

Marquis Childs

Nixon and Rodino: A Head-on Collision?

The irresistible force at this reading is certain to meet the immovable object.

John Doar, counsel for the House Judiciary Committee, asked the White House for the privilege of examining White House files to determine the wide variety of documents and tapes essential for the impeachment inquiry. Responding to Doar the President's counsel, James D. St. Clair, said this was impossible.

Attached to Doar's letter was an annex making 69 specific requests. A number of these requests are generally phrased covering conversations between "one presidential assistant and another presidential assistant" at an approximate date. In his letter Doar had said:

"If we could work out a way whereby members of the inquiry staff may examine these files for the purpose of selecting materials which, in our opinion, are necessary for the investigation, I believe that the inquiry would be expedited."

Stating the President's judgment that this "would completely destroy the presidency as an equal coordinate branch of government," St. Clair went on to say:

"Since there is really no effective index of all the presidential documents and materials, this request, as it appears to me, means that you contemplate access by staff members to hundreds of thousands of documents and thousands of hours of recorded conversations covering the widest variety of subjects. To produce

and review this material would obviously take many months."

Those anxious to avoid a head-on collision are proposing a compromise. Why not, they say, name an intermediary who could review the documents and the tapes to pass on what is relevant to the inquiry?

Chairman Peter W. Rodino Jr., of the Judiciary Committee, rules this out. It would dilute the authority of the House of Representatives which under the Constitution has the sole right to conduct an impeachment proceeding.

The concept of an intermediary harks back to the President's initial proposal to make Sen. John Stennis of Mississippi a go-between. Stennis is reported to have objected to certain conditions laid down by the White House.

This is the scenario. The White House denies the committee the right to examine the files and get material considered relevant. Whereupon the committee issues a subpoena requiring the President to provide the documents and tapes specified in the annex to Doar's letter and any others considered essential. St. Clair, speaking for his client, the President, rejects the subpoena. Here is the crunch. In Rodino's view that could bring a vote in the House finding the President in contempt. This would in itself be an impeachable offense.

A head-on collision could certainly expedite the impeachment process. It would pass over the lengthy examination of the documents and tapes now being fed out by the White House little by little like crumbs to a flock of pigeons.

With rejection of the subpoena as the base of the impeachment charge there would be no reason why other matters, such as the President's income tax, which can surely be documented, should not be brought in to supplement the fundamental charge.

Certain of the President's friends on Capitol Hill have worked to avoid a collision. Sen. Hugh Scott, the minority leader, has for one maximized his loyalty.

He took a drubbing for insisting on the wrong attribution by John W. Dean III on the crucial tape with the language "it would be wrong" as related to hush money and clemency. The date, as Scott said, was March 21 rather than March 13 and that has now been established.

It was Scott who said that if it was his responsibility he would back a truck up to the White House, load in everything and take it down to the committee. Scott was also the victim of the claim to having known of tapes that if only they were made public would exonerate the President. They were not made public.

Pressed at one point about the duration of the impeachment inquiry, Rodino gave a terminal date of April 30, now only six weeks off. The chairman is frank to say that that was an arbitrary date and the chance of meeting it seems remote today.

If those 69 specific requests should be complied with, not to mention the large amount of additional material, the inquiry would hardly end until well into the summer.