

Tapes Reply Deadline Set For Tuesday

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The House Judiciary Committee yesterday gave the White House a deadline of Tuesday for deciding whether to hand over presidential tape recordings for its impeachment inquiry.

"The patience of this committee is now wearing thin," Chairman Peter W. Rodino (D-N.J.) said at an informal briefing of the committee by its staff. "We will subpoena them if we must."

The tapes of 41 of President Nixon's conversations, said to involve the Watergate cover-up, were requested on Feb. 25. There has been no yes or no response since.

The deadline was set in a letter which Rodino and Rep. Edward Hutchinson (R-Mich.), the committee's senior Republican, ordered sent to the President's lawyer, James D. St. Clair. They requested a "reply by Tuesday, April 9 at the latest with respect to whether or not the conversations will be delivered to the committee."

Rodino said the request for the tapes was made "not out of curiosity but because it is our responsibility," as part of the committee's mandate to decide whether the President should be impeached for Watergate or other matters.

"We shall not be thwarted by inappropriate legalisms or by narrow obstacles to our inquiry," he said.

It has been evident for more than a month that a bipartisan majority of the committee would vote to issue a subpoena demanding the tapes if the White House turned down the request. They have held off action in hopes of avoiding a confrontation which would occur if the White House defied the subpoena.

Hutchinson said he is opposed to issuing a subpoena because the House could not enforce it. But the committee is united in its insistence that the tapes are relevant to the inquiry and should be handed over.

Rodino indicated that if the request is turned down, he will call a meeting of the committee next week to vote on a subpoena. If the White House agreed to turn over some but not all of the tapes, that might again delay a confrontation.

While the committee is united on this request, it is divided along party lines on procedural questions of St. Clair's participation in the inquiry and rules for committee consideration of the evidence.

It is now generally agreed that St. Clair should be allowed to present the President's case and probably cross-examine witnesses. The questions remaining are at what stage and to what extent St. Clair should be allowed to participate.

Committee special counsel John Doar laid out yesterday the staff's proposed procedures for presenting to the committee the evidence it has been assembling since January. This crucial process is expected to begin about the first week in May and to last about six weeks. Then the committee

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would vote on an impeachment resolution.

Doar proposed that the staff provide the 38 committee members written statements of facts which the staff believes established by the evidence. Each would be annotated with references to documents and tapes.

Members could then examine this back-up evidence, which is now available only to Rodino, Hutchinson and the staff. Then the staff would "present the evidentiary material to the committee in detail," Doar said.

He proposed that the committee wait until the staff has presented the case to decide whether witnesses should be called to testify and the extent of St. Clair's participation.

Doar also submitted a memorandum stating that the precedents show a "definite trend" toward permitting counsel for the subject of an impeachment inquiry to be present at committee sessions to state his client's case. But Doar said that in no previous case was the respondent's counsel permitted to take part in the preliminary investigation at the staff level.

St. Clair has asked permission to cross-examine at the taking of depositions—sworn statements taken by the staff, during its investigation. Doar announced yesterday that he will take no depositions. Rep. Wiley Mayne (R-Iowa) called this a "transparent dodge" to avoid the issue.

Republicans are especially insistent that St. Clair be allowed to cross-examine any witnesses. The facts of the President's case are in dispute, and cross-examination is the best way to find the truth, they contend. If the committee calls no witnesses, St. Clair will ask permission to call his own.

Republicans asked Rodino to call a meeting next week, before the 10-day Easter recess, to decide such questions as St. Clair's role and whether some allegations shown to have no substance should be dropped now. Rodino resisted, apparently content to follow Doar's suggested format. If Rodino calls a meeting on the subpoena issue, he could limit the agenda to that one item.

The committee has asked for \$500,000 on top of its \$1 million budget to complete the inquiry.