

By PHILIP SHABECOFF

Special to The New York Times

WASHINGTON, May 30 — The White House challenged today the warning by the House Judiciary Committee that the panel might draw "adverse inferences" from President Nixon's refusal to turn over subpoenaed materials. Such an inference would not be proper or valid, the White House asserted.

James D. St. Clair, Mr. Nixon's lawyer, said at a news conference that it would not be "proper" for the committee to make such an assertion because the President's refusal to comply with the committee's subpoenas was based on a claim of executive privilege.

In effect, Mr. St. Clair was saying that the President's refusal to turn over evidence demanded by the committee for its impeachment inquiry was based on his constitutional duty to protect the Presidency and did not reflect an attempt to conceal guilt.

He urged the committee to

consult with its staff on the legal validity of the President's claim of privilege and then reconsider its statement on "adverse inferences," which was contained in a letter to the President from the committee chairman, Representative Peter W. Rodino Jr., Democrat of New Jersey.

Earlier, the White House press secretary, Ronald L. Ziegler, said that an adverse inference on the substance of the materials that the President had refused to turn over would not be "a valid inference."

Judging on Facts

Mr. Ziegler declared, "A vote on impeachment should not be based on an inference. It should be based on a complete assessment of the information before them [the committee]. In a society based on due process, you do not judge on inferences, you judge on facts."

The White House response would appear to sharpen the constitutional issue raised in Mr. Rodino's letter on the re-

lative powers and rights of Congress and the Presidency in an impeachment process.

At his news conference, Mr. St. Clair rejected the committee's suggestion of an adverse inference. He cited the legal ground that proposed Federal rules of evidence specifically ruled out such inference under a claim of privilege.

Mr. St. Clair compared the President's claim of executive privilege to claims of attorney-client privilege or husband-wife privilege invoked in ordinary legal proceedings.

He stressed that the claim of privilege was not in any way related to rights protecting defendants from self-incrimination under the Fifth Amendment to the Constitution.

Power of the House

Although the issue is a matter of dispute, a majority of commentators on the impeachment issue have recently held that a claim of executive privilege would be invalid in an impeachment proceeding. They argue that the House is given sole

authority under the constitution to conduct an impeachment proceeding and that a Presidential claim of privilege would thus deny powers specifically granted to Congress in this area.

In the specific case of impeachment, it is argued, the constitutional doctrine of separation of powers is not applicable.

However, Mr. St. Clair asserted today that the President was exerting executive privilege and refusing to turn over the materials subpoenaed by the committee to protect "the powers and privileges" of the President of the United States.

Dog Guards Bakery Truck

BALTIMORE (AP) — W. C. Haywood, who has a downtown bakery route, has an assistant who minds the truck during deliveries. The assistant, a German shepherd named King, has accompanied Mr. Haywood on his rounds for five years.