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The Danger of Stonewalling

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President Nixon's refusal to yield tape recordings of presidential conversations for three dates is corrosively transforming Republican faith in his innocence into darkest suspicions of guilt.

House Judiciary Committee Republicans believe that the presidential tapes for three dates in 1972—April 4, June 20 and June 23—would either exonerate or incriminate the President in the Watergate scandal. By adamantly refusing to release them, Mr. Nixon is turning the defenders he desperately needs on the committee into potential votes for impeachment. As Rep. Lawrence Hogan, a Maryland conservative and staunchly partisan Republican, told us bluntly: "The inference when the Fifth Amendment is taken is, justly or unjustly, one of guilt."

Thus, Republicans on the Judiciary Committee will return from the Memorial Day weekend prepared to join their Democratic colleagues in rebuking President Nixon for his defiance. Whereas only Rep. William Cohen of Maine out of 17 committee Republicans joined the Democrats May 1 in declaring Mr. Nixon not in compliance with the first subpoena, many more are prepared to align themselves against the White House this time.

This suggests that the stonewall strategy at the White House, intended to fatigue and delay a disorganized Congress, may backfire by eroding the very Republican support essential to his survival. That erosion today is at the point where impeachment sentiment in the committee has reached a new high.

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The picture is not one-sided. Rep. John Rhodes of Arizona, the House Minority Leader who once seemed to have abandoned Mr. Nixon, now privately predicts the President will serve out his term. If Rhodes has become an all-out advocate for Mr. Nixon, he could influence some Judiciary Committee Republicans. Moreover, when Republicans get together they invariably lapse into political paranoia and conjure up an anti-Nixon vendetta.

For now, however, the mood among the committee's Republicans is that Mr. Nixon has gone too far. Their view differs so sharply from Rhodes's mainly because they know so much more than he about Watergate. While the minority leader still talks in generalities, the committee members are now expert in intricacies, after mind-numbing hours listening to tape recordings.

To most Democrats and at least one Republican (not Cohen), the tapes heard so far incriminate the President. Most Republicans feel the evidence—even the March 21, 1973, hush-money tape—is ambiguous, containing some exonerating and some incriminating information.

But nearly all agree that additional Watergate tapes could clear Mr. Nixon of criminal complicity in the cover-up. In that case, impeachment proceedings would be dead. He will not be impeached because of involvement in any tangential scandal.

Nor are committee Republicans seeking the U-Haul trailer of documents referred to by the President. Rather, they want recordings of presidential conversations for those three 1972 dates: April 4, immediately after G. Gordon Liddy's scheme for the Watergate burglary was presented to John Mitchell; June 20, the first working day after the burglary; June 23, the day when amnesty for the burglars may have been mentioned. If those taxes were surrendered and exonerated the President, a substantial number of committee Republicans would become his active defenders.

These same Republicans, therefore, see no justification in the President's denial of all further tapes. More than ever before, they see this denial as a crimson sign of guilt.

Although Nixon defense lawyer James St. Clair some two weeks ago announced the stonewall policy, com-

mittee Republicans had expected moderation. Hence, Mr. Nixon's letter late Wednesday shocked and angered many of them.

When the committee meets Thursday morning to decide its future course, many Republicans will be ready to join Cohen in authorizing a sharp letter calling on Mr. Nixon to perform his constitutional duty in responding to the subpoena. Hogan Rep. Robert McClory and Rep. Thomas Rallsback of Illinois and Rep. Hamilton Fish of New York and probably others are inclined that way.

Strong-willed counsel John Doar, setting the scope of the impeachment proceedings, is dead set against the court suit desired by some Republicans. Doar has very nearly unanimous committee support in rejecting any diversionary quest for a Contempt of Congress citation against Mr. Nixon. Rather, Doar intends to push ahead on what evidence he has.

One thoughtful Republican member, disagreeing with the Democrats, feels that evidence is not sufficient for impeachment. Nor does he believe defiance of a House subpoena will ever be viewed by the Senate as reason for convicting a President. But he now plans to vote for impeachment on grounds that the President has denied evidence necessary for the House to decide his guilt or innocence, and that such evidence might later be obtained in a Senate trial. That decision on his part spells out the dangers of stonewalling.