

rodino subpoenas 11 TAPES, Nixon Logs

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A solidly united House Judiciary Committee voted 37 to 1 yesterday to issue a subpoena demanding that President Nixon turn over 11 tapes of Watergate conversations by 10 a.m. next Wednesday. Mr. Nixon's lawyer has said the President will not comply. The committee then issued a second subpoena with the same return date demanding that the President turn over his daily diaries, which detail his daily schedules, for four different periods

that were crucial in the story of the Watergate break-in and its cover-up.

A committee meeting scheduled for today to issue subpoenas for White House tapes involving other possible grounds for impeaching the President was canceled to give Mr. Nixon a final chance to comply voluntarily. These include 46 tapes that may bear on the question of whether the President raised milk price supports in exchange for campaign contributions, and 20 tapes of conversations that may bear on the allegation that he acted improperly in the settlement of an antitrust

suit against the International Telephone and Telegraph Corp. which had pledged a contribution to help finance the 1972 Republican National Convention. Committee counsel was directed to get an answer from the White House today.

"We seek not confrontation but evidence," said Chairman Peter W. Rodino (D-N.J.) after the vote. "We want the best evidence to determine once and for all" whether Mr. Nixon committed any acts for which he should be impeached.

The only vote against the subpoena demanding 11 Watergate tapes was cast by the senior Republican, Rep. Edward Hutchinson (R-Mich.). He believes a subpoena against the President is futile because it is unenforceable and would produce confrontation which solves nothing.

The first subpoena issued last month by a 33-to-3 vote for Watergate tapes produced only edited transcripts. The committee found that unacceptable, but by a partisan vote. Yesterday's subpoena was worded carefully to say that the committee wants tapes, which give the added dimension of

inflection and tone, and would not be satisfied with transcripts.

Yesterday's near-unanimity was achieved by letting members observe for themselves during two days of closed committee sessions why the tapes are needed to answer questions.

James D. St. Clair, the President's special counsel who sat through part of yesterday morning's committee meeting as a silent spectator, has said the committee will get nothing more from the White House—tapes, transcripts or anything else—on Watergate because the President feels he has

given the committee the whole story.

Last week St. Clair told newsmen the President would not comply with a subpoena for more Watergate materials, and that if the committee took the action it did yesterday "then we would have a confrontation."

Asked what the committee would do if the President fails to comply with the subpoena, Rodino said, as he has before, that members can draw inferences when they vote that the President has something to hide, and could

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even make refusal to comply a separate impeachable offense.

St. Clair told reporters yesterday there has been no change in the President's decision not to turn over any more Watergate materials. St. Clair gave the committee a revised memorandum arguing against issuing the subpoena, after deleting references to confidential information which caused the committee to reject a memo he submitted on Tuesday. St. Clair contends the committee has all the evidence it needs to establish the President's innocence in the Watergate break-in or cover up.

The 11 tapes are of conversations on April 4, June 20 and June 23, 1972. Special Counsel John Doar said they are needed to show whether the President had prior knowledge of the break-in of Democratic National Committee headquarters on June 17 and whether he participated in the beginning of the cover up during the following week. June 20 was his first White House conversation with aides after the weekend break-in while the President was in Florida.

The second subpoena produced more opposition because some Republicans felt it was too broadly phrased. It was approved by a series of four votes, ranging from 36 to 2 to 29 to 9.

The subpoena demands the President's detailed daily

schedules for four months from April to July, 1972, when the Watergate break-in was planned and executed; for three months from February to April, 1973, when the President has said he first learned of the cover-up; for the period from July 12 to July 31, 1973, when it first became public knowledge that presidential conversations had been taped, and for October, 1973, the month when Mr. Nixon ordered the firing of Archibald Cox, the first Watergate special prosecutor.

Doar said the staff wants logs of the President's appointments to determine whether there were other conversations that would be relevant to the impeachment inquiry and which the committee should request.

Rep. David W. Dennis (R-Ind.) protested that there was no need to subpoena logs for an entire month to learn what Mr. Nixon might have said about firing Cox on Oct. 20. He demanded separate votes on the four proposals, and lost on all.

Both subpoenas demand production of materials requested in a letter Doar sent St. Clair on April 19. He asked for a total of 142 tapes on Watergate, milk and ITT as well as the daily diaries and other documents.

Rep. Robert Drinan (D-Mass.) protested against the piecemeal subpoena approach as causing delay. He would have issued one subpoena for all the requested materials.

Doar replied that no delay should be caused by subpoenaing materials as the need appears during staff presentation of its evidence. He said he will be asking for more subpoenas as the case moves along. The April 19 letter requested 65 Watergate tapes not covered by yesterday's subpoena.

The 46 tapes of milk conversations which Doar wants cov-

er a 12-day period in March, 1971, when Mr. Nixon set aside an Agriculture Department milk price support order and raised supports by an amount estimated to be worth \$500 million to the dairy industry. Doar has said the staff has information that the President knew in advance that the industry had pledged \$2 million to his 1972 campaign, that

news of his decision to raise price supports was communicated to the industry and a reaffirmation of its campaign pledge plus a first installment of the money was delivered before the price support decision was announced. Doar wants the tapes to learn whether they show any connection between the campaign pledge and the price support rise.