

# Limiting the Impeachment Inquiry

Three weeks ago just before the White House transcripts were publicly released, President Nixon and his inner circle decided at the very last moment to eliminate from the Sept. 15, 1972, conversations his threats against The Washington Post—a calculated decision at the heart of his defense against impeachment.

For once, Mr. Nixon was acting neither out of impulse nor miscalculation. Rather, drastic censorship of the Sept. 15 transcript was part of an overall attempt to limit impeachment proceedings to the narrow question of criminal complicity in the Watergate cover-up. What's more, this strategy may be inadvertently aided by the House Judiciary Committee decision to first take evidence on the cover-up.

In response, the committee's membership is splitting after one week of hearing evidence. Most Democrats and some Republicans reject the White House concept, contending a broad picture of the President's activity is essential to weigh impeachment. But hard-core Republicans are echoing the White House line, arguing that their inquiry should begin and end with the Watergate cover-up.

Actually, the White House has always been most concerned for non-Watergate reasons about the Sept. 15 meeting between Mr. Nixon and John W. Dean III, then his counsel. Although the President's praise that day for Dean's handling of Watergate does not clearly incriminate him, Mr. Nixon

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has been extremely worried about his tough-guy reprisal talk on Sept. 15.

Most of those threats were retained in the Sept. 15 transcript as originally prepared for public release. But a last-minute decision before the transcripts went to the nation April 30 eliminated several juicy portions. Excised were Mr. Nixon's threat that The Washington Post would have "damnable, damnable problems" renewing its television station licenses and that "we are going to fix" The Post's lawyer, Edward Bennett Williams.

For all its blundering through Watergate, the Nixon inner circle had to know these threats would soon be revealed. The Watergate grand jury's sealed briefcase sent to Congress contained the Sept. 15 tape. As edited by Judge John Sirica, the tape included Mr. Nixon's threats.

Hence, deletion of the President's remarks was intended to fortify the strategy of narrowly limiting the impeachment inquiry to Watergate cover-up.

Superficially, the strategy backfired. When the deleted remarks leaked, the impression of White House duplicity was reinforced. Indeed, the air of cynicism and vengeful politics was even

more fragrant in hearing the tape than reading the transcript. Disclosure of presidential threats prompted impeachment investigators to search for White House follow-up challenging television station licenses.

Nevertheless, the strategy is having its desired effect with many committee Republicans. By cutting out the threat against The Post, Mr. Nixon clearly made his point that it is irrelevant. "To me, that has absolutely nothing to do with the impeachment," one Republican told us. Said another: "you hear a lot worse about The Washington Post in the (Republican cloakroom) any day."

Some committee members also feel White House strategy has been unintentionally advanced by committee counsel John Doar's plan for presenting evidence. Instead of beginning with peripheral issues such as the ITT affair or the milk fund and working toward the Watergate climax, he started with presidential involvement in the cover-up. If no criminal liability by Mr. Nixon can be proved here, these congressmen believe, Doar will seem picaresque when he turns to ITT or the milk fund.

On balance then, Mr. Nixon's stau-

chest Republican defenders on the committee were cheered by the opening week of listening to tapes. They are grateful that the expletives deleted by the White House were no more profane than what is said on late-night TV talk shows. They are even more pleased that the tapes heard so far (not, of course, including the March 21 hush-money tape) do not clearly implicate Mr. Nixon criminally.

The committee majority, including a few Republicans, thinks otherwise. It believes Congress must seriously ponder a President threatening government force against private corporations and citizens.

It also is more insistent than ever that Congress get not just transcripts but tapes, not only to hear the chilling laughter of H. R. Haldeman, but also to discover deleted material. Only then can Congress learn of such matters as Mr. Nixon's discussion with Dean about using the Internal Revenue Service against Democratic leader Lawrence F. O'Brien, deleted from the Sept. 15 transcript by both Sirica and the White House.

But the White House never has hoped for more than a substantial minority on the liberal-loaded Judiciary Committee. Even if inadequate to block impeachment on the House floor, a sizeable minority would make Senate conviction less likely. Thus, in campaigning to narrow impeachment to strict Watergate criminality, the White House made progress last week.