

House Panel Starts Inquiry On Impeachment Question

Approves Wide Subpoena Power for Chairman in Partisan Split

By JAMES M. NAUGHTON

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WASHINGTON, Oct. 30—The House Judiciary Committee began consideration of possible impeachment of President Nixon today with a partisan dispute over the grant of broad subpoena power to its chairman, Representative Peter W. Rodino Jr., Democrat of New Jersey.

In straight party-line votes, 21 to 17, the Democratic majority rejected two Republican amendments and then adopted a resolution permitting Mr. Rodino to issue subpoenas without the consent of the committee.

Efforts Go Awry

The dispute marred Democratic efforts to set a bipartisan tone to the inquiry that will eventually culminate in committee decision whether to urge the House of Representatives either to impeach President or to drop the investigation.

Mr. Rodino pledged to the authority judiciously and the Republicans portrayed the issues as no more than a procedural "test vote" on whether the inquiry into President Nixon's conduct would be partisan. However, the decision could ultimately have a significant impact on the impeachment process.

Committee believe that Mr. Nixon's assertion of executive privilege as the basis for denying White House tape recordings or documents to Government and Senate investigators would have no standing in a House impeachment inquiry.

View of Schlesinger

That view was expressed by Arthur M. Schlesinger Jr., the historian, in a letter he sent last Friday to Mr. Rodino and other members of the Judiciary Committee. The letter said, in part, that "whatever merit" Mr. Nixon's position might have in normal circumstances, "that claim is automatically and totally dissolved" when the President's continuance in office becomes the issue of im-

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Continued on Page 30, Column 3

House Panel Starts Inquiry Into Impeachment; Gives Rodino Subpoena Power

Continued From Page 1, Col. 2

peachment proceedings.

Under the Constitution, if the House impeaches — that is, indicts — a President for “treason, bribery or other high crimes and misdemeanors,” the Senate conducts a trial to determine whether to acquit him or remove him from office.

Mr. Rodino sought this morning to assure the Republican members of the committee that “there will be no wholesale issuing of subpoenas.” He said that on each subpoena he would consult with the panel’s ranking Republican, Representative Edward Hutchinson of Michigan.

But the subpoena issue soon became the focal point of less-than-subtle maneuvers by both sides.

Representative Tom Railsback, Republican of Illinois, warned that bipartisanship would be an essential ingredient in the impeachment inquiry and said that the Democratic majority could “demonstrate its good faith” by amending the resolution to permit Mr. Hutch-

inson to share in the authority to issue subpoenas.

“This is a kind of test vote,” said another Republican, David W. Dennis of Indiana. “If we really mean it, here’s the place to begin bipartisanship.”

The resolution also gave Mr. Rodino authority to issue subpoenas in the committee’s forthcoming hearings on President Nixon’s nomination of Representative Gerald R. Ford, the House minority leader, to be Vice President.

Noting pleas from Republicans for quick action on the nomination, Mr. Rodino said pointedly that confirmation of the Michigan Republican could be facilitated by avoiding complicated subpoena procedures.

Move to Halt Debate

After 40 minutes of disputing, Representative Jack Brooks, Democrat of Texas, demanded a vote on whether to “give the Republicans a veto on subpoenas.”

Republican members noisily objected to shutting off the debate, amid loud groans among the Democrats and shouts of “regular order,” a parliamentary

call for adherence to the committee rules.

Mr. Rodino permitted the argument to continue after Mr. Dennis asked, “Is it the desire of the majority to begin this inquiry by cutting off free debate?”

Some 20 minutes later, after Representative Lawrence J. Hogan, Republican of Maryland, objected that “we seem to have a steamroller rolling here” and Representative James R. Mann, Democrat of South Carolina, suggested drily that Mr. Rodino was being prevented from “displaying his bipartisanship,” the committee voted on the Railsback amendment.

One after another, the 21 Democrats voted no and the 17 Republicans voted yes.

“Real bipartisanship!” Representative Barbara C. Jordan, Democrat of Texas, observed in a stage whisper.

Undaunted, Representative Robert McClory, Republican of Illinois, offered an amendment that would have authorized Mr. Hutchinson to issue subpoenas in addition to, rather than in concert with, Mr. Rodino.

