Rodino Scores Plea For a St. Clair Role In Inquiry by House

By JAMES M. NAUGHTON
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WASHINGTON, March 21 — The chairman of the House Judiciary Committee warned today that the White House bid for an adversary role in the impeachment inquiry could turn the House proceeding into a full-scale trial and thus usurp the Senate's constitutional role as the sole judge of President Nixon's conduct in office.

The chairman, Representative Peter W. Rodino Jr., Democrat of New Jersey, made the point to newsmen following the second day of public wrangling in the committee over a request by James D. St. Clair, the President's special Watergate counsel, for the right to cross-examine witnesses and introduce evidence.

The issue appeared to have split the committee along party lines, with Democrats uniformly against and Republicans solidly in favor of the White House request.

If the committee rejects the request, "the American people will certainly wonder why the

President's counsel was not given the opportunity to cross-examine witnesses," shouted Representative Delbert L. Latta, Republican of Ohio.

Representative Ray Thornton, Democrat of Arkansas, countered the charge of unfairness by saying that the Judiciary Committee had been bipartisan and fair when it held hearings last year on the confirmation of Vice President Ford.

"The now-Vice President of the United States did not bring his lawyers to the committee but his life, as an open book," Mr. Thornton said. "The President should send this committee the records and the facts — and not his lawyers."

The controversy moved later onto the House floor when Representative John Conyers Jr., Democrat of Michigan, read aloud a letter imploring the House Speaker, Carl Albert, Democrat of Oklahoma, to defend the committee and the House against White House intrusions.

Mr. Rodino told newsmen that the Constitution gave the House the sole power to impeach — that is, to prefer charges — and the Senate the sole power to try the President. He said that the Constitution did not contemplate "that a trial of the facts would take place" in the House. But Mr. Rodino said the bid by Mr. St. Clair for an adversary role in the committee inquiry was equivalent to a request for a trial.

As the issue emerged in the committee meeting, both Republicans and Democrats asserted that the purpose of the panel's inquiry was solely to develop all pertinent facts about charges of misconduct by President Nixon. But there the agreement ended.

Precedents for Both

Each side found precedent for a contrasting view. Democrats noted that in most of the nation's 12 impeachment cases, including the trial a century ago of President Andrew Johnson, the official under investigation did not have counsel present during preliminary House proceedings. Republicans countered that in five impeachment cases since 1876 defense lawyers had been permitted to play the sort of role sought by Mr. St. Clair.

Both John M. Doar, the Judiciary committee's special counsel, and Albert E. Jenner Jr., the committee's Republican counsel, opposed approval of Mr. St. Clair's request and said the inquiry should not be an adversary proceeding. But Representative Charles E. Wiggins, Republican of California, elicited Mr. Jenner's agreement that cross-examination was "often an essential vehicle for determining truth."

Representative Wiley Mayne, Republican of Iowa, said that the committee might itself "be guilty of a cover-up" if it barred the White House. He added that a search for facts was "not an attempt to surprise the President with hidden evidence unfavorable to him or to conceal evidence favorable to him."

Democrats countered that the White House request was unwarranted because no charges had yet been preferred against Mr. Nixon and he was therefore not the committee's adversary.

Tapes Still in Dispute

Some Democrats also characterized the request as an attempt by the White House to divide the committee and said that it was important for the panel to remain united in demanding access to tape recordings of some 12 Nixon conversations that are being withheld by the White House.

"If the President is impeached, Mr. St. Clair will get the chance to demonstrate for us his renowned trial techniques," said Representative Edward Mezvinsky, Democrat of Iowa.

He complained of Mr. St. Clair's private meetings with Republican members of Congress and he said:

"I wonder whether Mr. St. Clair is practicing law or playing politics? Is he the President's counsel or the President's lobbyist?"

The issue of Mr. St. Clair's role will not be resolved for a week or more, until the committee takes formal action on rules governing the taking of testimony for the inquiry.

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Representative Peter W. Rodino Jr., left, Democratic chairman of the House Judiciary Committee, and Representative Edward Hutchinson, ranking Republican, conferring at meeting on bid by James D. St. Clair, President's lawyer, for role in inquiry.