

# Stacked Deck

By William Safire

ESSAY

WASHINGTON, Jan. 16 — By its choice of counsel, the House Judiciary Committee has made it plain that it intends to look busy for a few months and then recommend the impeachment of the President.

The minority counsel, Albert Jenner, was represented to be a Republican conservative. But after he had been chosen, word leaked out that Mr. Jenner had been a fund-raiser for Democratic Senator Adlai Stevenson 3d of Illinois, certainly a material fact of his political background that he had concealed from the Republicans who chose him.

Mr. Jenner tried to brush the Stevenson connection off as token activity because he was an old friend of the Stevenson family; now it develops this sturdy Republican was one of the five sponsors of a breakfast to plan a fund-raising dinner on Oct. 26, 1973, at which Senator Stevenson announced his candidacy for re-election. The dinner, with Mr. Jenner proudly on the dais, raised \$165,000; his personal contribution was \$1,000. Every family should have such a friend.

This wrongheaded effort to conceal and then minimize his active support of a liberal Democratic Senator—who has publicly predicted Mr. Nixon would not “survive three more months in office”—indicates how much Mr. Jenner wanted the job as minority counsel.

Then along came his astounding appearance on a Chicago television show. If nothing else, counsel to the House committee deliberating whether to recommend impeachment of the President should maintain a judicious silence.

But there was publicity-hungry Mr. Jenner, popping off at the first opportunity with his opinion that the President should be “responsible for the actions of aides,” breezily commenting on matters that the House of Representatives will be called upon to decide in the most solemn proceeding of the democratic process.

What gets into some lawyers when they get into political cases? They ignore lifetimes of deference to legal procedure and safeguards in order to emblazon their presence on the public consciousness. Few have the good sense to shut up and do their job.

Turning to Democrats, the selection of John Doar to be majority counsel also clearly telegraphs the Judiciary Committee's forthcoming punch.

Rarely, in the praise for Mr. Doar's record as a lawyer and as Assistant Attorney General for civil rights enforcement, has anyone mentioned a central fact about the man chosen to

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head the staff that will get the impeachment ball rolling.

In his most recent public job, Mr. Doar proved to be an unqualified flop.

As president of the New York City Board of Education in 1969, Mr. Doar permitted his fiercely held views and lifelong dedication to the cause of civil rights (which he held, to his credit, before and after they were fashionably liberal) to get in the way of providing good public education to all of the children of New York.

Granted, it was a hot seat, but Mr. Doar's leadership fell far short of the challenge. He could not bear to fire extremist teachers who made anti-Semitic remarks in class; the Anti-Defamation League scorched Mr. Doar for his one-sided passivity “when forceful action is the only appropriate response.”

Mr. Doar, whose ideology made him inflexible, presided over a calamitous teachers' strike; reporters then on the scene say his rigidity lengthened and embittered it. Hardly a man to look to for evenhandedness.

Can such a man, who allowed his all-out commitment to the civil rights of one minority to seriously and adversely affect his judgment in his last public assignment, not be an implacable enemy of Richard Nixon—who obviously does not share the totality of Mr. Doar's commitment?

Both in terms of his motivation and past performance, John Doar is the perfect choice to head the million-dollar legion of lawyers hired by the Judiciary Committee—if the ultimate advice desired is a firm recommendation to impeach.

Conscience or politics may cause members of the committee to set aside the stacked-deck staff recommendations in the end, but spare us the hypocrisy of protestations of staff objectivity.

With ideologue Doar and limelight-seeking Jenner in command, no fair hearing or dispassionate study is in the cards—a profound mistake for a committee that should guard its ethics with infinite care.

Welcome to Washington, gentlemen.