

Joseph Kraft

WXPost

MAR 28 1974

Mr. Nixon's Impeachment Politics

The harsh attacks directed by the President against the House Judiciary Committee provide a new clue to Mr. Nixon's strategy for fighting impeachment. Basically he is playing minority politics.

He is hoping to goad the committee, and then the House itself, into a division along partisan lines. In that atmosphere, he would be in stronger position to block the two-thirds vote required for conviction in the Senate.

The deliberate character of the White House assault on the committee is not now in doubt. Mr. Nixon himself has described the committee investigators as wanting to "bring a U-Haul trailer up to the White House" and "paw" through official documents on "a fishing expedition."

Bryce Harlow, a normally careful White House aide, has repeatedly likened the committee's quest for information to that of a child looking for more to eat when there is a full plate in front of him. Press Secretary Ron Ziegler has taken the committee to task for not defining relevance and not working hard enough. To be criticized on any matter involving brains or industry by Ziegler is to be spat upon.

At first glance the White House tactics have backfired badly. Speaker Carl Albert has been provoked enough to label the President's U-Haul trailer remark "a wild, defensive maneuver." John Rhodes, the Republican leader in the House, is suggesting to visitors that Ziegler doesn't know what he's doing.

But Mr. Nixon's strategy does not depend upon such respectable, centrist figures in the House. The key to his strategy lies in the Senate. At bottom he hopes to beat impeachment by mustering up enough conservative Southern Democrats and Republicans to form a blocking minority of 34 votes.

Mr. Nixon has already tailored his personnel and policy decisions to facilitate the Senate strategy. In the same vein, the Judiciary Committee in the House itself is important to Nixon chiefly as they affect the decision in the Senate. What he would like out of the Committee in the House is some highly contentious issue which he can use as a nucleus for building support in the Senate.

So far he has not had any luck. Chairman Peter Rodino of the Judiciary Committee and Chief Counsel John Doar have been remarkably adept at avoiding showdowns. Major decisions to date have been by unanimous vote. Mr. Rodino apparently wants to avoid any further votes except with respect to subpoenaing necessary material or on the articles of impeachment.

The same spirit of nonconfrontation has guided the House itself. So far the only vote on impeachment was to give the Committee special subpoena powers. That was carried by 410 to 4.

In this situation Mr. Nixon has had to pick a fight. Hence his own harsh comments and the nasty digs from Harlow and Ziegler. For the same reason, I believe, the White House

counsel James St. Clair is being coy about various tapes and documents he knows full well he will eventually have to yield.

It is just possible that the strategy will succeed. Many difficult and abstruse questions enter into the impeachment proceeding. For example, it is not clear whether or when the grand jury material received by the Committee staff Tuesday should be made public. Nor is it clear whether the Committee inquiry is an adversary proceeding or not; nor whether the President's counsel should be present; nor whether the counsel should have the right to cross-examine witnesses, and so forth.

If Mr. Nixon could stir a fight on any of these difficult questions, he could easily get a split in the Committee or the House. That might yield him issues on which he would command, say, a dozen of the 38 votes in the Committee, or 100 of the 435 votes in the House. With votes like that on the record, it would be much easier to get the blocking third in the Senate.

But even if there is a certain logic to Mr. Nixon's strategy, it represents a counsel of despair. It expresses a felt need to obscure the true issue and promote bogus quarrels. It works to inflame tempers and drag out the impeachment procedure. And it suggests that Mr. Nixon believes, as does everybody else who has followed the case closely, that the evidence goes against him.