

Or Won't They?

The most ominous aspect of the historic events that sent a congressional subpoena to the White House last week was the surprise genuinely felt by President Nixon and his lieutenants over Republican outrage within the House Judiciary Committee.

What makes it ominous is that Nixon lawyer James St. Clair's insulting letter was dispatched to the committee despite warnings from the most important Republicans on Capitol Hill—a clear signal which the White House failed to understand. All evidence indicates the White House was not trying to provoke a subpoena and certainly wanted no open break with its Republican allies. Thus, nearing the climax of his presidential crisis, Mr. Nixon is lethally miscalculating the mood of congressional Republicans.

The Nixon-St. Clair strategy, aimed at denying the Judiciary Committee key evidence it demands while retaining Republican support collapsed because of that miscalculation. Not only did all Republican committee members vote for the subpoena but serious new doubts were planted with congressional Republicans serving as the President's jurors.

In that sense, Mr. Nixon is paying dearly for keeping key White House tape recordings from Congress. House members suspect more than ever that he has much to hide. "I really haven't gotten into the details of Watergate," says one senior Republican congressman, never publicly critical of Mr. Nixon, "but the President is whittling away at the presumption of his innocence."

The White House desire to prevent such conclusions is obvious from activ-

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ities of newly arrived presidential counselor Dean Burch, Now Mr. Nixon's chief Watergate emissary to the Republicans. On April 9—the deadline



John Doar

set by the House Judiciary Committee for a White House reply to its demands for evidence. Burch worked hard that day to secure Mr. Nixon's Republican flank in advance of his refusal to supply all the evidence requested.

Early that afternoon, Burch telephoned Rep. John Rhodes of Arizona, House Minority leader, in Phoenix and read him a draft of St. Clair's letter. Rhodes had no time for a long discussion but thought he made this clear: the letter as written would cause trouble. So, Rhodes suggested, why not propose that St. Clair and John Doar, the committee's impeachment counsel, determine jointly the relevance of material requested by Doar?

But a few hours later when Burch went to Capitol Hill to meet Senate Republican leaders (at his request), he carried with him essentially the same draft letter he had read to Rhodes. Certainly, it did not incorporate Rhodes's conciliatory suggestion.

Not surprisingly, the Senate Republican leaders liked it not at all, and Burch hurried back downtown to the White House to report their complaints. A new draft was then read over the telephone to the Senate leaders. General verdict: better but not

good enough. So staunch a Nixonite as Sen. John Tower of Texas felt the White House had ignored "our input."

Nevertheless, that second draft was the one sent the committee anyway. For one reason, it was now early evening of the April 9 deadline. But more important, the White House was trapped in another massive failure of communications so endemic in President Nixon's relations with Congress.

Based on his conversation with Burch, Rhodes was actually believed at the White House to have fully approved the letter. Even more incomprehensible, Senate Republican leaders were reported in accord with the revised version. Thus, on the evening of April 9, the White House believed Republican Judiciary Committee members would oppose a subpoena and that the Democratic Majority consequently would not seek a vote. That meant the President had successfully withheld information from the committee without losing support.

Therefore, Mr. Nixon was no more prepared for the angry, spontaneous outburst from Republican members than he had been for the reaction to the Oct. 20 Saturday night massacre. The Republicans were offended not only by St. Clair's stalling but by his offensive, condescending language. With their outburst, the warning message at last got through to the White House. Despite St. Clair's eleventh hour attempt at compromise the next morning it was obvious that Republicans would support a subpoena.

Typically, there is little self-criticism at the White House. Presidential lieutenants are furious at "leaderless" Republicans in Congress, castigating them for meekly following "the bell cows"—Counsel Doar and Rep. Peter Rodino of New Jersey, the Democratic Committee Chairman. At the Nixon White House, Congress is always wrong.

Nobody believes the President will obey the subpoena in full. Some Democrats on the Judiciary Committee are demanding a contempt of Congress resolution. The more thoughtful bipartisan majority, however, is wisely intent on avoiding such a detour and concentrating on the impeachment proceedings, even without all the evidence but—thanks to White House miscalculations—with less Republican support in Congress for President Nixon than ever before.