

HOUSE SUBPOENA BIDS PRESIDENT TURN OVER TAPES, OTHER MATERIAL; WHITE HOUSE MAY YIELD SOME DATA

PANEL'S VOTE 33-3

April 25 Deadline Set After Rejection of a Compromise

By BILL KOVACH

Special to The New York Times

WASHINGTON, April 11 —

The House Judiciary Committee today subpoenaed President Nixon to produce all tape recordings and other materials requested by the committee in its impeachment inquiry. The vote was 33 to 3.

Rejecting a last-minute offer of compromise, after 45 days of negotiations and delay, the

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committee decided to subpoena the material and set April 25 as the deadline for compliance. That will be three days after Congress returns from its Easter recess, which begins tomorrow.

The final vote on the subpoena came shortly after the committee returned from recess at 1:30 P.M. It was preceded by nearly an hour and a half of partisan debate touched off when the motion to subpoena was introduced at 10:30 A.M. by Representative Harold D. Donohue, Massachusetts Democrat. All but three of the Republican members present and voting supported the subpoena motion.

Subpoena Delivered

The subpoena was delivered to the President's special counsel on Watergate matters, James D. St. Clair, at 4:16 P.M. by Benjamin Marshall, chief of security for the impeachment inquiry. It concludes with the admonition to deliver the material by 10 A.M. April 15, and "herein fail not, and make return of this summons."

If the President refuses to

obey the subpoena, most members now agree, the matter should be included for consideration as ground for an article of impeachment.

Committee counsel said that this was the first time that a President had been subpoenaed by a committee of the House of Representatives. The only other President investigated for impeachment, Andrew Johnson, was never subpoenaed but was summoned to appear at the Senate trial of the articles of impeachment.

Offer Is Rejected

Mr. St. Clair attempted to head off the subpoena 45 minutes before the committee met. He called the impeachment inquiry's chief counsel, John M. Doar, with an offer to provide tapes and documents in four of the six areas under investigation.

A Republican-sponsored amendment based on that compromise offer was introduced but defeated by a 2-to-1 margin. In the end, even Republicans who had supported the compromise amendment rejected Mr. St. Clair's offer.

Representative Edward Hutchinson, Republican of Michigan, the ranking Republican on the committee, cast his vote and a proxy for Representative Charles E. Wiggins, California Republican, against the subpoena.

The third Republican to vote against the subpoena was Representative Trent Lott of Mississippi. Two other Republican Representatives, Charles W. Sandman Jr. of New Jersey and

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Harold V. Froehlich of Wisconsin, were absent at the time of the vote.

Representative Robert McClory, Illinois Republican, who is second-ranking minority member of the committee, held out for compromise until the last minute. Shortly before the final vote, he concluded, with obvious reluctance, "The offer is to equivocal and too conditional."

Then he cast his vote for subpoena.

At issue in the matter,

which has precipitated a confrontation between two branches of the Government, is a collection of 41 or 42 taped conversations between the President and his aides. It represents the first information the impeachment inquiry has asked of the White House that has not already been provided to one of the other panels investigating the Watergate scandal.

Specifically, the committee asked, initially on Feb. 25, for tapes of conversations between the President and various aides in February, March and April, 1973.

The tapes cover the period during which, according to sworn testimony of some participants, President Nixon was being told by his aides about White House involvement in the Watergate cover-up.

A statement accompanying the subpoena, which outlines why the material is relevant to the impeachment inquiry, clearly indicates that the inquiry staff believes these taped conversations will either support or refute President Nixon's assertion that he was not personally involved in the efforts to obstruct investigations into the Watergate scandal.

The question of enforcement of the subpoena, if the White House refuses to answer, was never directly dealt with at today's meeting. A staff memo on the question outlined several alternatives, but the general feeling of the committee members—and many of the legal advisers—is that legal entanglements should be avoided.

Although the outcome of today's vote was not in doubt after it was learned that the Democrats (with a 21-to-17 majority of the committee) had gone to the meeting with a subpoena already drafted, there were interesting twists and turns in the partisan debate that preceded the final vote.

