

Panel Faces the 'Crunch'

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'It's Getting Very, Very Tense,' Senior Republican Says

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It is ten weeks later now. The search for facts has ended. The capital waits fitfully for the approaching decision, anxiety mixed with murmured regrets.

Robert McClory of Illinois, a mild-spoken man with an increasingly morose expression, the putative leader of Republicans on the House Judiciary Committee, looks grimly toward the next few days.

"It's getting very, very tense," McClory warns. "You'll see a lot more tears before this is over with."

Edward Mezvinsky of Iowa, one of the young Democrats on the committee, counted as a certain vote for impeachment, worries aloud over how it will go.

"This is it, this is the crunch," Mezvinsky exclaims. "When we pull the package together. Are we equipped to do it? Can we pull it off? That's the question now. I'm very concerned about that."

Among the 38 men and women who must decide, the common affliction is jangled nerves, fatigue combined with growing tension and partisan dyspepsia. "If we had it to do over again," many of them are saying, with feelings that range from wistful to bitter.

It is not resolved. That is the basic frustration which haunts the Judiciary members who endured so many tedious hours of listening to the evidence, whose closed-door inquiry has now churned out nine major factual studies on Mr. Nixon's alleged offenses, totaling more than 7,000 pages.

"It's been extensive," the President's defense lawyer, James D. St. Clair, said in his usual careful manner. "If anything, it's probably been too extensive . . . a surfeit. Is that the right word, surfeit?"

There are abundant curbstone predictions that the Judiciary Committee will recommend impeachment this week and the House of Representatives after debate next month will vote to impeach, setting the stage for an autumn trial before the Senate. But even the most bullish Democrats conceded that their investigation did not produce a thunderous consensus that Mr. Nixon should be removed from office, the kind of compelling bipartisan agreement which would remove all doubt about the outcome.

"I kept waiting for the bombshell to appear," Rep. McClory said, "and it never appeared."

Senior Democrats, likewise, grumble privately that the long recital of private evidence—followed by the abrupt avalanche of public documents—lacked focus, that it gave away too much time and privilege to the President's defenders, that it allowed the White House to bombard the public with charges that a "lynch mob" was gathered behind the paneled doors. Chief Counsel John Doar, they feel, should have been an earlier advocate for the impeachment case.

Rep. Mezvinsky thinks that perhaps the committee members themselves are to blame for the enormous canvas which they tried to fill with facts.

"I think it raises questions about whether you ought to have a committee composed only of lawyers," said Mezvinsky, a lawyer himself. "I think

we've gotten caught up in certain areas with legalese, we spent all our time looking at the trees."

If impeachment fails, either in committee or on the House floor, recriminations will be directed at the Judiciary members, their chairman and chief counsel, for the way they went about it. In contrast to the last and only other episode of presidential impeachment, the 1867 investigation of Andrew Johnson, this one was deliberately intended to be model of fairness.

But the committee's approach to the evidence against the President was a little like saturation bombing in warfare, massive and mind-numbing in its intensity. One might assume that the important targets were hit, but that really won't be established until the smoke clears.

"I'm very concerned," Mezvinsky said, "that certain areas call for more investigating. I guess I would have put more of our resources on developing new material. I think we had a lot of good lawyers on the staff, but we needed to get more investigators."

Rep. Cohen, likewise, thought that "very little has been developed by this committee that wasn't already on the public record."

The dulled reactions of congressmen and outsiders, including the general public, seems to resemble "information

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overload" in a computer. People have the vague feeling that they have heard all this material before somewhere—and they are generally correct.

In the main, the House impeachment inquiry compiled and organized evidence already collected by other investigators—the Senate Watergate hearings last summer, the grand juries and the special prosecutor and even the White House, which upstaged the congressional committee by giving the public its edited transcripts of 46 Oval Office conversations before the inquiry hearings began.

To take just one example, the House investigators published in "Book III" 1,281 pages of documentation on the Watergate cover-up, hush money, perjury and so on. It included 75 statements of information, backed up by 262 citations of evidentiary material. Yet less than 10 percent of that evidence was originated by the House committee itself.

Of the 262 citations, 176 came from the Senate Watergate Committee. Another 50 or so came from the Watergate grand jury and the string of civil and criminal cases already on record. Another dozen or so were public documents, newspaper clippings and presidential statements.

So most of the material is old news. The new nuggets of information seemed to get lost in the blizzard. And even the most shocking revelations go stale with time and repetition—especially after two years of them.

The House committee's principal contribution was forcing to the surface some White House tapes and transcripts which added both flesh and ambiguity to the Watergate plot. The damaging inferences will be bolstered

by the President's refusal to turn over so much other material sought by the House investigators. He defied eight committee subpoenas, which still rankle the Judiciary members of both parties.

"As far as I'm concerned," said Rep. George E. Danielson, a California Democrat, "that in itself is a neatly wrapped up case for impeachment. If the staff doesn't propose it, I'm going to. I think we have to do this. If we don't, we're changing our form of government."

The other major regret among committee members was their own doing—holding their ten weeks of evidentiary review in private, where the public couldn't watch.

One reason was to preserve an atmosphere of fairness and decorum, but that strategy backfired.

Some Republicans, in particular, fear that the climate of hallway tidbits and leaked documents generated by the private sessions has produced a distorted impression of the committee's earnest labors—making it more difficult for Republicans to vote for impeachment.

"It's been terrible," said Rep. Tom Railsback, the Illinois Republican who is considered a possible vote for impeachment. "I'm ashamed of the committee. We should all be ashamed. What it means is we should have opened up things. It makes it a lot more difficult for somebody who believes there is serious evidence to vote for impeachment because you go back home and people are outraged by the leaks."

"It's caused a great deal of suspicion in the American public," said McClory, another wavering Republican. "Our efforts, which have been genuine and fair, have been misconstrued."

Danielson of California thinks too that the tedious daily sessions should have been held in public, but not televised. "I have nothing against television," he said, "but this would have been the dullest goddamn TV on earth."

All of these afterthoughts will become academic if, as they hope, the committee's Democrats hold themselves together in support of impeachment and a respectable number of Republicans—perhaps four or five—join them.

It is clear, however, that the majority of Republicans on the committee cannot see enough in those 7,000 pages to justify removing their own party's leader from office. They will contest the issue vigorously, led by Rep. Charles E. Wiggins of California, a forceful advocate who brushes aside every circumstantial argument and pleads for the most sympathetic interpretation of Mr. Nixon's own damaging remarks.

Even Wiggins concedes that a sincere juror could read the evidence either way, conditioned as they all are by party loyalties.

"I think it's possible," Wiggins explained, "for a person who is politically antagonistic to the President to view these events in a sinister sort of way whereas someone who is politically friendly can view the events in a benign sort of way."