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Post 2/18/74

Documents, Delays and Dreams of Recovery

President Nixon's denial of White House documents to Special Watergate Prosecutor Leon Jaworski is the first solid indication that the White House is full of concealing evidence from Congress and the American voters will soon be applied to the House Judiciary Committee, a strategy filled with grave portents.

There have been several inkblings from the White House that it never intended to treat the Judiciary Committee's impeachment proceedings much differently from its hard-line, back-of-the-hand treatment of the Senate Watergate Committee, Jaworski and his ousted predecessor, Archibald Cox.

But Mr. Nixon takes grave risks in applying his lock-up policy to the House Judiciary Committee. If he goes too far, he invites the committee—indeed, the whole Congress—to convert his defiance into a visible, blatant impeachment offense.

Thus, the present indication is that there will not be overt refusal to cooperate, as in the latest clash with Jaworski. Instead, the developing White House strategy is one of stealth, indirection and obfuscation.

One clear sign came on Feb. 5 when Rep. John Rhodes of Arizona, the House Republican leader, privately no-

tified Republicans on the Judiciary Committee that he would oppose the April 30 cut-off date for the committee's impeachment proceedings.

Although some Rhodes intimates believe he acted entirely on his own, others suspect his decision not to permit a genuine vote in the House on the cut-off deadline reflected White House fear that the vote might be taken as an indication of pro-impeachment sentiment on the floor.

Rhodes told us that he did indeed "inform" the White House of his decision (a decision he did not share with committee Republicans until the very day of the vote, even though all but two committee Republicans favored imposing the deadline).

Some Republicans, particularly those who deeply believe the House impeachment procedures must be sealed off from all White House pressures, are convinced that the Republican leader's decision was pressed on him by the White House. That suspicion is now ironically undermining the unique nonpartisanship developed in the committee over the past two months, a nonpartisanship the White House desperately wants ended.

Far more significant is the fact that White House lawyers are plotting not

a cooperative effort to permit a serious committee investigation, but what one committee Republican calls a "blocking, stalling, delaying action" in the most blatant tradition of a smart lawyer's play for time.

Thus, a White House brief on what constitutes an impeachable offense has been in the drafting stage for weeks. When the carefully lawyered House committee brief on that vital question—defining impeachable offenses—is given the committee later this week, the competing White House brief will be unveiled with fanfare.

The committee brief is expected to be a broad, classic impeachment definition, offered to committee members to help them make up their own minds. The competing White House brief is expected to be a narrow statement limiting impeachable offenses to indictable crimes.

The purpose of this highly limited definition of impeachable offense is twofold: to give the embattled President and his political backers an adversary position, converting the House impeachment hearings into an adversary proceeding instead of an investigation; and, more important, to justify future White House refusals to

give the committee the White House documents it needs for its investigation.

In short, say congressmen aware of this White House strategy, the President's lawyers will deny the committee all material not "relevant to the narrowly based definition of impeachment spelled out in the White House brief.

"When we deadlock on stuff we're trying to get from the White House," one committee expert told us, "they'll say we can't have it because it isn't relevant under their definition of impeachment. They'll say, let the courts decide."

Down that road lies potential disaster for Richard M. Nixon. Yet, belatedly, in his White House redoubt and surrounded by fanatic loyalists, the President obviously hopes that during the long delays, obfuscations and possible court battles ahead, he can recover his political power by brilliant successes in Moscow, the Mideast and other exotic climes and ride out the impeachment storm.

If the President's repeatedly aborted dreams of recovery from the ravages of Watergate hold any lesson, Mr. Nixon once again is playing the worst kind of politics.