

Judiciary Unit to Give
Nixon 5 Days on Tapes

Subpoena Deadline Is Tuesday

By Richard Harwood
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The House Judiciary Committee is prepared to grant President Nixon a five-day reprieve from the committee's demand that he turn over by 10 a.m. Thursday tape recordings and other records of 42 presidential conversations.

Chairman Peter Rodino (D-N.J.) said he would recommend the five-day grace period to the full committee and expected its approval.

He did not speculate on whether the President intends to "fully comply" next Tuesday with the demands in the committee's subpoena of April 11. But the committee's chief counsel, John Doar, said he had received no indications whatever of "non-compliance" by the White House.

The request for the delay was made by special White House counsel James D. St. Clair, who is representing the President in the impeachment proceedings before Congress. Deputy White House press secretary Gerald L. Warren said the delay was necessitated by "the pressure of business at the White House and the demands on the President's time."

And he again said that Mr. Nixon's response to the subpoena would be "sufficient, comprehensive and complete."

The committee's judgment on compliance, it has been made plain, will hinge on whether the White House response is complete and whether original tapes and documents are turned over, rather than transcripts of the conversations in question.

Transcripts, pre-selected by the White House, would not be acceptable to the committee, Rodino said yesterday.

The materials in question are all tape recordings and other documents relating to 42 conversations — both telephonic and face-to-face — between the President and five men — former White House aides H. R. (Bob) Haldeman, John D. Ehrlichman and John

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W. Dean III; former Attorney General Richard G. Kleindienst and Henry Petersen, who was then and is now in charge of the Criminal Division of the Department of Justice.

The conversations occurred between Feb. 20 and April 18, 1973 and all are presumed to relate to the alleged coverup of the Watergate burglary.

They were first requested of the White House on Feb. 25 of this year and were described as essential to the committee's inquiry into Mr. Nixon's possible impeachment. After repeated delays in the White House response, the committee voted 33 to 3 on April 11 to issue a subpoena for the materials.

Rodino yesterday spoke with some sympathy of the difficulties claimed by the White House in putting the materials together and of Mr. Nixon's desire to "review them all at once" before they are delivered next Tuesday.

Another "four or five days," of delay would not be calamitous, Rodino said, if the committee can then obtain the material.

He also revealed yesterday — officially — that a letter asking for additional materials had been sent to the White House on April 11. He did not specify the materials being sought but said they relate to the possible Watergate conspiracy, to the contributions by the dairy industry to Mr. Nixon's re-election campaign, and to the administration's dealings with the International Telephone and Telegraph Corp. in connection with an antitrust suit. Warren said the request was "broader" than that.

In commenting on the delay he is willing to grant on the subpoenaed materials, Rodino spoke again of his desire to avoid a constitutional "confrontation" with the White House.

But he and other committee members left no doubt that this confrontation still could come if the White House response next Tuesday is inadequate.

For weeks Washington has been filled with rumors that Mr. Nixon would not honor the committee's subpoena. One rumor has been that he would hold back some materials. Another has been that he would not deliver the actual tapes in his possession, but instead would deliver pre-edited transcripts.

Such rumors have not been quieted by the White House insistence that its response would be "sufficient" or, as Warren said yesterday, that

the President intends to "deal responsibly" with the committee.

Even Republicans have been disturbed by these equivocal statements. Rep. William S. Cohen (R-Maine) and Rep. Tom Railsback (R-Ill.), both members of the Judiciary Committee, said yesterday nothing less than the actual tapes would satisfy them. It is essential, they said, to have not merely the President's words, but to hear the inflections in his voice as he spoke.

It has been suggested by the administration that some of tapes under subpoena may involve unrelated "national security" matters and other sensitive subjects, and that therefore they cannot be released in full to the committee.

A possible compromise has been suggested by various congressmen. It would permit Rodino, Doar, the senior Republican on the committee, Edward Hutchinson of Michigan, and the Republican counsel, Albert Jenner, to listen to the tapes and excise "national security" material and other subjects irrelevant to the committee's inquiry.

Rodino and Doar indicated that some arrangement of this sort is still possible. Cohen and Railsback said they would be agreeable to such an arrangement under the proper groundrules.

Railsback, for example, would let Rodino, Hutchinson, Doar and Jenner listen to the tapes, excise profane language and irrelevant material, and then decide what portions of the tapes the committee should hear.

Cohen took the same view. But both men were insistent that after the review, the tape themselves must be delivered to enable the committee members to hear the President's actual voice in the discussions under subpoena.

Mr. Nixon, according to the White House, has spent a great deal of time working on his response to the subpoena and on the form it will take. He is also confronted with a subpoena for tapes and records of 64 presidential conversations obtained by Watergate Special Prosecutor Leon Jaworski. The deadline for responding to Jaworski's subpoena is May 2.

It is the present plan of the Judiciary Committee to begin hearing evidence in the impeachment inquiry on May 7. Rodino yesterday said he hopes to meet that schedule but continuing White House delays in providing material could disrupt the timetable.