

RODINO UNIT ISSUES 4 NEW SUBPOENAS; 49 TAPES SOUGHT

Impeachment Panel Wants White House Recordings to Speed Its Inquiry

REBUTTAL ON THURSDAY

Nixon Attorney Authorized to Begin Defense Confined to Fact, Not Argument

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WASHINGTON, June 24—The House Judiciary Committee, trying to accelerate the impeachment inquiry, issued what were described as its final four subpoenas today for White House tape recordings, and authorized President Nixon's defense counsel to begin presenting rebuttal evidence on Thursday.

With only four members dissenting in part, the committee formally demanded the tapes of 49 more White House conversations.

Among the subpoenaed tapes were those of five 1971 conversations that committee lawyers said might document the charge by Charles W. Colson, the former White House special counsel, that the President had urged him to disseminate derogatory information about Dr. Daniel Ellsberg.

Committee members approved unanimously a resolution permitting James D. St. Clair, Mr. Nixon's chief defense attorney, to offer rebuttal evidence orally and in writing. But the resolution stipulated that the White House presentation must be factual, and not argumentative or interpretive.

Presentation Estimate

John M. Doar, the special counsel on impeachment, told the panel that Mr. St. Clair had agreed to begin his presentation Thursday and had estimated it would require no more than two days.

The committee chairman, Representative Peter W. Rodino Jr., Democrat of New Jersey, announced that witnesses would be summoned to testify at im-

peachment hearings next week. He said the committee might continue meeting on Independence Day while the rest of Congress is in recess, in an effort to conclude the inquiry "some time in the latter part of July."

The Judiciary Committee will decide tomorrow how many and which specific witnesses should be called to complete the inquiry record. Well-placed officials said that Mr. Doar would propose summoning a limited number of witnesses, four or five, perhaps including Mr. Colson.

Bipartisan senior members of the committee reportedly reached an informal consensus at a meeting late today that additional information should be sought from eight individuals, but that some of them might submit affidavits rather than appear in person.

The list included four men

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whose testimony has been urged by Republicans on the committee—especially John W. Dean 3d, the ousted White House legal counsel; H. R. Haldeman, the former White House chief of staff; John N. Mitchell, the former Attorney General; and Frederic L. LaRue, a former official of the President's 1972 campaign committee.

The other prospective witnesses agreed on by the senior members were Herbert W. Kalmbach, Mr. Nixon's former personal attorney; Henry E. Petersen, an assistant Attorney General who once directed the Watergate investigation; Alexander P. Butterfield, a former White House aide who is now head of the Federal Aviation Administration, and Mr. Colson.

Mr. Colson was sentenced last week to one to three years in prison after having pleaded guilty earlier to a charge of obstruction of justice.

At his sentencing, Mr. Colson said it was at Mr. Nixon's repeated urging that he had committed the acts for which he will be imprisoned—circulation of material to try to discredit Dr. Ellsberg when he was facing trial for his alleged role in publishing a secret Pentagon study of the Vietnam war.

The committee voted this morning, by voice and without a dissent among the 35 members present, to subpoena 10 recorded White House conversations bearing on the President's knowledge of illegal conduct by the White House special investigations unit. Five of the discussions involved Mr. Nixon and Mr. Colson.

In three additional votes later, the committee also took the following actions:

¶Without objection, the pan-

el voted by voice to subpoena two recordings of the President's discussions on Sept. 15, 1972, that may bear on alleged White House efforts to direct the harassment of Mr. Nixon's political opponents by the Internal Revenue Service.

¶The committee voted, 34 to 4, to demand recordings of 19 conversations believed to be related to Mr. Nixon's possible

knowledge of false testimony by subordinates at 1972 hearings before the Senate Judiciary Committee on the nomination of Richard G. Kleindienst to be Attorney General.

¶By the same vote, 34 to 4, the committee subpoenaed recordings of 18 White House meetings bearing on Mr. Nixon's 1971 decision to raise Federal milk price supports and pledges by dairy producer groups to raise large sums of money for the President's 1972 re-election campaign.

