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The Impeachment Adversaries

It is a reasonable bet that the differences between the House Judiciary Committee and the White House will finally be composed in a fairly amiable manner. This is the result desired by the chairman of the Judiciary Committee, Rep. Peter Rodino; by the special counsel, John Doar; and by President Nixon's lawyer, James D. St. Clair.

Where there is a will, there is usually a way. Thus lawyer St. Clair is likely to be given some share in questioning the witnesses making depositions for counsel Doar — as is only fair and proper. Counsel Doar is likely to narrow the far too numerous list of charges against the President. And lawyer St. Clair is likely to persuade his extremely reluctant client to give the Judiciary Committee access to all White House material that is genuinely relevant to committee's great task.

None of these results are sure, please note. But they are a reasonable bet for causes that have great significance in and of themselves. To see this significance, you only have to turn over the medal and glance at the other side.

In other words, assume for a moment that Chairman Rodino and counsel Doar were approaching their task in the spirit of a hanging judge and a headline-hungry prosecuting attorney. In that case, they would be mainly thinking of how to secure a sure bill of impeachment in the House of Representatives.

In consequence, they would not be sincerely working to compose their differences with the White House—and their complete sincerity in this respect is frankly admitted by lawyer St. Clair. They would instead be seeking to in-

flame the differences, and thereby to convict the White House of obstructing the Judiciary Committee.

That is the easy, quick, simple way to insure a House majority in favor of a bill of impeachment. The easy, quick, simple way is not being taken. Ergo, Chairman Rodino's approach is by no means that of a hanging judge, and John Doar's approach is far from that of a headline-hunting prosecutor.

This leads, finally, to the humble suggestion that in Washington at the moment, great numbers of people are counting all sorts of chickens before they are hatched. Consider, for instance, the House Democratic leader, Rep. T. P. O'Neill of Massachusetts. "Tip" O'Neill is the known source of the prediction by Sen. Mike Mansfield of Montana that a bill of impeachment will in fact be voted by the House.

Such a vote is desired by "Tip" O'Neill, who is both violently partisan and always eager to please his professor-constituents in Cambridge. But unless the key members of the House Judiciary Committee are unanimous liars, Rep. O'Neill has not even bothered to inquire into, or to analyze the work done by the committee to date.

Quite aside from the Republicans, there are at least four Democrats on the committee who are potential swing voters, including Chairman Rodino himself. In addition, no one has troubled to read what may be called the John Doar-tea leaves in a rational manner. No doubt this because counsel Doar has totally secluded his staff and himself from the press, including old friends in the press like this reporter.

This highly creditable decision is

only one reflection of the simple fact that John Doar is an almost excessively honorable, decent, judicial-minded and nonpartisan man. He is therefore not at all the kind of man who would ever think lightly or cheaply or politically about such a matter as the President's impeachment.

However unpopular it may be—and it may conceivably be bitterly unpopular in some quarters—John Doar will be scrupulously fair in dealing with the facts. He will also insist firmly upon that all but forgotten rule of our law, concerning a man's presumed innocence unless his guilt is solidly proven.

Counsel Doar, to be sure, will not have the responsibility of recommending a particular course of action to the House Judiciary Committee. He will merely offer the committee a factual presentment, with supporting documentation. Yet the tone, the balance, the viewpoint of this future presentment by Doar will inevitably have the strongest influence on all committee members whose minds are not already closed.

So you come down to the problem of the facts themselves. If the facts are not fatally damaging to the President, the Judiciary Committee may quite possibly report the impeachment matter to the House "without prejudice"—making another factual presentment and offering no recommendation. If a mere minority of the committee reports for impeachment, the House will certainly vote against the bill. So there you have the hoped-for sleeper of James D. St. Clair.