

Asks Open Hearings

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President Nixon's lawyer, James D. St. Clair, protested yesterday that leaks from the House Judiciary Committee have prejudiced Mr. Nixon's right to an impartial impeachment inquiry, and asked that all further proceedings be conducted in the open.

Several members, upset by release of confidential information to several newspapers in violation of committee rules, agreed with St. Clair. But Chairman Peter W. Rodino (D-N.J.) said the rule on the confidentiality of executive sessions can only be changed by vote of the committee, and that no meeting could be held this week.

Rodino said he appreciated the need for the public to be fully advised of the facts in the impeachment case so it would have confidence in the work of the committee. But he indicated he would want to go slow in suddenly making public material received under promise of confidentiality from the Watergate grand jury and elsewhere—material which has been discussed in the executive sessions. Any of that information used to justify impeachment would have to be made public.

St. Clair said that if the committee refuses to open its sessions he would consider making public all the material, including tapes and documents, that the President has turned over to the panel.

St. Clair's complaint was directed at the leak Wednesday evening of the unedited transcript of a Sept. 15, 1972, conversation between President Nixon and two top aides. The White House transcript of this conversation deleted a passage in which the President said The Washington Post would have "damnable problems" because it needed federal licensing of its television stations.

The unedited transcript in the possession of the committee showed the President also said of Edward Bennett Williams, a lawyer for The Washington Post and at that time also representing the

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Democratic National Committee in a damage suit against the President's reelection committee: "We're going to fix that son-of-a-bitch."

Yesterday morning when he arrived at a closed committee session, where it heard further evidence gathered by the staff on the President's involvement in the Watergate break-in or its cover-up, St. Clair was asked why the White House had deleted this passage when it made the transcript public. The committee picked up the comments when it transcribed a copy of the tape on its own equipment.

"What has that got to do with Watergate?" St. Clair retorted.

Asked if he was saying the deleted language was irrelevant to the inquiry, St. Clair replied, "Of course."

However, the committee staff said as long ago as March 1 that it is investigating several possible cases of misuse of federal agencies by the White House to determine whether any constituted an impeachable offense. One of the possibilities listed then was use of the Federal Communications Commission, which passes on TV licenses, to get back at White House enemies.

Rodino, when asked if he considered the comments about The Washington Post and Williams relevant, replied: "All the material we are considering we believe relevant." The comments were on a tape played for members Wednesday afternoon.

This was the latest episode in a running battle between the committee and the White House over the conduct of the impeachment inquiry.

For six weeks, the White House failed to respond to a committee request for tapes of 42 presidential conversations on Watergate. When the committee finally subpoenaed the tapes, the President responded by releasing edited transcripts of most of them.

The committee also has pending at the White House a request for 64 tapes of conversations on campaign contributions and the anti-trust settlement in the International Telephone and Telegraph Corp. case.

Rodino said St. Clair advised the committee that he will give the President's response on that request no later than Monday.

Besides making everything public, one way to avoid leaks would be to tell members not to carry transcripts out of the committee room with them.

"I don't think they're going to be taking them out tonight," said Rodino as the committee went into an evening session to listen to a tape of a Feb. 28, 1973, conversation between the President and then-White House counsel John W. Dean III. This is another tape, like Wednesday's, where the committee has its own transcribed version and can lay it beside the edited White House transcript to see what, if anything, was deleted.

The committee members last night listened for more than an hour to the tape which dealt with plans for coping with the Senate Watergate committee, which had just been formed.

After the meeting, several members said they learned nothing new from the tape and said it was very close to a transcript of that conversation which the President already has made public.

The members emerged without their personal copies of the new transcript prepared from the committee's tape of the conversation.

St. Clair made his formal request for open proceedings in a letter to Rodino that said:

"The selective 'leaking' from executive sessions of your committee in violation of committee rules is prejudicing the basic right of the President to an impartial inquiry on the evidence.

"I have discussed this matter with the President and, at his direction, I respectfully request that all further proceedings of your committee be conducted in open session so that the

American people can be fully informed with regard to all the evidence presented. I further request that the record of the executive sessions to date also be made public."

Rodino told newsmen that he regretted any breach of the committee's rule of confidentiality, but said he was not yet ready to concede that committee members could not measure up to their responsibility to conduct a fair inquiry into whether the President should be impeached.

Rodino responded to St. Clair's statement that the American people should be fully informed by saying the White House could help in that regard by turning over materials the committee has requested.

The chairman said the first public sessions of the committee's inquiry probably would not be held until week after next. He said it now appears that the committee should take a final vote on impeachment by early July.

The main focus of yesterday's morning presentation was the "money chain" of hush funds to the Watergate burglars. Also presented, members said, was evidence that the White House tried to conceal the activities of the "plumbers" unit by claiming national security and thwarting an FBI investigation of the unit.