

DOAR AND JENNER BID PANEL REJECT TAPE TRANSCRIPTS

Tell House Committee That
the Edited Versions Are
Inadequate Substitute

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MOVE TO GAIN SUPPORT

Rodino Says Start of Open
Hearings in Impeachment
Inquiry Is Postponed
NYTimes

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Special to The New York Times

WASHINGTON, May 23—
Lawyers for the House im-
peachment inquiry declared
today that the Judiciary Com-
mittee had a constitutional
obligation to reject President
Nixon's edited Watergate tran-
scripts as a substitute for sub-
poenaed tape recordings.

The concerted verbal assault
on the White House transcripts
represented an apparent at-
tempt by the Judiciary Com-
mittee to generate public sup-
port for a more formal move
next week to gain access to the
controversial tapes themselves.

John M. Doar, the special
counsel on impeachment, told
the committee that the tran-
scripts of White House conver-
sations were "inadequate and
unsatisfactory" for a fair and
thorough investigation of the
President's conduct in office.

Backed by Jenner

The strong statement by Mr.
Doar was endorsed by the chief
Republican counsel, Albert E.
Jenner Jr., who said that the
American people "cannot ac-
cept" unverified White House
transcripts to resolve charges
against the President and that
"the House of Representatives
would not be acting responsi-
bly if it does."

The committee chairman,
Representative Peter W. Ro-
dino Jr., Democrat of New Jer-
sey, charged at the same time
that some portions of the ex-
purgated White House tran-
scripts contained what were
later described as paraphrases
rather than verbatim conversa-
tions.

Mr. Rodino said that, in ad-
dition to deciding how to deal

with the President's rejection
of the subpoenas, the commit-
tee would consider next week
whether to make public evi-
dence presented to the panel
over seven days of closed hear-
ings on the Watergate break-in
and its cover-up.

Open Hearings Delayed

As a consequence, he added,
the plans he announced yester-
day to begin open hearings
next week on non-Watergate
phases of the inquiry will have
to be delayed. The committee's
first open hearing on impeach-
ment evidence now appears
likely to be held June 4.

The unusually strong attack
on the transcripts by the com-
mittee officials occurred first
at a closed committee hearing
and was repeated later at a
news conference. It followed by
one day President Nixon's blunt
refusal to honor two committee
subpoenas, one of which de-
manded 11 Watergate-related
recordings.

Mr. Doar said that his re-
marks had been prompted not
by the President's defiance of
the subpoenas but by what he
saw as the necessity to point
out to the committee members
in the hearing today that White
House transcripts covering key
meetings from March 23
through April 12 last year were
"a very unsatisfactory kind of
evidence."

"What is important," Mr.
Doar said in the news briefing,
"is that the American people
believe that the [impeachment]
process was fair, straightfor-
ward, clean, open, thorough—
with an analysis and study of

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the very best evidence avail-
able."

Several committee members
said that they had never heard
Mr. Doar speak with such evi-
dent fervor as he did today
about the transcripts. The spe-
cial counsel customarily ad-
dresses the committee with de-
tachment, and in a monotone.
At one point last Tuesday, as
Mr. Doar read documentary evi-
dence into the record, James
D. St. Clair, the President's
chief defense counsel, fell
asleep.

Mr. Rodino said that he
would schedule a meeting late
next month to decide formally
what action the committee
would take to deal with the
President's defiance of the
subpoenas. Mr. Doar added that
he would recommend, perhaps
at that meeting, that the panel
subpoena all or most of 65
other Watergate-related con-
versations the President has de-

clined to hand over volun-
tarily.

The White House has offered
to let Mr. Rodino and the com-
mittee's ranking Republican,
Representative Edward Hutch-
inson of Michigan, listen to the
withheld recordings on behalf
of the full committee. Mr. Ro-
dino and Mr. Doar rejected the
proposal again today, and, for
the first time, said why.

Misstatements Alleged

"Every member of the com-
mittee, every member of the
House of Representatives is re-
quired under the Constitution,"
Mr. Doar said, "to make a per-
sonal judgment with respect to
what's on or what is not on—
or what is meant or what is not
meant by—those recorded con-
versations. I do not believe that
the members of this committee
can constitutionally delegate
that power, that authority, that
responsibility to the chairman
and ranking minority member."

Mr. Rodino, underscoring
previous complaints by Repub-
lican and Democratic members
of the committee that there
were inaccuracies in the White
House transcripts, gave the fol-
lowing catalogue of their al-
leged flaws:

"There are misstatements.
There are omissions of words
and paragraphs. There are mis-
attributions of statements made
by individuals. There are ad-
ditions. There are 'inaudibles.'
And then, together with that,
there is a category that we still
are unable to interpret or de-
fine that is material which is
supposedly 'unrelated to Presi-
dential action' and that has
been deleted. What that ma-
terial is we do not know."

Cited as Deficiencies

Asked to explain what Mr.
Rodino called "additions," the
chairman and Mr. Doar said it
was a reference to some "para-
phrases" in the transcripts.

In some passages, Mr. Doar
asserted, "sentences will be
paraphrased and the result is
that there will be more words
there than were on the tape."

Mr. Doar said that he was
"not suggesting this was delib-
erate" but was citing the para-
phrases to illustrate the defi-
ciencies of the transcripts as
evidence. He said:

"Assume that there was not
one mistake in substance in
those edited transcripts. As-
sume that, for a matter as awe-
some as this process we ought
not leave anything in doubt,

whether it's inculpatory or ex-
culpatory."

The dispute over the tapes
has become a central, and al-
most predominant, element of
the impeachment proceedings.
The Judiciary Committee ob-
tained 19 tape recordings from
a Watergate grand jury and the
White House last March and
has been listening to them, and
comparing them with edited
transcripts, over the last two
weeks.

In reply to an April 11 sub-
poena for 42 more Watergate

conversations, Mr. Nixon de-
clined to produce the record-
ings and instead made public
partial transcripts three weeks
ago. Some of the transcripte
were of the tapes turned over
to the committee.

On May 15, the committee
voted, 37 to 1, to subpoena 11
more taped Watergate conver-
sations and a number of the
President's daily diaries show-
ing the persons with whom he
talked during periods Mr. Doar
described as "critical" junctures
in the alleged Watergate cover-
up. It was those two subpoenas
that Mr. Nixon refused yester-
day to honor.

A few Republicans on the
committee have proposed that
the panel seek a Supreme Court
judgment compelling Mr. Nixon
to yield these tapes and others
yet to be subpoenaed.

But Representative Robert
McClory of Illinois, the second-
ranking Republican member,
agreed today with Mr. Rodino
that the courts have no proper
role in the impeachment proc-
ess.

Role of House Alone

Mr. McClory said the Consti-
tution gives the House the "sole
power" of impeachment and
that he had "great apprehen-
sion" about proposals for "sub-
jecting this unique responsibil-
ity to the jurisdiction of the
Court."

Although Mr. Rodino would
not specify what course of ac-
tion he would propose to the
committee next week, he inti-
mated that he would prefer to
complete the inquiry without
the White House tapes, if nec-
essary, and then draw the legal
presumption that Mr. Nixon
was withholding incriminating
evidence.

He made that suggestion by
saying, "I'm going to recom-
mend that we proceed with the
inquiry, that where we believe
it is necessary to pursue fur-
ther requests—notwithstanding
the President's letter [of re-
fusal] to us—that we discharge
our constitutional responsibil-
ity. And then that the commit-
tee will have to take into ac-
count the President's responses
to our requests and to our sub-
poenas."