

WXPost JUN 29 1974

# Rodino's Reported Comment Stirs 'Prejudgment' Charge

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The House Judiciary Committee's impeachment inquiry was upstaged yesterday by a snowballing political fight over whether Chairman Peter W. Rodino Jr. (D-N.J.) had said all 21 committee Democrats were prepared to vote to impeach President Nixon and, if so, had improperly prejudged the case.

The Los Angeles Times printed a report yesterday in which visitors to the chairman's office Thursday so quoted Rodino.

Rodino went to the House floor yesterday afternoon and stated "unequivocally and categorically" that the news report was not true. He said that if he had pre-judged the case he would have stepped down as chairman.

Soon afterward, Sam Donaldson, an ABC television correspondent covering the committee inquiry, said he had been present when Rodino made the remarks and generally agreed with the Times account, though Donaldson referred to the remarks as an as-

essment, not a statement of fact.

"He did not state that he had specific knowledge that all the Democrats would vote for impeachment," said Donaldson. "But he did say it was his sense of the mood of the way members were reacting to the evidence that he believed all 21 Democrats would most likely reach that conclusion."

Reacting to the Los Angeles Times story, White House communications director Ken W. Clawson said: "For about three weeks now we have

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been pointing out various aspects of Mr. Rodino's partisanship and the hostile bias of the Democrats on the House Judiciary Committee.

"Now we have our worst fears confirmed out of Rodino's own mouth. I'm confident that the American people will now once and for all, realize that President Nixon is the subject of a witch-hunt."

Republican defenders of the President who have been seeking ammunition to criticize Democratic handling of the inquiry and had been pretty much limited to leaks of anti-Nixon material from the closed session tried to seize this issue as showing the Democratic majority has already made up its mind before hearing all the evidence.

The President's lawyer, James D. St. Clair, had just begun presenting his evidence when Rodino reportedly talked with three newsmen. Witnesses, including several St. Clair has requested, are to be heard during the next two weeks.

House Minority Leader John J. Rhodes (R-Ariz.) rushed to the House press gallery to denounce Rodino's statement. Told that Rodino had just denied it, Rhodes said he was "greatly relieved" and hoped that "all members will keep an open mind until all the evidence has been presented."

Rep. Barber Conable (R-N.Y.), chairman of the House Republican Policy Committee, accompanied Rhodes and said:

"If the foreman of a jury made such a statement it would be grounds for a mistrial."

Both Rhodes and Conable denied that Republican leaders were pressuring party members to stick with the President on impeachment. "This is a constitutional, not a political matter," said Conable.

The committee met all yesterday to hear St. Clair complete his two-day presentation of evidence seeking to disprove all allegations that the President should be impeached.

Issues on which he offered evidence yesterday included the milk matter, domestic surveillance, and Mr. Nixon's personal taxes.

Rep. Don Edwards (D-Calif.) said St. Clair presented a legal memorandum arguing that 17 wiretaps put on government officials and newsmen in 1969 after sensitive news leaks were "legal and justified" on national security grounds. Edwards said tapped conversations described by St. Clair contained "some things you wouldn't want your employees to be talking about but nothing world-shaking."

Other members said St. Clair presented affidavits dealing with Mr. Nixon's \$432,000 underpayment of taxes, apparently to show no fraud was committed by the President.

St. Clair also submitted a report by experts hired by the White House which said the 18½-minute gap in a taped presidential conversation was due to a malfunction. Other experts said it was caused by at least five manual erasures.

St. Clair also disputed allegations that a 1971 decision to raise milk price supports was connected with a pledge of \$2 million in campaign contributions.

In the afternoon, several Republicans took the House floor to use Rodino's alleged remarks reported in the Los Angeles Times as a basis for attacking the objectivity and fairness of the committee's inquiry.

"Maybe a scenario has been worked out in advance," suggested Rep. C. W. (Bill) Young (R-Fla.).

Rep. Delbert Latta (R-Ohio), a committee member, said he had heard that a time sched-



Dr. Lewis J. Fielding, psychiatrist for Daniel Ellsberg, leaves Ehrlichman hearing at U.S. District Court.

ule for taking up impeachment on the House floor has been worked out by Democratic leaders.

"I strenuously object to trying to compact our work into a preconceived time frame," said Latta. A few months ago Republicans were complaining that the committee was moving too slowly.

House Majority Leader Thomas P. O'Neill (D-Mass.) does have a timetable that calls for two weeks of House debate in August and a vote on impeachment by Aug. 23. This supposes the issue will get to the floor one way or another, either by committee recommendation or, if the committee should vote against, then by some member standing up and demanding a House vote on impeachment.

Rep. Lawrence J. Hogan (R-Md.), a committee member

who announced for governor Thursday, took exception with statements by some committee members that the inquiry has been fair. Hogan called it "biased and unfair," with the Democratic majority reluctant to permit St. Clair to participate and then refusing to permit him to call all the witnesses he wants.

Most committee members rallied around their chairman. Rep. Wiley Mayne (R-Iowa) said "most committee members discounted the report" in the Los Angeles Times. "I can't think Mr. Rodino would be so injudicious. If he did, it would be very unwise and self-destructive."

Told that ABC had generally confirmed the report, Rodino said: "I stick by my original statement" and said he had "absolutely no" intention of stepping down as chairman.