

# House Panel To Subpoena More Tapes

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The House Judiciary Committee is expected to issue a second subpoena today demanding from President Nixon tape recordings of his conversations before and immediately after the Watergate break-in. The President's lawyer has said the tapes will not be turned over.

After a day-long closed session at which the committee continued to hear evidence its staff has collected on Watergate, Chairman Peter W. Rodino (D-N.J.) refused to say how many tapes the subpoena will demand. But he said it would cover only those conversations during the time period the committee has been considering last Thursday and yesterday.

Rodino said the committee had heard evidence through June 28, 1972, which was 11 days after the break-in of Democratic National committee headquarters.

The committee's request last month for a long list of tapes on Watergate and other subjects asked for 14 from that period. This presumably would be the maximum number the subpoena today would demand, though it could ask for less.

A large majority of the committee is expected to vote for a subpoena. The first, which produced only transcripts, was adopted last month 33 to 3.

Special counsel John Doar wants two tapes from April 4, 1972, between the President, his then chief of staff H. R. (Bob) Haldeman and his campaign director and former Attorney General John N. Mitchell. There is testimony that on March 30, 1972, Mitchell approved a political intelligence plan that included the Watergate break-in. The committee staff wants to know whether this plan was discussed with Mr. Nixon.

Doar wants tapes of six conversations between the President and Haldeman and between the President and Charles W. Colson, former special White House counsel, on June 20, 1972, three days after the break-in. The President had just returned from a Florida weekend. The staff wants to know what these

talks show of the President's knowledge of the break-in.

Doar also wants three tapes of talks between the President and Haldeman on June 23, the day Haldeman met with CIA officials to determine whether the CIA had had any involve-

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officials to assure that the FBI's Watergate investigation did no blow the cover on any CIA covert activities.

These were among 76 Watergate tapes that Doar requested on April 19 this year in a letter to James D. St. Clair, the President's defense counsel. Last week St. Clair announced the President's decision not to turn over any more Watergate materials, even if subpoenaed.

The committee appears to have decided not to subpoena all 76 tapes at once, but to subpoena them piecemeal, as a need for them shows up during Doar's presentation of the case.

Yesterday St. Clair submitted a brief to the committee arguing against issuing a subpoena for the April 4 tapes on the grounds that evidence already available shows that the President had no prior knowledge of the break-in. Rodino said the committee refused to accept the brief because it referred to confidential information, which could not be discussed at today's open session on the subpoena.

St. Clair's brief opposing a subpoena of a presidential conversation that took place on April 4, 1972, was distributed to committee members, but Rodino later recalled it.

Some copies circulated outside the committee room, however, and reporters who saw it found no information that has not been previously made public. Most of it consisted of references to testimony before the Senate Watergate committee last year.

The Judiciary Committee's staff contends that the April 4 conversation between the President, Mitchell and Haldeman would throw light on a political intelligence-gathering plan that led up to the Watergate break-in. It is speculated that it might indicate whether Mr. Nixon received knowledge of the plan from Haldeman.

St. Clair's brief said that at a May 9 meeting of the Rodino committee it had been suggested that Mr. Nixon had been told of a lavish electronic-surveillance plan conducted by G. Gordon Liddy. St. Clair said it was clear from other evidence that the President had no "prior knowledge" of the plans for a break-in and that no subpoena for the April 4, 1972 conversation was warranted.

Citing testimony before the Senate Watergate committee, St. Clair said that Haldeman, when he spoke to the President that day, believed that the original Liddy plan was

"dead" and that whatever surveillance plan was finally approved was "proper."

There is no evidence that Haldeman was thereafter informed to the contrary," St. Clair wrote in the brief.

The brief said that other information presented to the Rodino committee "recount his (Mr. Nixon's) shock" at first learning of the Watergate break-in. St. Clair called that material "conclusive."

"Furthermore," he wrote, "this analysis supports the contention of the President that he has indeed submitted to the committee all of the evidence that is relevant to his activities in the Watergate matter."

He concluded by stating that Mr. Nixon has already offered to respond to "written and oral questions" about his role in Watergate.

St. Clair has been attending the closed as well as the open meetings of the Rodino committee as a lawyer for President Nixon.

Yesterday the committee continued to hear Doar and his staff read brief accounts of what they believe the evidence in their possession proves about the President's involvement, or lack of it, in Watergate.

For the first time, the committee listened to a tape through earphones at the committee table. But the tape which reportedly lasted less than a minute, was a dictabelt on which the President recorded his recollection of an untaped conversation with Mitchell on the evening of June 20. This was the day that he met or talked by phone with a number of top aides throughout the day and evening for his first discussions in the White House on the break-in.

Rep. Jerome Waldie (D-Calif.), who favors impeaching the President now, said the committee heard little not already on the public record. But he said he heard "a couple of things" that added to the case for impeachment. Under the committee's rule of confidentiality, Waldie said, he could not discuss their substance. But he again urged Rodino to open these evidentiary hearings, which continues today, to the public.

In the middle of the afternoon, Rodino issued a statement denying a report that had aroused speculation that his committee was investigating the death of Mary Jo Kopechne, the young woman killed when a car in which she and Sen. Edward M. Kennedy (D-Mass.) were riding plunged into a pond at Chappaquiddick, Mass., in 1969.