'Gag' Deal Irks Judiciary Panel

By Jack Anderson and Les Whitten

The House Judiciary Committee's attempt to conduct its preliminary hearings on impeaching President Nixon with bipartisan agreement and gentility has been effectively shattered by a clash involving chief counsel John Doar.

Without consulting committee members, Doar agreed with Nixon campaign lawyers to put a "gag rule" on the committee, prohibiting them under penalty of contempt of court from any public discussion of the secret Nixon campaign contributors and other matters.

Doar's move so enraged Rep. Jack Brooks (D-Tex.), that he wrote a letter to the federal judge in the case disassociating himself from Doar's action. Then Brooks sent copies of the letter to all the members of the committee.

"Mr. Doar was not authorized to enter into such an order by me nor, to my knowledge, by the Judiciary Committee, and, therefore, I am notifying you that I am not bound by the provisions contained therein," Brooks wrote.

"I expressly do not waive any congressional immunity for actions on my part as a member of Congress, and deny that I am in any way subjecting myself to the jurisdiction of the United States District Court for the District of Columbia as a result of said consent order."

Brooks, who ranks third in seniority among the committee's Democrats, is considered by many of the other members to be among the panel's most astute and capable members.

Doar, who helped run the Justice Department's Civil Rights Division under Robert Kennedy, has little experience on Capitol Hill.

The agreement he signed would keep committee members from talking about depositions by presidential crony Bebe Rebozo, about the milk producers' campaign fund scandal or about Rose Mary Wood's list of secret campaign contributors.

The wording of the agreement was so broad that congressmen and staffers could have been considered in contempt if they discussed some matters that have already appeared in newspapers.

The material involved was subpoenaed by Common Cause last summer, and although part of the material has become public, much of it has been held under court seal. Nixon campaign lawyers are determined to keep these depositions from the public gaze.

Footnote: When our associate Bob Owens queried the committee about Doar's original pledge, a spokesman for committee chairman Peter W. Rodino Jr. (D-N.J.) said it was a routine legal move. But he said that due to the criticism, Doar now planned to withdraw the agreement in favor of committee subpoenas. Yet some committee members have complained that the subpoena legislation Doar drew up for the committee is faulty.

PETROLEUM PALS Oil-industry critics have long suspected that cozy relationships among major oil companies have helped keep bids on federal energy rights artificially low. Now there is evidence of this in a deposition taken for a California legislative committee from Otto Miller, board chairman of Standard Oil of California.

Miller was explaining how Standard, Atlantic Richfield and Humble got together to negotiate a joint bid on some California offshore drilling sites.

The three companies met privately and each suggested what it thought to be a good bid. Since they could not agree on a common figure, each company went into the bidding session for itself, supposedly so the federal government would get a good price for the drilling sites.

Miller was asked whether the companies were free to "bid any price they want."

"No, they are not," Miller said to the surprise of his questioners. "They can't go higher...

Let's say there are two bids, one 60 and one 30. The person who wants to bid the 30, he can bid less than 30, but he can't go out and bid 70."

"Why not?" he was asked.

"Because you had an agreement that we are going to try to reach a joint venture," Miller replied. "You have agreed with the man, 'I will not meet your bid.' "

"Is that a written agreement?" Miller was asked.

"It's an understanding," he said.

These "understandings" among the oil men help lower the price the government gets for its precious energy sites while lowering the costs to the oilmen.

Standard Oil of California is already in a feud over whether it is illegally draining oil from sites next to the rich Navy-owned Elk Hills reserve. Although the Navy has spent $2 million to prove that Standard is draining the oil, the Justice Department has dragged its feet on fighting Standard for years.

In 1970, for instance, a classified memorandum in the Justice Department's files said, "Standard's market position in California oil, and Standard's ownership of the only pipeline serving the reserve, would make it difficult to establish a fair market price for the Elk Hills oil and could have a serious adverse effect on competition."

In other words, as early as 1970, Justice recognized that Standard had a dominant market position that made any inroads on the Elk Hills reserve doubly dangerous. Rep. John Moss (D-Calif.) has estimated that by tapping in on the Elk Hills reserves from neighboring wells, Standard is reaping $150,000 a day. Standard denies the charges.