

Joseph Alsop

Impeachment 'a Lot Less Likely'

The most revealing comment on the President's release of the transcribed White House tapes was made by the chairman of the House Ways and Means Committee, Rep. Wilbur Mills of Arkansas. Chairman Mills, an almost barometric judge of the ways of the House of Representatives, was heard to say:

"The tapes certainly don't make Nixon look good—which was probably why he made the mistake of waiting so long to release them. But you still have to face the fact that with the transcripts released, a House majority for a bill to impeach the President is a lot less likely today than it was a week ago!"

As usual, the wily chairman's opinion parallels the opinion of other judges of the behavior of that strange body, the House of Representatives, whose opinions are also worth having. So do the caveats that Chairman Mills attached to his opinion. There are, in effect, three of these caveats.

First, the President will be impeached, all the same, if he is shown to have been personally guilty of fraud in preparation of his exceptionally faulty income tax returns. But to this Chairman Mills added, "that will mean showing the President of the United States spent a lot more time personally checking up on his income tax people than most other men do in high positions. And it won't be an easy or a likely thing to show."

Second, the President will be impeached if solid evidence of criminal participation in the Watergate cover-up is revealed by longer, more laborious analysis of the White House tapes than anyone can have managed to date. But third, if impeachment comes at all, it is much more likely to come from a conjunction between the tapes and other data, again resulting in solid evidence of presidential criminality.

All this is extremely significant for two reasons. On the one hand, it means that responsible politicians of both parties are already discounting the deeply repellent human atmosphere that the White House tapes reveal. As another Democratic House leader remarked: "You may be convinced a President is a (four-letter word); you may have tapes showing that he's a (four-letter word); but by God, you can't impeach him for being a (four-letter word)!"

On the other hand, all this also means that the House will want clear proof of the President's participation in actual crimes, in order to vote a bill of impeachment. The analogy is interesting with the jury foreman-heroine of the Mitchell-Stans trial. Sybil Kucharski made it quite plain that she thought poorly of the former Attorney General and Secretary of Commerce. But she found them not guilty, nonetheless, because she also thought poorly of the evidence against them, and held to the rule of innocence in the absence of plain proof of guilt.

The problem was put another way, but again with much potential meaning, by one of the known Republican waverers on the House Judiciary Committee, the able Rep. Thomas Railsback of Illinois. "I'm going to spend a lot more time reading those tape-transcripts before I make up my mind," he said. "But the more I think about it, the more sure I am that you

can't reverse the verdict of the nation that put the President in the White House unless you have real proof of crime."

You can see, then, why the released tapes are being so frantically leafed through, to find the smallest hint of proof of crime. Those who are doing the leafing have a major interest in the President's impeachment. But thus far, the results have not made a strong dent on the people who matter, who are the members of the House and its Judiciary Committee.

This it not to say, however, that the

President is as yet within sight of the rather dingy survival vote which is now the best he can hope for. He still has to deal with the House Judiciary Committee's request for a huge mass of additional White House material, for instance.

All the same, the President has not been cited for contempt by the committee. The President's lawyer, James D. St. Clair, has also been given an entirely proper role in the committee's inquiries. So the final outcome is clearly uncertain, except that the result will probably be enormously

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influenced—up to at least 50 per cent! —by the final judgment of just one man.

That man is the House Judiciary Committee's highly honorable special counsel, John Doar. Special Counsel Doar, being no partisan, is likely to follow the rule laid down by Rep. Railsback. But if the special counsel finds convincing proof of crime, the committee, and probably the House itself, will surely be heavily swayed. Few individuals have carried such a burden of responsibility.