Representative Donohue, pale against the dark wood paneling of the chamber, read the opening lines of the subpoena in a subdued voice:

"You are hereby commanded to summon Richard M. Nixon, President of the United States of America. . ."

Within minutes, Republicans were clamoring for recognition.

Debate Curb Protested

At first, the Republican debate centered on a compromise amendment and complaints

about a rule limiting each member to one minute of debate.

"I protest the cut-off," said Mr. McClory, his face red with emotion. "The partisan steps now taken are a mistake. My feeling is we ought to take what we are offered voluntarily and not subpoena."

Representative Robert W. Kastenmeier, a Wisconsin Democrat, offered the majority-party rebuttal to that argument: "It is a little late to make a deal," he said. "The course has been set, and it has been set by the White House. They have had 45 days in which to reply, and an 11th-hour offer of 45 minutes before this meeting is unacceptable."

With little or no deviation, the argument at first went back and forth as though each side was reading from its own private script.

A change occurred on the Republican side, however, as the debate worked its way down the seniority scale to the newer members of the committee.

Representative M. Caldwell Butler, a freshman Virginia Republican, announced, "It is my intention to support whatever subpoena the majority of this committee feels necessary."

Another freshman, Representative William S. Cohen, a Maine Republican, "associated" himself with Mr. Butler's remarks.

Amendment Offered

In the end, it was the committee's newest member, Representative Delbert L. Latta, Ohio Republican, whose motion washed away the partisan coloration of the debate. He offered an amendment that carefully specified just which conversations the committee sought in the subpoena. The White House's argument against the committee's request has been that, at least part of it, was vague and overly broad.

The amendment, introduced when the committee returned from a recess, was unanimously adopted in a move that appeared to dissolve the conflict.

The final vote, a roll-call, came soon thereafter.

Concluding the meeting, the committee's chairman, Peter W. Rodino Jr., New Jersey Democrat, said:

"This clearly demonstrates the Committee on the Judiciary's discharge of the responsibility it feels it owes to the people of the United States and Congress to conduct the kind of inquiry that reflects credit on the Congress of the United States."

Earlier, he said:

"If the committee has any dignity, if the House has any dignity, if we respect the institution of government and the Constitution, we will move ahead."

Surrounded by reporters after the meeting, Mr. Hutchinson leaned back in his seat and gave three reasons why he con-

tinued to disagree with the overwhelming decision of his colleagues.

"One, it is unenforceable," he said. "Two, they offered to turn over voluntarily the material and I think in the end would have turned it all over.

And, three, the subpoena is not returnable until after the Easter recess, and they offered us some material sooner."

To which representative John Conyers Jr. of Michigan, a Democrat, retorted:

"That's ludicrous. It is clear

that even most of the Republicans can't go along with the kind of cavalier treatment this committee has received from Mr. St. Clair and the White House."

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE
UNITED STATES OF AMERICA

To Benjamin Marshall, or his duly authorized representative:

You are hereby commanded to summon

Richard M. Nixon, President of the United States of America, or any
subordinate officer, official or employee with custody or control of
the things described in the attached schedule,

to be and appear before the Committee on the Judiciary

Committee of the House of Representatives of the United States, of which the Hon. _____

Peter W. Rodino, Jr.

is chairman, and to bring with

him the things specified in the schedule attached hereto and made a part

hereof,

in their chamber in the city of Washington, on or before April 25, 1974

at the hour of 10:00 A.M.

produce and deliver said things to said Committee, or their
then and there to ~~testify concerning matters of inquiry committed to said Committee and have~~
duly authorized representative, in connection with the Committee's investi-
gation authorized and directed by
H. Res. 803, adopted February 6, 1974.

Herein fail not, and make return of this summons.

Part of a draft of the subpoena issued yesterday by the House Judiciary Committee



Peter W. Rodino Jr., left, chairman of the committee, who signed the subpoena, conferring with John M. Doar, inquiry counsel. Mr. Rodino holds a copy of the document.

The New York Times/George James