

Impeach Unit Has a Test For Nixon

Washington

Democratic members of the House Judiciary Committee decided yesterday to seek specific items of Watergate evidence from the White House to test President Nixon's willingness to cooperate with the House impeachment inquiry.

At a closed party caucus, the committee's Democratic majority reportedly discussed the likelihood of an eventual confrontation with the White House over impeachment and moved to bring it to a head quickly.

The Democrats also agreed informally to adopt the position that the White House has no authority to recommend or pass judgment on procedures the committee will follow in conducting the investigation.

The decisions reflected an apparent stiffening of resolve among the Democrats to demonstrate, as Representative Robert Drinan of Massachusetts later stated it, that "we're not going to be pushed around" by the

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White House.

John Doar, the committee's special counsel on impeachment, began general discussions last week with James St. Clair, the President's special Watergate counsel, on access by the panel to White House tape recordings and documents.

Not content with this procedure, Drinan and other Democrats who participated in the caucus said that they had pressed Doar to make a formal request for specific items of evidence and thus resolve uncertainty about Mr. Nixon's willingness to cooperate. Doar reportedly told the Democrats that he hoped to submit a request to St. Clair in writing by the end of this week.

Implicit in such a request would be the warning that failure by the White House to voluntarily comply with it would lead to the issuance of a committee subpoena.

The committee chairman, Representative Peter W. Rodino Jr. (Dem-N.J.), declined to tell newsmen how many days he believed the White House should be given to comply with the request.

But Rodino said pointedly that the committee wanted "to move along" with the inquiry to meet White House and Republican party demands for a prompt conclusion of the investigation.

Both Doar and committee minority counsel Albert Jenner are reportedly prepared

to contend that the Constitution provides for a broad view of impeachment and that a president may be held to account for actions that are contrary to the public interest but not necessarily indictable criminal offenses.

The Justice Department has prepared its own study, called "The Law of Impeachment," which is expected to advance the more narrow view that a president may be impeached only for serious violations of criminal law.

Rodino told newsmen that individual members of the committee would have to reach their own conclusions about what constitutes impeachable misconduct. Asked if the committee should seek the Justice Department's legal memorandum, Rodino bristled and said:

"The committee on the judiciary is acting independently. It has its own responsibility under the Constitution. This isn't the Justice Department. It's the House of Representatives."

Rodino also said that the committee's rules on handling of confidential evidence would be set by House custom and not to satisfy White House insistence on assurance that the material would not be leaked to the media.

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