

Tough Impeach Warning
To Nixon by House Probers
**President's Refusal to
Yield Tapes Assailed--
New Subpoena Issued**

Washington

The House Judiciary Committee formally warned President Nixon yesterday that his defiance of committee subpoenas "might constitute a ground for impeachment."

As if to underscore the stern warning, the committee voted 37 to 1 to issue its third subpoena for White House tapes, demanding 45 more recorded Watergate conversations between the President and key former aides.

The decisions represented a substantial and, for the White House, ominous erosion of support for Mr. Nixon within the committee investigating his conduct.

In still another rebuff of the White House the committee, led by its Republican members, voted late yesterday to continue the impeachment hearings behind closed doors at least for several more weeks.

The President's lawyers had urged that the hearings be opened to the public.

In the formal warning, the committee voted 28-10 to send Mr. Nixon a letter threatening to construe his refusal to surrender evidence as impeachable misconduct. All but one of the panel's 21 Democrats, along with eight of the 17 Republicans voted to send the letter.

The letter, signed by Chairman Peter W. Rodino Jr. (Dem-N.J.), was delivered to the White House late yesterday.

It also declared, at the committee's direction, that if the President continues to withhold evidence the committee would "be free to consider whether your refusals warrant the drawing of adverse inferences" — that is, whether the tapes and documents being withheld are incriminating.

At the White House, James D. St. Clair, the President's chief defense lawyer,

told reporters that the committee could not properly draw any adverse inferences from Mr. Nixon's rejection of subpoenas.

He said that the President's position is rooted in a constitutional claim of executive privilege.

The Judiciary Committee's letter was drafted in response to a letter May 22 from Mr. Nixon in which he refused to comply with two subpoenas for 11 tapes of Presidential Watergate conversations and four official diaries.

The committee defeated by a 29 to 9 vote a motion by

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Representative John Conyers (Dem-Mich.) to consider at the "earliest practical date: an article of impeachment charging Mr. Nixon with contempt and obstruction of the constitutional process. Conyers, who then joined with nine Republicans in opposing the final letter, said the President "has continued the obstruction of justice and is in willful and notorious defiance of the law."

The new letter from the Judiciary Committee was stronger than one sent last month when Mr. Nixon released edited transcripts of Watergate conversations rather than the subpoenaed tapes themselves.

The committee then wrote Mr. Nixon that he had not complied with the subpoena.

The latest committee subpoena ordered the President to deliver by 10 a.m. on June 10 the tapes of various conversations held between Nov. 15, 1972, and June 4, 1973.

It demanded all "dictabelts, other electronic and mechanical recordings, transcripts, memoranda, notes and writings and

things" related to the conversations. It also sought material from the files of former White House aides H.R. Haldeman, John D. Ehrlichman, Charles W. Colson, John W. Dean III and Gordon Strachan.

Among the conversations subpoenaed yesterday were two on April 26, lasting a total of more than 6½ hours, between the President and Haldeman.

It was on that date that a number of tapes were removed from Secret Service vaults and turned over to Haldeman, who listened to them at the President's request. Among the conversations he listened to was the March 21, 1973, meeting at which the President has said he first learned of the Watergate coverup.

According to Secret Service logs the tapes were returned on May 2.

The last two conversations sought were two telephone calls the President had with Haldeman on June 4, 1973, the day the President said he listened to tapes of var-

ious conversations involving John Dean and himself.

The committee also sought three conversations the President had with Haldeman and Ehrlichman on April 18, 1973, the day after he said in a televised speech that "there have been major developments in the (Watergate) case."

On that same date, the President also learned that Watergate prosecutors had been told about the break-in at the office of Daniel Ellsberg's psychiatrist.

The actions yesterday were the strongest yet taken by the committee in dealing with Mr. Nixon and the withheld evidence.

The essence of the decisions was reflected in the comment of Representative George E. Danielson (Dem-Calif.).

He told the committee that Mr. Nixon still could supply the evidence and thus purge himself of "open and flagrant defiance" of parliamentary law. But, Danielson added, should the President fail to do so, "We have the ultimate power to enforce our orders, through removal of the President from office."

New York Times