The four members who opposed the new subpoenas, all Republicans, were Representatives Charles E. Wiggins of California, Trent Lott of Mississippi, Delbert L. Latta of Ohio and Edward Hutchinson of Michigan. Mr. Hutchinson cast his votes by proxy.

Two other votes were cast by proxy, those of Harold D. Donohue, Democrat of Massachusetts, and Wiley Mayne, Republican of Iowa, both in favor of the subpoenas.

The four new subpoenas brought to 147 the total number of taped conversations sought by the Judiciary Committee for the impeachment inquiry. Three of four earlier

subpoenas were also for tape recordings related to Mr. Nixon's conduct in the alleged Watergate cover-up.

Mr. Nixon asserted in a letter to the committee last month that he would not honor subpoenas because he had a constitutional duty to defend the Presidency against violations of confidentiality. He has given the committee no recordings since turning over the same 19 tapes given to the Watergate special prosecutor.

Representative Jack Brooks, Democrat of Texas, who sponsored the four subpoena motions today, acknowledged to reporters that Mr. Nixon was unlikely to comply with them.

"Hope springs eternal, you know," Mr. Brooks said.

Asked whether the committee was building a record of Presidential noncompliance as a basis for an impeachment charge of contempt of Congress, Mr. Brooks replied that it was Mr. Nixon who "would be building a record, of which we then would be fairly cognizant."

Mr. Latta announced at the meeting that he would no longer vote for subpoenas. He said that he did not "intend to become a party" to developing a contempt charge against the President and that he had concluded Mr. Nixon was "within

his rights, under the doctrine of executive privilege, to ignore these subpoenas."

Unaccountably, however, Mr. Latta did not object when two of the subpoenas were adopted by voice votes.

Mr. Doar told reporters that the inquiry staff had no plans to request the issuance of additional tapes subpoenas. Committee officials said that the plans could be altered, however, if new information should be brought to the panel's attention later.

The committee tabled, on a roll-call vote of 23 to 15 that followed party lines, a Republican plan to subpoena the two Sept. 15, 1972, recordings from Judge John J. Sirica of the United States District Court.

Representative Harold V. Froehlich, Republican of Wisconsin, contended that Judge Sirica, who has temporary custody of the two tapes but has refused to give them to the committee, had no more right than the President to withhold evidence from an impeachment inquiry.

A number of Republicans and a few Democrats agreed with Mr. Froehlich. Representative Walter Flowers, Democrat of Alabama, said the committee should "pursue every possible avenue" to evidence and that it would be "invoking a double standard" to forgo issuance of a subpoena to the judge.

But committee lawyers, most Democrats and one or two Republicans of the panel countered that it was "not desirable," as Mr. Brooks stated it, to embroil the inquiry in a possible confrontation with the Federal courts. These members succeeded in tabling, and thus probably killing, the plan.

Mr. Nixon's two Sept. 15 conversations, first with Mr. Haldeman and then with Mr. Haldeman and Mr. Dean, were apparently among the most significant of those subpoenaed today.

Mr. Doar told the committee, in a document accompanying the request for the subpoenas, that Judge Sirica had agreed to give the Watergate special prosecutor, Leon Jaworski, access to the two taped conversations.

The staff document said Mr. Jaworski noted, in an affidavit submitted to Judge Sirica on May 28, that the special prosecutor had evidence that "substantiates allegations that in September, 1972, the White House presented lists of 'enemies' to the I.R.S. with the direction that they be audited or otherwise harassed."

The document also said that Mr. Jaworski had alluded to evidence that, "in August and September, 1972, the White House unlawfully attempted" to have the tax agency investigate Lawrence F. O'Brien, then the chairman of the Presidential campaign of Senator George McGovern, Democrat of South Dakota.

Mr. Rodino opened the meeting today by saying that the Judiciary Committee would de-

termine the final course of the inquiry. He urged the committee members to "bear in mind we have to try to compress a good many matters" if the panel is to decide by the end of this month whether to recommend the impeachment of Mr. Nixon.