

Judiciary Unit Rejects Move to Subpoena Sirica for Some Data Sought From Nixon

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By a WALL STREET JOURNAL Staff Reporter
WASHINGTON — The House Judiciary Committee decided to fight one branch of the government at a time.

Emerging into the sunshine after six weeks of secret impeachment hearings, the committee rejected a Republican move to send Federal Judge John Sirica a subpoena for some of the same evidence the committee is demanding from President Nixon.

Republicans and two Democrats argued that the committee must pursue impeachment evidence wherever it is, even if that means taking on the Judicial Branch. Democrats and four Republicans objected that the committee shouldn't start a fight with Judge Sirica until Mr. Nixon flatly refuses to surrender the evidence himself.

The committee then voted 23 to 15 to table the motion to send Judge Sirica a subpoena.

Earlier yesterday, the panel voted overwhelmingly to subpoena more than 40 additional taped conversations in the hands of the President.

The conversations relate to allegations that Mr. Nixon ordered the Internal Revenue Service to "get" his enemies, that he ordered White House "plumbers" to break into the office of Daniel Ellsberg's psychiatrist in search of information to discredit the antiwar activist, that he accepted a bribe from dairymen in return for raising dairy price supports and import barriers, and that he countenanced perjury on the part of his attorney general-elect, Richard Kleindienst, with regard to the settlement of an antitrust suit against International Telephone & Telegraph Corp.

Four Republicans voted against two of yesterday's subpoenas. The other two subpoenas passed by voice votes, with no audible "nays."

Formally Rejects Subpoenas

Mr. Nixon has already formally rejected three of the committee's subpoenas for taped conversations relating to the Watergate break-in and cover-up. And he says he'll reject others, too, on the ground that the committee already has all the evidence it needs to decide whether he has done anything warranting impeachment.

The committee, meantime, has already warned the President that he could be impeached for refusing to turn over evidence it thinks it needs for its inquiry.

At yesterday's open meeting, the panel also agreed to let Mr. Nixon's lawyer, James St. Clair, respond later this week to the evidentiary presentation made by the committee's staff during the past month and a half. Like the staff's presentation, Mr. St. Clair's response will be behind closed doors.

But most of the evidence already presented, as well as Mr. St. Clair's response, will soon be made public. The committee is due to vote today or tomorrow to publish most of it, continuing to keep secret, for the time being, only material that might prejudice Watergate-related trials already in progress.

Controversial Question

The panel also hopes, today or tomorrow, to decide a controversial question—how many witnesses to call. Some Republicans want to call many witnesses but restrict their testimony to the charge that Mr. Nixon authorized the payment of hush money to one of the Watergate defendants. Democrats generally favor calling fewer witnesses and questioning them on the whole range of charges against the President.

The number of witnesses will affect how soon the committee reports to the House on impeachment. Chairman Peter Rodino (D., N.J.) says he hopes to report by mid-July.

The question of whether to subpoena Judge Sirica is an embarrassing one for the Democrats, who have argued that the Constitution gives the House, in the course of an impeachment inquiry, the right to any evidence anywhere. Rep. Harold Froehlich, a Wisconsin Republican, reminded the Democrats of this when he offered the motion to subpoena the judge.

The evidence Judge Sirica has is the tape

Justices Delay Nixon Bid On Data Grand Jury Used

By a WALL STREET JOURNAL Staff Reporter

WASHINGTON—The Supreme Court delayed action on President Nixon's request for evidence a federal grand jury used in naming him as an unindicted co-conspirator in the Watergate coverup.

The court said it will consider the request, along with other Watergate-related matters, at a hearing it previously scheduled for July 8.

On that date, the Justices will hear arguments on whether Mr. Nixon must surrender 64 taped conversations sought by special Watergate prosecutor Leon Jaworski. The prosecutor said he needs the tapes to try six former presidential aides indicted on charges of covering up the Watergate affair.

The high court also will hear arguments on whether it was constitutional for that same grand jury to name the President as an unindicted co-conspirator. Mr. Nixon had sought access to the grand jury's evidence, and asked that it be disclosed to the Supreme Court, to bolster his claim that the grand jury exceeded its authority.

of a conversation on Sept. 15, 1972, among the President and two of his aides, H. R. Haldeman and John Dean. The Watergate grand jury has already given the committee a big hunk of the tape that relates to efforts to cover up the involvement of White House aides in the break-in at Democratic headquarters in the Watergate office building. But Judge Sirica says he hasn't any authority to turn over the rest of the tape that bears on the allegation that Mr. Nixon ordered the IRS to audit and otherwise harass his "enemies."

The rest of the Sept. 15 tape was included in one of the subpoenas the committee issued yesterday to Mr. Nixon.

Rep. Walter Flowers of Alabama, one of two Democrats who sided with the Republicans, accused the committee of using "a double standard" and added that "a federal judge is no better than the President of the United States." The committee has an obligation "to pursue every avenue" in its inquiry, Rep. Flowers said.

Rep. Jack Brooks (D., Texas), the author of the motion to table the Sirica subpoena, agreed there's "no question" about the panel's authority to demand evidence from a judge. But he said it was "not desirable as a matter of policy" for the committee to get into a fight with one.

Rep. John Seiberling (D., Ohio) called the Sirica subpoena "frivolous" and "obviously an effort to embroil this committee with the Judicial Branch." Once the President formally rejects the subpoena for the rest of the Sept. 15 tape, Mr. Seiberling added, the committee may want to consider going after Judge Sirica's copy.

Rep. William Cohen of Maine, one of four Republicans who joined the Democrats in tabling the Sirica subpoena, warned that the committee lacked time to get involved in a controversy with the judiciary.