

NYTimes
JAN 26 1974
**White House Assessing Stand
Nixon Took in 1970 on Douglas**

By BILL KOVACH

Special to The New York Times

WASHINGTON, Jan. 25—White House lawyers are apparently looking for a way to rule out as a precedent the position taken by President Nixon in 1970 when he opened Administration files to an impeachment inquiry aimed at a Supreme Court Justice.

Kenneth Clawson, White House deputy director of communications, told reporters today that a letter written by the President during an unsuccessful attempt to impeach Supreme Court Justice William O. Douglas was now "under study" by White House lawyers to determine if it requires them to cooperate as fully with the impeachment inquiry now aimed at the President.

In that letter, which preceded the release of hundreds of documents, including tax returns and Justice Department files, the President said the executive was "clearly obligated" to supply information to an impeachment inquiry.

Mr. Clawson would not elaborate on what the team "under study" meant and said he was merely repeating information made available at a press briefing yesterday by the White House. A study of that transcript, however, contains no reference to a White House "study of the letter. White House lawyers did not respond to several telephone messages.

Impeachment Distinctions

Sources familiar with the discussion of the letter report that the discussion involves alternate ways in which the White House could argue that the letter does not necessarily apply now because distinctions can be made between the impeachment of a Federal judge and the impeachment of the President.

Mr. Clawson's reference to a "study" of the letter is another indication that the President's decision to "fight like hell" against impeachment will also mean resisting demands for access to relevant papers, tapes and other information in the White House.

The President's position in the matter has yet to be clearly defined, primarily because the current impeachment inquiry has yet to reach the stage of seeking information from the White House. However, spokesmen for the President have recently hinted that little information will be volunteered and have defined the process as a "political" one that will be met by "political decisions."

The House Judiciary Committee, in charge of the impeachment inquiry, expects to

seek subpoena power from the House membership in early February. The power is expected to be granted and following that the inquiry staff could subpoena White House documents and force the issue.

Prompt Move Weighed

One House member, Jerome R. Waldie, Democrat of California, has threatened to introduce a resolution for the immediate consideration of impeachment if President Nixon attempts to use "executive privilege" to withhold information from the impeachment inquiry.

Mr. Waldie's statement was part of the public debate bubbling to the surface as Democrats and Republicans began to sort themselves out on the impeachment issue.

In response to Mr. Waldie's statement, and actions by other Democrats urging impeachment, the House Republican leader, John J. Rhodes, of Arizona, called for the disqualification of any House Judiciary Committee member who was publicly committed on the issue.

Referring to the fact that House Judiciary Committee members are responsible for the first phases of the impeachment inquiry, Mr. Rhodes said:

"I think that as a matter of honest justice—these men are all lawyers—they should disqualify themselves from voting on this issue."

Senator Walter F. Mondale, Minnesota Democrat, today became the latest member of Congress to urge publicly that President Nixon should resign.

Senator Mondale, currently promoting himself as a possible Presidential candidate in 1976, said on the National Broadcasting Company's television show "Today" that the President should resign "because he has undermined his moral credibility to the point that he can no longer effectively lead the country."