

House Committee Vote

Probers Say Nixon Failed to Comply

Transcripts Called Inaccurate

Washington

The House Judiciary Committee last night rejected President Nixon's release of edited transcripts as a substitute for subpoenaed Watergate tape recordings.

The vote rejecting the transcripts followed the disclosure by the committee's lawyers that they were, at least in part, "not accurate."

The committee split virtually along party lines, with Democrats prevailing by a vote of 20 to 18 on a motion to send the President a letter, formally declaring that he had "failed to comply with the committee's subpoena" of tapes of 42 conversations. Only one Republican — Representative William S. Cohen of Maine — voted yes.

John M. Doar, the committee's special counsel on impeachment, told the committee at a rare evening meeting that there were discrepancies between transcripts prepared by the White House and transcripts made by the Judiciary Committee staff of some of the tape recordings previously turned over to the committee.

"We have found, quite candidly, that these (White House) transcripts are not accurate," Doar told the silent, stunned committee.

He added quickly that he was "not suggesting any distortion" in the transcripts prepared by the White House — "not at all."

But he told the committee

that its own tape experts had been able to "pick up parts of conversations that

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were marked 'unintelligible' in some of the White House transcripts obtained earlier by the committee.

Doar raised the issue of the discrepancies as the committee argued into the night about the course it should take in dealing with the President's refusal to comply fully with the subpoena.

The subpoena ordered the President to turn over any tapes, transcripts, Dictabelts, notes of memorandums dealing with 42 Watergate-related conversations.

Mr. Nixon supplied only the transcripts of 31 of the requested conversations, explaining that the other 11 discussions either had not been recorded or that no recording could be found.

The transcripts that Doar described as "inaccurate" were those prepared by the White House and provided to the committee either by Mr. Nixon or by a Watergate grand jury.

Doar said that the committee experts had been able, for instance, to "decipher" portions of a crucial March 21, 1973, conversation between the President and John W. Dean III, the former White House legal counsel.

He said that conversation, which did not appear on either of two transcripts made by the White House and a third prepared by the special Watergate prosecutor, had been detected by the committee staff.

Nixon has offered to let the committee chairman,

Representative Peter W. Rodino Jr. (Dem.-N.J.), and the ranking Republican member, Representative Edward Hutchinson of Michigan, audit the tapes to verify the accuracy of the transcripts.

Rodino said last night, however, that he had listened to some of the committee's copies of the tapes and that he believed "it would be absolutely impossible for me to adequately and fully and responsibly authenticate" the transcripts.

Rodino read a statement to the committee that said: "The President has not complied with our subpoena. We did not subpoena an edited White House version of partial transcripts of portions of presidential conversations. We did not subpoena a presidential interpretation of what is necessary or relevant for our inquiry. And we did not subpoena a lawyer's argument present before we have heard any of the evidence.

"We did subpoena specific documents of specific facts of specific relevance to our inquiry," Rodino went on. "We had hoped and expected the President lawfully to comply. The President did not."

Several Republicans objected that the charge was "unfair," as Representative David W. Dennis of Indiana stated it, because it made the President appear to be defying the committee on a wide assortment of requested items that the committee did not know for certain even existed.

After adopting the compromise motion the committee voted 32 to 5, with one abstention, to kill a motion by Representative John Conyers (Dem.-Mich.) to recommend to the House that it cite Mr. Nixon for contempt

of Congress for refusing to comply fully with the subpoena.

Included in the language finally approved for the letter was this statement: "The committee believes it essential that it have the opportunity to verify the authenticity of the tapes through the use of technical assistance. It also may be that the committee will find a need to review the original tapes which are of importance to the committee's inquiry."

Representative Jerome R. Waldie (Dem.-Antioch) laid groundwork for possible citing non-compliance as an impeachable offense against the President in the future.

Waldie asked Doar if the President's wilful refusal to comply with the House subpoena is an impeachable offense and Doar replied: "I believe it could be an impeachable offense under those circumstances."

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