

Impeach Probe

37-to-1 Vote in Committee to Subpoena Tapes

Washington

A solidly united House Judiciary Committee voted 37 to 1 yesterday to issue a subpoena demanding that President Nixon turn over 11 tapes of Watergate conversations by 10 a.m. next Wednesday.

His lawyer has said Mr. Nixon will not comply.

The committee then issued a second subpoena with the same returnable date demanding that the President turn over his daily diaries, which detail his daily schedules, for four different periods that were crucial in the story of the Watergate break-in and its coverup.

The committee had planned to meet today to issue further subpoenas demanding that the President turn over 65 tapes of conversations bearing on other allegations that the President should be impeached.

But later it canceled the vote after realizing that the White House has not formally rejected a request for those tapes. The committee will now meet in closed session to continue hearing staff presentation of evidence against the President.

"We seek not confrontation but evidence," said chairman Peter W. Rodino (Dem.-N.J.) after the vote. "We want the best evidence to determine once and for all" whether Mr. Nixon committed any acts for which he should be impeached.

The only vote against the subpoena demanding 11 Watergate tapes was cast by the senior Republican, Representative Edward Hutchinson (Rep.-Mich.). He believes a subpoena against the President is futile because it is unenforceable and would simply produce a confrontation that would

solve nothing.

The first subpoena, issued last month by a 33-to-3 vote for Watergate tapes, produced only edited transcripts. The committee found that unacceptable, but by a partisan vote. Yesterday's subpoena was worded carefully to say that the committee wants tapes that give the added dimension of inflection and tone. It added that the committee would

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not be satisfied with transcripts.

Yesterday's near-unanimity was achieved by letting members observe for themselves during two days of closed committee sessions why the tapes are needed to answer questions.

James D. St. Clair, the President's defense counsel who sat through part of yesterday morning's committee meeting as a silent spectator, has said the committee will get nothing more from the White House — tapes, transcripts or anything else — on Watergate because the President feels he has given the committee the whole story.

St. Clair told newsmen yesterday there has been no change in the President's

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decision not to turn over any more Watergate materials.

The 11 tapes are of conversations on April 4, June 20 and June 23, 1972.

Special counsel John Doar said they are needed to show whether the President had prior knowledge of the break-in of Democratic national headquarters on June 17 and whether he participated in the beginning of the cover-up during the following week. June 20 was his first White House conversation with aides after the weekend break-in while the President was in Florida.

The second subpoena, concerning the diaries,

produced more opposition because some Republicans felt it was too broadly phrased. It was approved by a series of four votes, ranging from 36-to-2 to 29-to-9.

The subpoena demands the President's detailed daily schedules for four months from April to July, 1972, when the Watergate break-in was planned and executed; for three months from February to April, 1973, when the President has said he first learned of the coverup; for the period from July 12 to July 31, 1973, when it first became public knowledge that presidential conversations had been taped; and for October, 1973, the month when Mr. Nixon ordered the firing of Archibald Cox, the first Watergate special prosecutor.

Doar said the staff wants logs of the President's appointments to determine whether there were other conversations that would be relevant to the impeachment inquiry and which the committee should request.

Representative David W. Dennis (Rep.-Ind.) protested that there was no need to subpoena logs for an entire month to learn what Mr. Nixon might have said about firing Cox on October 20. He demanded separate votes on the four proposals, and lost on all.

Both subpoenas demand production of materials requested in a letter Doar sent St. Clair on April 19. He asked for a total of 142 tapes on Watergate, milk and ITT as well as the daily diaries and other documents. Representative Robert Drinan (Dem.-Mass.) protested against the piecemeal subpoena approach saying it is causing delay. He would have issued one subpoena for all the requested materials.

Doar replied that no delay should be caused by subpoenaing materials as the need appears during staff presentation of its evidence. He said he will be asking for more subpoenas as the case moves along. The April 19 letter requested 65 Watergate tapes not covered by yesterday's subpoena.

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