

Nixon Won't Give House Panel the Tapes It Subpoenaed; Inquiry Delay Is Unlikely

By JOHN PIERSON

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON—President Nixon said he won't give any more tapes to the House Judiciary Committee, but his action isn't likely to deter the panel's impeachment inquiry.

Mr. Nixon defied the committee's subpoena for 11 taped conversations bearing on the Watergate break-in and cover-up and another subpoena for the President's appointments diary during crucial days before and after the break-in.

And he told the committee it shouldn't bother issuing subpoenas for any other-Watergate tapes, because he intends to defy those, too. The committee has requested an additional 65 taped conversations relating to Watergate but hasn't put this request in subpoena form.

Rep. Peter Rodino (D., N.J.), the committee's chairman, called the President's action "a very grave matter" and said he'd call his panel together next week to consider how to respond.

A few Democrats called for their colleagues to find Mr. Nixon in contempt. A few Republicans urged the committee to ask the courts to arbitrate its dispute with the President.

But a majority of the committee, both Democrats and Republicans, appeared to feel that contempt proceedings or recourse to the courts would only serve to delay the impeachment inquiry. They proposed to proceed with the evidence they have and let House members draw their own conclusions from Mr. Nixon's refusal to surrender the tapes.

"Defying the Congress"

"He's defying the whole Congress, the whole Constitution and the American people," declared Rep. George Danielson. The California Democrat said the committee should "go ahead" with its inquiry "and when the moment of truth comes, his defiance should be considered as one article in a bill of impeachment." Rep. Danielson also said the President's refusal to produce the evidence led him to infer that the evidence "would be adverse to him."

While Mr. Rodino declined to draw the same inference yesterday, earlier this week he said that "one may draw an inference that material that is withheld . . . can be inferred to be a sign of culpability." The President's refusal to comply with the subpoenas might "lay the groundwork for impeachable offenses," Rep. Rodino said.

The subpoenas for the 11 Watergate tapes and for the diary are the second and third served on Mr. Nixon by the panel. The committee's first subpoena was for 42 taped conversations relating to the break-in and cover-up. The President's response to that was to make public edited transcripts of 31 of the subpoenaed conversations and of 15 conversations that weren't demanded by the committee.

That action by the President divided the committee along partisan lines. Democrats called it failure to comply, while Republicans called it "partial compliance." But the President's action yesterday gave Republicans little to "rally 'round."

"This is noncompliance totally," said Rep. Lawrence Hogan (R., Md.).

Nixon Letter to Rodino

But in a letter to Chairman Rodino yesterday, Mr. Nixon maintained the edited transcripts give the committee "the full story of Watergate, as it relates to presidential knowledge and presidential actions."

Rep. Rodino disagreed. The White House transcripts contain "only portions" of the full story and "don't disclose the entire matter," he told reporters.

Mr. Nixon said that to provide more tapes would "fatally weaken" the Presidency. Rep. Rodino replied that "in no way will the Presidency be weakened; the Republic will be strengthened."

The President repeated his earlier offer to answer written questions under oath or to be "interviewed" under oath by Rep. Rodino and Rep. Edward Hutchinson of Michigan, the committee's ranking Republican.

But Rep. Robert McClory of Illinois, the

panel's No. 2 Republican, called this offer "not satisfactory" and urged the President to hand over the tapes and allow his lawyer and the committee's to screen out irrelevant materials.

Rep. Jerome Waldie (D., Calif.) said he'll move next week to find Mr. Nixon in contempt. Rep. Charles Rangel (D., N.Y.) said he'll support the motion but will oppose seeking a contempt vote on the house floor now. There isn't any "reason to ask the House to vote up or down on contempt," Rep. Rangel said, "when there's a bigger vote coming—impeachment."

Court Test Is Urged

Rep. Tom Railsback (R., Ill.) urged a court test on the subpoena issue. Without such a test, he said, contempt of Congress probably isn't "going to sell as an article of impeachment." If the courts upheld the committee and the President still refused to yield the tapes, Rep. Railsback said, "He would probably be impeached."

But Rep. Charles Wiggins (R., Calif.) warned that court proceedings "would set us back many months."

Rep. Rodino said that neither contempt nor a court test would help the committee get the evidence it needs for its inquiry. The inquiry continued yesterday with committee counsel John Doar presenting evidence for the period March 21 through March 27, 1973.

Meanwhile, through his lawyer, Mr. Nixon refused the committee's request for the tapes of 66 conversations bearing on allegations that he did favors for International Telephone & Telegraph Corp. and for dairy-men in return for political contributions. The President's refusal makes it certain that the committee will go through the motions of subpoenaing these tapes, too.

But President Nixon's lawyer, James St. Clair, said many of the requested conversations on the dairy matter, which involves the government's increase in the milk support price in 1971-72, weren't recorded because they took place before the White House recording system was installed. What's more, Mr. St. Clair said, the committee has already been furnished "voluminous" documents and tapes on this issue.

"The President doesn't believe that any further production of materials would serve any useful purpose," he added.

Concerning the tapes relating to the government's 1971 settlement of its antitrust case against ITT, Mr. St. Clair said, the committee already has received "voluminous" documents and tapes bearing on Mr. Nixon's role. The committee's latest request indicates that the panel has switched its focus to the confirmation hearings of former Attorney General Richard Kleindienst, Mr. St. Clair added.

Mr. Kleindienst has pleaded guilty to a charge that he concealed from the Senate Judiciary Committee the fact that Mr. Nixon ordered him not to appeal a lower court's ruling.

St. Clair's Reply

"We aren't aware of any allegations that the President had anything to do with these hearings or the preparation of testimony before the Senate Judiciary Committee," Mr. St. Clair said. Except for a conversation on April 4, 1972, involving the President, H. R. Haldeman and John Mitchell, "there is no evidence" that this subject matter came up during any of the requested conversations, he added.

Mr. Haldeman was then White House chief of staff. Mr. Mitchell was then directing the President's reelection campaign.

Mr. St. Clair said the White House will review the tape of the April 4 conversation, transcribe any "pertinent" portion and give the transcript to the committee "in a few days."