

38 IN HOUSE BEGIN TO HEAR EVIDENCE ON IMPEACHMENT

Leaders of Judiciary Committee Pledge a Wise Use of Power —Closed Session Is Held

NYTimes By JAMES M. NAUGHTON MAY 10 1974

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WASHINGTON, May 9—The House Judiciary Committee began examining in secret today the evidence that may ultimately lead to a judgment of President Nixon's fitness to serve out his second term in office.

The impeachment hearings, the second in the nation's history to involve a President, began with an austere 18-minute public pledge by the committee's leaders to use the "awesome" impeachment power wisely.

Then the committee quickly went into a closed three-hour session in which it heard a recitation of the events that led up to the burglary of the Democratic headquarters in the Watergate complex on June 17, 1972.

Evidence on April, 1972

The investigation of that burglary and of the attempt to cover it up led to resignations of high Nixon Administration officials, criminal charges against some of them and, ultimately, to the hearings today.

Well-placed sources disclosed after the closed meeting that the committee briefly discussed the possibility that evidence existed showing that the President was informed in April, 1972, of the political intelligence-gathering scheme that led to the Watergate break-in.

Committee lawyers gave each of the panel's 38 members, as well as Mr. Nixon's chief defense attorney, James D. St. Clair, two thick binders.

One contained an index of the massive amounts of evidence accumulated in six months of investigation of allegations of wrongdoing by Mr. Nixon. The second, labeled "Notebook No. 1," listed two statements of fact outlined to

the members today and the documents and testimony supporting the findings.

If the committee recommends impeachment and the House votes to bring charges, the Senate will hold a trial and decide whether Mr. Nixon is to be ousted from the Presidency.

"We understand our high constitutional responsibility. We will faithfully live up to it," the committee chairman, Representative Peter W. Rodino Jr., Democrat of New Jersey, in-

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toned to a national television audience moments after rapping a gavel six times to start the historic hearings.

"For some time," Mr. Rodino added, "we have known that the real security of this nation lies in the integrity of its institutions and the trust and informed confidence of its people. We conduct our deliberations in that spirit."

The ranking Republican, Representative Edward Hutchinson of Michigan, echoed the tone set by the chairman.

Will Abide by the Rules

"The power of impeachment," he said, "is one of those great checks and balances written in our Constitution to ameliorate the stark doctrine of the separation of powers. But impeachment of a President is most drastic, for it can bring down an Administration of the Government."

Mr. St. Clair played no role in the initial day's proceedings other than to listen and to pledge, in the private portion of the briefing, that he would abide by the committee's rules

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of secrecy and procedure.

Just before the hearings began, however, Mr. St. Clair told newsmen, in response to questions, that he was confident Mr. Nixon would survive the test of the evidence brought before the committee.

"The President will not be impeached," he predicted. "The House of Representatives will not impeach."

Authoritative sources said that the most substantial issue raised in the first day's private session was whether Mr. Nixon was given a general briefing on the 1972 campaign intelligence operation when he met on April 4 that year, with John N. Mitchell, then the Attorney General, and H. R. Haldeman, then the White House chief of staff. This was more than two months before the Watergate burglary.

Tape Termed 'Key'

The sources said that a tape recording of that meeting might be a "key" piece of evidence in the impeachment hearings. The committee has asked for the recording, but it is among 75 Watergate-related tapes that Mr. St. Clair said Tuesday would not be turned over to the Judiciary Committee.

The April 4 meeting, which was said to have involved the 1972 campaign that Mr. Mitchell allegedly approved a broad-scale intelligence-gathering operation, Gordon C. Strachan, a

former White House aide to Mr. Haldeman, has testified under oath that he sent a memorandum to Mr. Haldeman in early April advising him on the intelligence operation and that it was referred to in a "talking paper" that Mr. Haldeman took with him to the April 4 meeting with the President.

As described by Mr. Rodino after the closed meeting, the material presented this afternoon to the 21 Democrats and 17 Republicans on the panel merely set the stage for the serious issues to be examined later.

Mr. Rodino said that John M. Doar, the committee's special counsel, had read a memorandum outlining the relation-

ship between the upper echelons of the White House and the leaders of the President's 1972 re-election campaign.

Facts 'String Out Like Beads'

In addition, the committee staff presented documents and testimony bearing on the planning, by agents of the President's 1972 campaign, for the political intelligence-gathering operation that came to grief in the Watergate break-in.

"Doar strung the facts out like a string of beads," one Democrat said later. "I've heard nearly all of it before, but not in such detail and such precise chronology."

The committee member said that "the stuff today stopped at the Oval Office" of the

President but that it had whetted his appetite to hear the tape recordings of conversations involving Mr. Nixon after the Watergate break-in.

Each of the committee members and lawyers was bound, as was Mr. St. Clair, to keep secret all the evidence submitted privately.

Mr. St. Clair told newsmen he would "regularly" report to the President, but he declined to answer substantive questions.

Mr. Rodino, responding to a question, said that under the panel's rules of confidentiality Mr. Nixon was "the only person to whom [Mr. St. Clair] can talk" about the secret proceedings.

Although committee officials had feared that information about the proceedings would seep into public print, most of the members said late today that they would not violate the rules of secrecy. However, they said they saw nothing secret in the evidence presented today.

"It's been reported a hundred times before," said Representative John Conyers Jr., Democrat of Michigan.

Materials Locked Up

All the same, when he returned to his office, Mr. Conyers locked the two binders of confidential material in a safe normally filled only with a small stock of liquor.

Mr. St. Clair appeared untroubled by what he had heard so far. He was asked if he was relieved to have the first day of hearings completed and replied, in a nanchalant manner, "It's always nice to get started."

