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Senate GOP Retains Impeachment Lawyer

By Michall Putzel
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Senate Republicans have quietly retained a lawyer to help them prepare for an impeachment trial in case the House votes to impeach President Nixon, congressional sources disclosed yesterday.

The lawyer is Stephen R. Goldstein of Bala Cynwyd, Pa., a professor at the University of Pennsylvania School of Law, and a specialist in judicial procedure and administrative law.

Senate sources said Goldstein was retained by the Republican Policy Committee, which includes all 42 GOP senators, to research members' questions regarding an impeachment trial.

If a House majority voted for a bill of impeachment against Mr. Nixon, the case would be sent to the Senate for trial.

The hiring of Goldstein has been kept secret, the sources said, because the Republican leadership does not want it to appear as though a House vote in favor of impeachment is a foregone conclusion.

"It's a legal fiction that the Senate is not aware of what the House is doing," a GOP staff member said. "If the House doesn't vote to impeach, the Senate takes no notice. But what if it does? We have to be ready."

Goldstein confirmed in a telephone interview that he is doing research on some "procedural problems that might be involved" in impeachment, but he refused to say what they were, citing his attorney-client relationship with the Senate Republicans.

"I have been asked to do a scholarly, professional analysis of some possible procedural issues," Goldstein said. "It's a limited type of assignment, but I really can't tell you more than that."

A source familiar with Goldstein's assignment said one of the critical technical questions before the Senate may be whether the trial could begin this year and continue into the next session of Congress, which begins in January, 1975.

Senators who retire or are defeated in the November general elections will leave office at the end of the current session, and new members will be sworn in at the beginning of the next session.

Senate Majority Leader Mike Mansfield has said if a Senate trial should continue past the November elections newly elected members would be considered "alternate judges" and would sit as observers until they are sworn in on Jan. 5.

The Montana Democrat said the doctrine that the Senate is a continuing body should resolve any question about the legitimacy of a verdict reached with the participation of members who were not present at the start of the trial.

But the GOP source said that analysis "is open to debate" and suggested it might be necessary to start the trial over at the beginning of a new session or even return the issue to the House for a new bill of impeachment.