The chairman said that he would “respect” the republican requests for subpoenas. Mr. McClory said that his amendment would merely “spell out precisely what the chairman said.” And Representative George E. Danielson, Democrat of California, protested that the committee could not “operate with two chairmen.”

A roll-call vote on the amend-

ment failed, by the same partisan split, 21 to 17. The resolution itself finally passed on a third roll-call division along party lines.

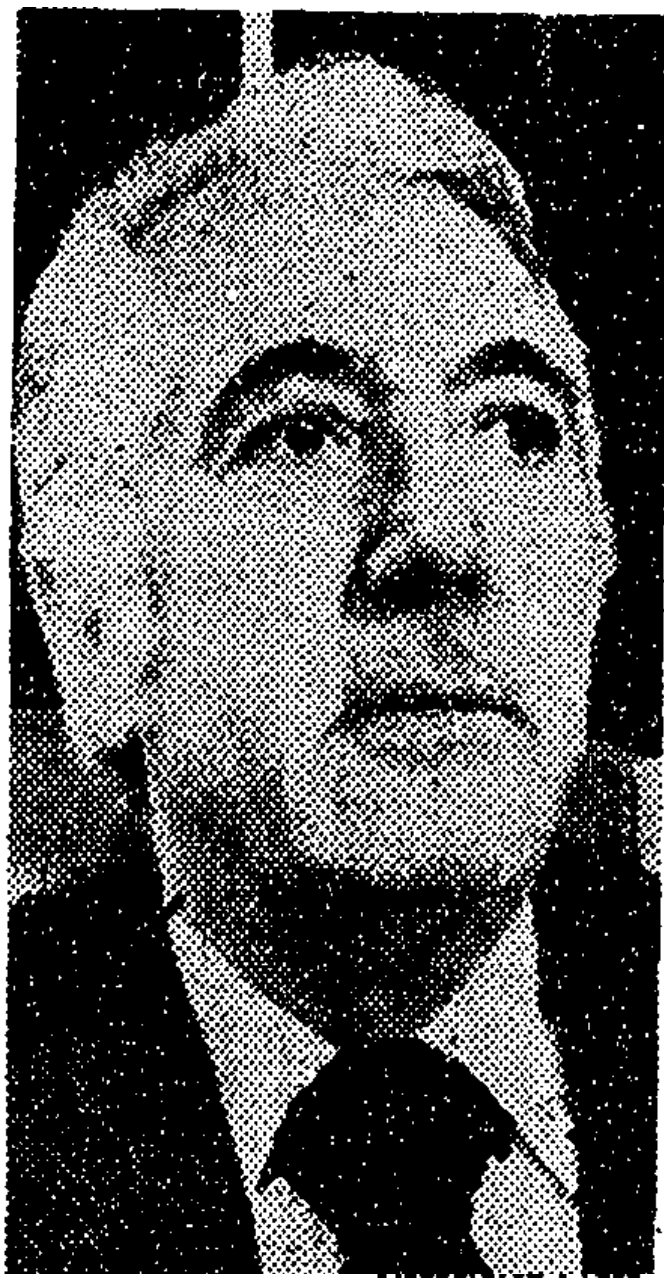
Thus began the second formal inquiry in the nation’s history, and the first in 105 years, into the possible impeachment of a President.

Mr. Rodino told the committee that he would not conduct a “witch hunt” and that he would not hold the nomination of Mr. Ford “hostage,” as some House Democrats have urged, until the impeachment inquiry was completed.

The committee chairman gave no indication when hearings might begin on either the Ford nomination or the 13 impeachment resolutions submit-

ted to the panel so far. He referred, however, to a “high level of intensity and urgency” surrounding the impeachment movement and said that he did not believe “this crisis in authority can be permitted to continue for a long duration.”

The House Judiciary Committee later approved, without a dissenting vote, a bill that would extend until next June 4 the life of the Federal grand jury investigating the Watergate case and authorize Chief Judge John J. Sirica of the United States District Court to keep the jury in operation as late as Dec. 4, 1974. Without such Congressional authority, the grand jury’s term would end next Dec. 4.



**Peter W. Rodino Jr. pre-
siding at House hearing.**

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