

Joseph Kraft

# Mr. Nixon: Playing for Time...

Pat 5/23/74

Anybody who wants to understand the latest Watergate legal maneuvers should consider a recent study by the Democratic leadership of how the Senate is likely to vote on impeachment.

The analysis shows that support for the President is slim, but that it could pick up enormously if the impeachment vote came after the election this November. The analysis thus confirms the impression that the basic White House strategy is to play for time.

The study was made by the office of Lloyd Bentsen, the Texas Democrat who is organizing the 1974 senatorial elections for his party. According to the analysis of Sen. Bentsen's office, there are only 16 senators considered sure to vote for Mr. Nixon.

Seven are Southerners—James Allen of Alabama, Harry Byrd of Virginia, James Eastland of Mississippi and John McClellan of Arkansas on the Democratic side; and Edward Gurney of Florida, Strom Thurmond of South Carolina and William Scott of Virginia on the Republican side.

Seven are conservative Republicans from the less populated states of the West—Carl Curtis and Roman Hruska of Nebraska, Barry Goldwater and Paul Fannin of Arizona, James McClure of Idaho, Clifford Hansen of Wyoming and Hiram Fong of Hawaii. Two—William Roth of Delaware and Norris Cotton of New Hampshire—are small-state Republicans from the East.

With only 16 hard-core votes, the President is going to have to scramble hard to put together the 34 votes needed to hold office. But there are six Republican senators up for reelection who, while under strong pressure to go against Mr. Nixon if the vote came before polling day, might turn around if their fates had already been decided.

Marlow Cook of Kentucky is a good example. He faces very strong opposition from a popular governor, Wendell Ford. The senator has already felt obliged to condemn the President for the White House transcripts, and it is hard to see how he can stand up for Mr. Nixon if the vote was before election day. But once he was either re-elected or defeated, it would be much easier for him to support Mr. Nixon.

Milton Young of North Dakota provides another case in point. He is relying on his reputation for integrity to carry him through against a strong challenge from former Democratic Gov. William Guy. Sen. Young has al-

ready felt constrained to suggest that Mr. Nixon step down under the 25th Amendment while the impeachment proceeding is on, and a vote for Mr. Nixon could cost him his Senate seat. But after the election, his normally conservative instinct could come into play on behalf of the President.

Robert Dole of Kansas and Peter Dominick of Colorado fit pretty much the same mold. Then there are two liberal Republicans, Richard Schweiker of Pennsylvania and Robert Packwood of Oregon. Neither could hold his constituency if he voted for Mr. Nixon before election. But once assured of office, or certain of defeat, they might be tempted by consideration of party solidarity or personal advantage to stay with Mr. Nixon.

In these conditions, the White House has the most solid motives for tying up the impeachment in procedural delay. The refusal to surrender subpoenaed tapes to Special Prosecutor Leon Jaworski is entirely consistent with that interest. In defending the refusal,

White House counsel James St. Clair has used a highly technical argument which raises the question of whether a federal prosecutor going against the President has standing in court. The case will probably have to go to the Supreme Court before an authoritative decision can be reached—a procedure which could take months.

The decision to refuse subpoenaed tapes to the House Judiciary Committee serves the same delaying purpose. The committee is now hung up about what step to take. The view, supported by Rep. Thomas Railsback (R-Ill.), which favors a committee appeal to the courts, also would consume months in litigation. A more sensible approach would be for the committee to vote

the President in contempt for non-compliance and hold that charge for action by the full House when it decides on articles of impeachment. My sense is Chairman Peter Rodino and the majority are leaning toward that procedure.

But despite the savvy efforts to avoid delay, it seems likely that the President's move to run out the clock will prevail. Indeed, Mr. Nixon seems so certain to stave off a Senate vote until after the elections that the real issue is whether the impeachment doesn't drag through the seating of a new Congress next January—in which case the Senate trial would have to begin anew.





*For six GOP senators—Cook, Young, Dole, Packwood, Schweiker and Dominick—who face re-election, “it would be much easier to support Mr. Nixon after the election.”*