

HOUSE, 410-4, GIVES SUBPOENA POWER IN NIXON INQUIRY

Judiciary Panel Is Authorized to Summon Anyone, Including President, With Evidence

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WASHINGTON, Feb. 6—The House of Representatives voted 410 to 4 today to grant the Judiciary Committee broad constitutional power to investigate President Nixon's conduct. The House thus formally ratified the impeachment inquiry begun by the committee. It authorized the panel to subpoena anyone, including the President, with evidence pertinent to the investigation.

It was only the second time in the nation's history that such a step, directed at a President, had been taken in the House. But the roll-call vote was not a test of impeachment sentiment.

The vote followed an hour of debate in which no one rose to defend Mr. Nixon, but Democrats and Republicans quarreled over the best method to guarantee that the inquiry would not become partisan.

'No Other Way'

The tone was struck by the Judiciary Committee chairman, Representative Peter W. Rodino Jr., Democrat of New Jersey, when he told an unusually attentive House:

"Whatever the result, whatever we learn or conclude, let us now proceed with such care and decency and thoroughness and honor that the vast majority of the American people, and their children after them, will say: This was the right course. There was no other way."

The four members who opposed the resolution, all Republicans, were Ben B. Blackburn of Georgia, Earl F. Landgrebe of Indiana, Carlos J. Moorhead of California and David C. Treen of Louisiana.

Mr. Moorhead, a member of the Judiciary Committee, objected that the resolution gave the panel such unrestricted subpoena power that it "can only precipitate a constitutional confrontation and further divide the people of our country."

The significance of the House action was illustrated by Mr. Rodino's statement that the power to issue and enforce a

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subpoena would be drawn directly from the Constitution, and would "not depend upon any statutory provisions or require judicial enforcement."

He said that a subpoena would be issued to Mr. Nixon only if the committee thought it necessary to reach a "fair" judgment whether there were grounds for impeachment.

"The gentleman from New Hampshire hopes that will not be necessary," Representative Louis C. Wyman, Republican of New Hampshire, said as he stared across the quiet chamber at Mr. Rodino.

"The gentleman from New Jersey does also," Mr. Rodino replied.

He told newsmen later that no decisions would be made within the next few days on requests for evidence to either the White House or to the Watergate special prosecutor, Leon Jaworski.

The resolution was adopted after the House rejected, 342 to 70, a parliamentary effort to open the measure to amendments that would have set an April 30 deadline for completion of the inquiry and allowed the committee's senior Republican to issue subpoenas independently. Today's approval of the resolution had been expected.

Representative John J. Rhodes of Arizona, the House Republican leader, signaled the fate of the parliamentary maneuver when he declared that Mr. Rodino's pledge to conduct the inquiry fairly and expeditiously was "good with me."

Only 67 of 178 Republicans voting on the issue and 3 of 234 Democrats disagreed and sought unsuccessfully adoption of the restrictions.

As approved, the measure



Peter W. Rodino Jr., right, chairman of the House Judiciary Committee, talking with Representative Edward Hutchinson, Republican of Michigan, before the House voted.

provides no termination date for the investigation. It authorized Mr. Rodino and the ranking Republican, Representative Edward Hutchinson of Michigan, to issue subpoenas jointly. If either declines, the full committee, composed of 21 Democrats and 17 Republicans, must decide whether to issue a subpoena.

Representative Robert McClory, Republican of Illinois, asserted that a fixed deadline would assure a troubled nation that the Watergate turmoil would soon end.

"Imagine!" he protested, his voice and arms rising and falling together. "Imagine this important resolution, historic in its impact, being presented here without an opportunity for amendment."

Representative William L. Hungate, Democrat of Missouri, retorted dryly that it would be irresponsible to set an "arbitrary" deadline that might put the committee in "the position of the skydiver whose chute

failed to open and found he had jumped to a conclusion."

Several Republicans warned that the inquiry could degenerate into partisanship without a guarantee that the Democratic majority would not suppress a subpoena written by the senior Republican.

"Suppose we wanted to call [Senator] Hubert Humphrey or Bobby Baker?" asked Representative David W. Dennis, Republican of Indiana. Mr. Baker was convicted in 1967 of larceny, fraud and income tax evasion after an inquiry into his activities as the secretary to Senate Democrats.

Republicans apparently took

their cue, however, from Mr. Rhodes, who said that the minority would be able to "look at its options" later if the inquiry became partisan.

Despite the seriousness of the House action, there was no indication of influence having been exerted either by the White House or by groups lobbying on behalf of the impeachment of Mr. Nixon.

The President had breakfast at the White House this morning with 37 Republican Senators and Representatives who are members of two informal Capitol Hill groups, the Chowder and Marching Society and the S.O.S. Club. Only four of

Mr. Nixon's House guests supported the effort to amend the resolution, and none of them opposed its final approval.

The House has taken formal impeachment action only a dozen times before. The only instance in which a President's conduct was investigated was in 1867, when the House adopted a similar resolution directing the Judiciary Committee to inquire into the possible impeachment of Andrew Johnson.

Equally 'Solemn'

The House rejected the committee's articles of impeachment in December, 1867, but voted two months later to impeach President Johnson after he dismissed Secretary of War Edward M. Stanton. The Senate subsequently acquitted Johnson.

Referring to the Johnson impeachment, Mr. Rhodes described the House proceeding today as an equally "solemn occasion."

What the House concludes in Mr. Nixon's case, said Representative Elizabeth Holtzman, Democrat of Brooklyn, "will stand for all time. We will act expeditiously, but we will act soundly."

Mr. Rodino also referred to the need for sensitivity and caution.

"For almost 200 years," he said, "Americans have undergone the stress of preserving their freedom and the Constitution that protects it. It is our turn now."