to Mr. Nixon, who has been sentenced for fund-raising irregularities.

It is still apparently undecided whether Charles W. Colson, former White House insider who pleaded guilty to obstruction of justice in the Ellsberg break-in, will be called.

Butterfield will be the first witness and is expected to be on the stand all of today. Members said Butterfield would be asked to explain the staff organization of the Nixon White House. This would include an explanation of where people stood in the hierarchy, such as the fact that Haldeman was at the top and spoke with the authority of the President.

Butterfield, now head of the Federal Aviation Administration, first told the world in testimony before the Senate Watergate committee last year that the Oval office of the President was bugged.