

# Prosecution of Rep. Collins Dropped

By Jack Anderson

Attorney General William B. Saxbe has made the difficult decision not to prosecute Rep. James M. Collins (R-Tex.), thus ending an exhaustive investigation that we started four years ago.

The decent Saxbe overruled his Criminal Division, which recommended indicting Collins for obstruction of justice. The case has dragged on too long and the witnesses have become too shaky, Saxbe told us.

"This was a tough one," he said. "But the power to prosecute has become pretty awesome. It must be exercised with restraint and compassion."

On March 5, 1970, we reported that the millionaire congressman had taken \$500 in kickbacks from two young part-time workers in his office. We followed up with more detailed charges of a kickback scheme which his top aide, George Haag, masterminded.

Our stories touched off an FBI investigation. Thereafter, we reported that both Collins and Haag had solicited false affidavits from office employees and otherwise had tried to mislead the FBI.

On Oct. 4, 1972, Haag was convicted for taking kickbacks and obstructing justice. We charged that the Nixon administration had let Collins off the hook after pressure from powerful Texas Republicans. The investigation of Collins subsequently was resumed.

U.S. Attorney Earl Silbert, the original chief Watergate prose-

cutor, recommended after a painstaking study of the grand jury testimony that Collins should be indicted. Silbert's recommendation was endorsed by Assistant Attorney General Henry E. Petersen, chief of the Criminal Division.

But Thomas McTiernan, chief of the fraud section, disagreed. He cautioned that the case against Collins was too weak to indict a man of his prominence.

The split opinion was sent up to Saxbe, who resolved the doubt in favor of Collins. The evidence showed that none of the kickback money had gone into the congressman's own pocket. There was sworn testimony, however, he had tried to mislead the FBI and cover up the crime.

We would agree that four years under a cloud, living in constant tension, is enough punishment for Collins. We also share Saxbe's concern, in this age of the prosecutor, that the Justice Department should use its awesome power carefully.

**Impeachment Blues**—A solemn Congress is making painful preparations to put President Nixon on trial. Here are some backstage details:

• **House Democratic leaders** are willing to grant President Nixon immunity from prosecution if he should resign. They want the Republicans, however, to introduce the resolution. Speaker Carl Albert summed up the prevailing mood. "I would hate to see a former President of the United States prosecuted," he said privately. Because the President refused to grant

amnesty to Vietnam war deserters, however, some antiwar congressmen would oppose amnesty for him. A congressional resolution also couldn't grant him amnesty from state prosecution nor could it protect him from being subpoenaed as a witness in the Watergate trials.

• It was House GOP leader John J. Rhodes, we have now learned, who misled President Nixon on the outcome of the House Judiciary Committee's impeachment vote. Rhodes estimated that the 17 Republicans would vote solidly against impeachment, joined by two Southern Democrats. The final verdict, in this case, would have been 19 to 19. The President was stunned, therefore, by the overwhelming vote against him.

• President Nixon's lawyer, James D. St. Clair, failed to question all his witnesses before he let them appear before the House Judiciary Committee, a precaution that is taught to every law student. The unhappy result for the President was that some of his own witnesses gave testimony unhelpful to him. A spokesman for St. Clair said the attorney had studied the previous testimony of the unquestioned witnesses. But legal experts regard this as a lame excuse.

• Most senators will vote to permit television cameras into the Senate chamber for the first time, according to informal soundings, to cover the historic trial. Senators who are up for re-election are the most eager to admit the cameras. They believe the voters will be more

sympathetic if they watch the proceedings for themselves. Only fixed cameras will be admitted, most likely, with restrictions against focusing on individual senators during the debate. They don't want to be caught off guard, dozing in their seats or picking their noses.

**Martha's Mail**—The irrepresible Martha Mitchell has offered to join our staff. As evidence of her investigative abilities she told us how she had caught the Post Office "tampering" with her mail.

Mysterious things have been happening to her mail, said the tart-tongued wife of ex-Attorney General John N. Mitchell. But when she picked up a registered letter from Mississippi in her personal post office box and found the letter had already been opened, that was the last straw.

She called the Post Office and pretended to be the sender. In her best Dixie drawl, she complained that the letter hadn't reached its destination and inquired sweetly what had happened to it.

A clerk scurried to find the registered letter receipt and returned to the phone to report that it had been delivered to 20 Broad Street. This is the address of her estranged husband's former law office.

"They steal my mail and send it down there," protested Martha indignantly.

Local postal officials, however, had a different explanation. It was just an honest mix-up, they said.

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