

Impeach Wrangle Over Nixon Counsel Continues

Washington

The chairman of the House Judiciary Committee warned yesterday that the White House bid for an adversary role in the impeachment inquiry could turn the House proceeding into a full-scale trial and thus usurp the Senate's constitutional role as the sole judge of President Nixon's conduct in office.

Chairman Peter W. Rodino Jr., (Dem-N.J.) made the point to newsmen after the second day of public wrangling in the committee over a request by James D. St. Clair, the President's special Watergate counsel, for the right to cross-examine witnesses and introduce evidence.

The issue appeared to have split the committee along party lines, with Democrats uniformly against and Republicans solidly in favor of the White House request.

If the committee rejects the request, "The American people will certainly wonder

why the President's counsel was not given the opportunity to cross-examine witnesses," shouted Representative Delbert L. Latta (Rep.-Ohio).

Representative Ray Thornton, (Dem-Ark.) countered the charge of unfairness by saying that the Judiciary Committee had been bipartisan and fair when it held hearings last year on the confirmation of Vice President Gerald Ford.

"The now-vice president of the United States did not bring his lawyers to the committee but his life, as an open book," Thornton said. "The President should send this committee the records and the facts — and not his lawyers."

The controversy moved later onto the House floor when Representative John Conyers Jr. (Dem-Mich.), read aloud a letter implor-

ing House Speaker Carl Albert (Dem-Okla.), to defend the committee and the House against White House intrusions.

Rodino told newsmen that the Constitution gives the House the sole power to impeach — that is, to prefer charges — and the Senate the sole power to try the President. He said that the Constitution did not contemplate "that a trial of the facts would take place" in the House. But Rodino said the bid by St. Clair for an adversary role in the committee inquiry is equivalent to a request for a trial.

As the issue emerged in the committee meeting, both Republicans and Democrats asserted that the purpose of the panel's inquiry is solely to develop all pertinent facts about charges of misconduct by Mr. Nixon. But there the agreement ended.

Each side found precedent for a contrasting view. Democrats noted that in most of the nation's 12 impeachment cases, including that of President Andrew Johnson, a century ago, the official under investigation did not have counsel present during preliminary House proceedings. Republicans countered that in five impeachment cases since 1876 defense lawyers had been permitted to play the sort of rope sought by St. Clair.

Both John M. Doar, the Judiciary Committee's special counsel, and Albert E. Jenner Jr., the committee's Republican counsel opposed approval of St. Clair's request and said the inquiry should not be an adversary proceeding. But Representative Charles E. Wiggins (Rep.-Calif.) elicited Jenner's agreement that cross-examination was "often an essential vehicle for determining truth."

Representative Edward Mezvinsky (Dem-Iowa) complained of St. Clair's private meetings with Republican members of Congress and stated:

"I wonder whether Mr. St. Clair is practicing law or playing politics?"

The issue of St. Clair's role will not be resolved for a week or more, until the committee takes formal action on rules governing the taking of testimony for the inquiry.

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