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Judiciary Meeting Today

Vote Expected On Subpoena Of Nixon Tapes

By Richard Harwood
Washington Post Staff Writer

The House Judiciary Committee may confront the White House today with a subpoena for tape recordings of presidential conversations to be used as evidence in the impeachment proceedings against President Nixon.

The issuance of the subpoena could precipitate a major constitutional battle between the executive and legislative branches of the government.

Nevertheless, there was strong sentiment within the committee yesterday to issue the subpoena in view of the White House failure to turn over to the committee more than 40 tapes of conversations involving the President, conversations that are presumed to have a bearing on the Watergate coverup.

The committee has sought the materials since Feb. 25 but was informed Tuesday by the President's special counsel, James D. St. Clair, that nothing would be delivered until after the Easter recess of Congress, which ends April 22.

St. Clair said "additional materials furnished at that time will permit the committee to complete its inquiry promptly." He did not identify the nature or quantity of those "materials."

His letter failed to satisfy committee members, including prominent Republicans.

Rep. Edward C. Hutchinson, ranking Republican member of the committee, said the St. Clair response was "offensive to the House, I'm sorry to say."

The St. Clair letter, Hutchinson said, seemed to say that "We are going to decide what you need and you damned well better be happy with what you get."

Rep. Robert McClory of Illi-

nois, another Republican, said, "There is no question in mind that the committee will support the subpoena."

At least two efforts were made yesterday by House Republicans to warn the White House of the sentiment for a subpoena and to bring about a more responsive attitude on the part of the President. The committee's minority counsel, Albert Jenner, was instructed to contact the White House to try to persuade St. Clair to be more forthcoming.

And the Republican leader in the House, Rep. John Rhodes, independently warned St. Clair that serious trouble was brewing over the tapes issue.

These warnings may have gotten through. Late yesterday, the newly appointed White House counselor, Dean Burch, told reporters that the President is prepared to give the committee any material St. Clair deems appropriate. It would be delivered, he said, on April 22.

Burch said he was "surprised that there is apparently so much consternation (among committee members) ... We're going to turn over all materials St. Clair seems relevant."

That assurance, as Burch conceded, is inconsistent with the Judiciary Committee's position that its own counsel John Doar—not St. Clair—should make the decision of what materials are relevant.

Hutchinson said there could be no doubt about the rele-

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vancy of at least four conversations being sought:

- Conversations between the President and H. R. (Bob) Haldeman on or about Feb. 20, 1973, concerning the possible appointment of Jeb Stuart Magruder to an administration post.

- Conversations between Mr. Nixon and Haldeman and John D. Ehrlichman on or about Feb. 27, 1973, concerning the assignment of John W. Dean III to work directly with Mr. Nixon on Watergate and related matters.

- Conversations between the President and Dean on March 17, 1973, and on March 20, 1973.

- Conversations between the President and Ehrlichman on March 27, 1973, and on March 30, 1973.

Both the President and the committee have repeatedly expressed a desire to speed up the impeachment inquiry and resolve the President's status. Hutchinson spoke to this point yesterday, saying that any delays in the inquiry will be the responsibility of the White House.

"It might settle down into a long summer and fall," he said. "I don't think we [the committee] have been foot-dragging at all."

The subpoena issue will be raised this morning at a special meeting of the committee's 21 Democratic and 17 Republican members. One report last night was that the subpoena had already been drafted.

Besides the subpoena issue, the committee may also deal today with the question of St. Clair's role in the impeachment inquiry and with the timetable procedures for receiving evidence. St. Clair has argued that the President is entitled to have his own law-

yer present during the impeachment proceeding in the committee. And there is a disposition on the part of several committee members—Democrats included—to give St. Clair limited privileges of participation.

But the committee's main preoccupation is the evidence still held by the White House position and will have expressed the determination of the House to get what it wants from the President.

But what effect a subpoena would have or when is uncertain.

Both Hutchinson and Rep. Tom Railsback (R-Ill.) are of the view that a subpoena would simply lead to a protracted constitutional struggle.

The committee chairman Rep. Peter Rodino (D-N.J.), stayed out of the controversy yesterday. He had no comment on the St. Clair letter or on the subpoena issue.

Senate Republican Leader Hugh Scott, however, said the White House had a good excuse for its delay on the tapes. The average length of each tape is eight hours, he said, and it would require 336 hours simply to review the tapes sought by the committee.

House Speaker Carl Albert had his own comment:

"If it takes them that long to look through some tapes, then we don't want to hear these complaints about the House or the committee dragging their feet."