

House Probers

Seek Full Powers

Subpoena

Authority

Requested

Washington

The House Judiciary Committee unanimously adopted a resolution yesterday asking that full constitutional authority for the impeachment inquiry on President Nixon, including subpoena power, be given the committee by the House of Representatives.

The adoption of the resolution, which is expected to win House approval next week, was, in effect, the congressional response to Mr. Nixon's promise of limited cooperation in his State of the Union address Wednesday night.

Mr. Nixon said his cooperation with the impeachment inquiry would be limited by precedent and his desire not to erode presidential authority.

Several Republican members of the Judiciary Committee, while encouraged by the President's words, suggested that it remained to be seen how open the President would be to demands for evidence in the inquiry.

Peter W. Rodino Jr. (Dem-N.J.), who is the committee chairman, alluded to the President's position when he told newsmen that once authority was granted, "no one is excluded from its authority."

The unanimous action on the resolution, after nearly three hours of discussion and debate, supported the general impression on Capitol Hill that Mr. Nixon's na-

tionally televised address had done little to distract or delay the determination of Congress to investigate the Watergate scandal and its aftermath.

Senator Sam J. Ervin Jr. (Dem-N.C.), who is chairman of the Senate Watergate committee, said he has not changed his position that hearings should resume on

Back Page Col. 5

From Page 1

matters remaining before that committee.

Ronald L. Ziegler, the President's press secretary, yesterday reinforced Mr. Nixon's indications of limits on his cooperation with the inquiry.

"His remarks last night were carefully thought out," Ziegler said. "He feels this deeply. What he said will be the framework for what will be forthcoming."

The question of whether the President's concept of cooperation will lead to a constitutional test could be answered soon. Speaker Carl Albert of Oklahoma said he saw no obstacle to the House's approval of the full authority resolution, probably on Tuesday.

The Judiciary Committee staff has indicated it would begin collecting evidence immediately after that, and an early approach could be made to the White House for documents, tapes and other evidence.

The resolution action was approved yesterday during the first full meeting of the committee to consider the impeachment inquiry. The meeting was marked by pleas for bipartisanship in the inquiry.

Some Republicans concen-

trated their efforts on restricting the time or powers of the inquiry. In a series of six roll call votes on proposed amendments, no issue failed or carried strictly on party lines.

The key Republican amendment, offered by Robert McClory of Illinois, would have set April 30 as a cutoff date for the work of the inquiry.

The eventual defeat of the amendment was foreshadowed almost immediately when its concept was opposed by Albert E. Jenner, the minority counsel. In a skillful display of control over the committee proceedings, Rodino asked Jenner's opinion on the wisdom of a cutoff date just before allowing McClory to introduce the amendment.

Did he, Rodino asked of Jenner, agree it would be unwise to set a cutoff date before it was clear how much evidence there was to be gathered and analyzed?

Glancing across the room toward McCloy, Jenner grinned and nodded: "Yes, I do."

McClory smiled, then introduced his resolution. The final vote was 23 against and 14 for, with all the Democrats and two Republicans opposing the cutoff. Amendments to limit the committee's subpoena power or restrict the kind of evidence that could be subpoenaed were defeated by similar margins.

Primary interest was focused on the question of subpoena powers that would require "the attendance and testimony of any person."

The special counsel to the committee, John Doar, told the members that language

would apply to Mr. Nixon and further that the President "would not be able to assert" the claim of executive privilege in order to refuse to appear or withhold information.

A crucial question, however, remains unresolved. Because both Doar and Jenner hold the view that there is no power of any court for judicial review over impeachment actions, it remains unclear how refusal to honor a subpoena would be enforced.

The inquiry staff plans extensive research into the question, but the tentative conclusion offered yesterday was that such an action by the President could, itself, become an act that could be considered as an impeachable offense.

Republican members of the committee seem most troubled by this possibility in light of the President's indication of limits to his cooperation.

"The people," said Representative William S. Cohen (Rep-Me.), "simply want the truth and the President's statement injected ambiguity in the question of presidential cooperation."

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