Moments later, however, he quipped, "I'd rather be in Boston practicing law."

The formal impeachment hearings began just one week before the 106th anniversary of the conclusion of the only previous Congressional effort

to remove a President from office. On May 16, 1868, the Senate, by a one-vote margin, acquitted President Andrew Johnson of charges brought against him by the House in a controversy growing out of the Reconstruction after the Civil War.

The current impeachment proceedings, by contrast, are centered on some 6 separate allegations of criminal or constitutional misconduct by President Nixon.

6 Areas of Inquiry

Mr. Rodino emphasized that the Watergate break-in on June 17, 1972, and its aftermath represented only one of the six broad areas of the inquiry. "We expect to continue our inquiry until each area has been thoroughly examined," he said.

The President's chief defense attorney sat impassive during the opening ritual. At Mr. St. Clair's side was one assistant, John A. McCahill, and in the audience was another, Malcolm Howard. Mr. St. Clair glanced at the committee chairman only once, when Mr. Rodino pointedly said that the White House lawyers understood "and they are bound by" the committee's rules of procedure.

Six Democrats on the panel voted against the motion to go into closed session for the first four days of the hearings. Two of them, Representatives John Conyers Jr. of Michigan and Joshua Eilberg of Pennsylvania, issued statements protesting the private examination of evidence.

"It is absurd for us to slam the door on the American people," Mr. Conyers asserted. "It was exaggerated governmental secrecy which led to Watergate and now, as we begin to hear the information which ties all the horrors of the past

Transcript Paperbacks Being Sold at Fast Rate

Paperback versions of the Watergate transcripts are being sold faster in New York and Washington than they can be produced.

A normal big first run for a paperback publisher is 100,000 copies, but Dell said it had printed 700,000 in a first run and had started a second, according to United Press International.

Bantam said it had increased its first printing from 450,000 to 600,000 because it was being flooded with reorders by bookstore owners.

The Government Printing Office is selling the official volume, a bulky softbound package of 1,308 typewritten double-spaced pages, for \$12.25.

Dell is selling the transcripts printed in 693 pages, with added material from The Washington Post, for \$2.45.

Bantam's version, at 877 pages, with added material from The New York Times, costs \$2.50. A commercial version similar in format to the Government's official one, except that it comes in three volumes, is offered by Brentano's for \$10.95.

years together, we impose the same secrecy on ourselves."

Mr. Eilberg charged that the White House would leak secret information from the committee to further "a public relations campaign on his own behalf" and warned that closed sessions "can only lead to rumor and speculation at a time when the public must know what was truly said and done."

The other Democrats opposing the private meetings were Rep-

resentatives Jerome R. Waldie of California, Robert F. Drinan of Massachusetts, Charles B. Rangel of Manhattan and Elizabeth Holtzman of Brooklyn.

Mr. Rodino said that the closed meetings were in accordance with a House rule providing for private consideration of any evidence or testimony that might "tend to degrade or defame" individuals.

Committee sources said that at the meeting today, at least, the panel's lawyers—John M. Doar, the special counsel, and Albert E. Jenner Jr., the chief elements of the Watergate evidence. For the record, the record, the sources said, the committee must establish that there was a Watergate burglary in 1972, that there was a Presidential election that November, and other uncontested facts described as "the ABC's of the case."

The sobriety of the event was diminished, to some extent, by its circumstances. News photographers sat or hunched in a large cluster between the 38 members and the lawyers for the committee and the President.

Only 11 citizens were able to find seats in the cramped hearing room. All other spaces were occupied by 90 news reporters, 43 aides or guests of the members, and 10 committee staff assistants.

Three live television cameras were placed about the room, with technicians and strands of electronic cables lying around.

But there was no mistaking the seriousness of the occasion, no misunderstanding of the ultimate consequences if the Judiciary Committee should find grounds to recommend Mr. Nixon's impeachment.

"We are governed by the Constitution of the United States, which vests the sole power of impeachment in the House," Mr. Rodino said. He ended his brief public statements with a matter-of-fact remark: "Let us move on."

House Panel's Members

Special to The New York Times

WASHINGTON, May 9—Following are the members of the House Judiciary Committee, which opened hearings today to consider the impeachment of President Nixon:

DEMOCRATS

Peter W. Rodino Jr., New Jersey, chairman
Harold D. Donohue, Massachusetts
Jack Brooks, Texas
Robert W. Kastenmeier, Wisconsin
Don Edwards, California
William L. Hungate, Missouri
John Conyers Jr., Michigan
Joshua Eilberg, Pennsylvania
Jerome R. Waldie, California
Walter Flowers, Alabama
James R. Mann, South Carolina
Paul S. Sarbanes, Maryland
John F. Seiberling Jr., Ohio
George E. Danielson, California
Robert F. Drinan, Massachusetts
Charles B. Rangel, New York
Barbara Jordan, Texas
Ray Thornton, Arkansas
Elizabeth Holtzman, New York
Wayne Owens, Utah
Edward Mezvinsky, Iowa

REPUBLICANS

Edward Hutchinson, Michigan
Robert McClory, Illinois
Henry P. Smith 3d, New York
Charles W. Sandman Jr., New Jersey
Thomas F. Railsback, Illinois
Charles E. Wiggins, California
David W. Dennis, Indiana
Hamilton Fish Jr., New York
Wiley Mayne, Iowa
Lawrence J. Hogan, Maryland
M. Caldwell Butler, Virginia
Williams S. Cohen, Maine
Trent Lott, Mississippi
Harold V. Froelich, Wisconsin
Carlos J. Moorhead, California
Joseph J. Maraziti, New Jersey
Delbert L. Latta, Ohio
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John M. Doar, special counsel
Albert E. Jenner Jr., minority counsel