

White House Raps Impeachment Inquiry By Blaming Kissinger 'Leaks' on Panel

By a WALL STREET JOURNAL Staff Reporter

WASHINGTON — The White House is trying to gain an advantage in President Nixon's impeachment struggle out of the controversy suddenly enveloping Henry Kissinger.

At a joint news conference yesterday, Vice President Gerald Ford and presidential counselor Dean Burch blamed "leaks" from the House Judiciary Committee for driving the popular Secretary of State to threaten to resign at his Tuesday press conference in Salzburg, Austria.

Then, using the Kissinger affair as a departure point, Mr. Ford and Mr. Burch attacked the fairness of the committee's impeachment proceedings. Mr. Burch, using harsher language, charged that members of the committee or its staff were resorting to "the old McCarthy tactics" of making unsubstantiated charges that were impossible to defend against.

Similarly, Vice President Ford asserted that Mr. Kissinger has been attacked by "faceless accusers." This ought to cause the public to "rise up and demand" that the House committee open its impeachment hearings, he added.

The Ford and Burch statements were a new effort to put the judiciary committee on the defensive in its impeachment proceedings against Mr. Nixon. If the White House can convince the public that the committee has mistreated Mr. Kissinger, it may be able to make a case that the panel is dealing unfairly with President Nixon.

At issue in the Kissinger case are allegations that the Secretary of State misled the Senate Foreign Relations Committee, during his confirmation hearings, about his role in wiretaps placed on several government officials and newsmen during 1969-1971. Mr. Kissinger has denied a direct role in authorizing such wiretaps, but internal government documents published in some newspapers have raised questions about whether he did, in fact, authorize them.

These questions, which have increasingly plagued the Secretary, prompted his statement Tuesday that he would resign unless his "public honor" is restored, presumably by a vote of confidence from the Senate committee that heard his official denial of the charges.

Relating the Kissinger affair to the House committee's handling of President Nixon's case, Mr. Burch charged that unnamed persons on the committee were leaking information prejudicial to the Secretary of State "out the back door" while refusing

to allow the President's lawyer, James St. Clair, to present a defense brief on Mr. Nixon's behalf in the impeachment proceedings. Mr. Burch asserted that Chairman Peter Rodino (D., N.J.) "has pretty well lost control of the committee" and demanded that the panel "clean its own house."

In the same vein, though in a softer tone, Vice President Ford said the "reprehensible" leaks about Secretary Kissinger show the merit in the White House's long-standing demand that the committee open its hearings so the public would have full knowledge of its proceedings and the evidence it is receiving. Mr. Ford also charged that those leaking information damaging Mr. Kissinger are in the "pro-impeachment camp."

Mr. Ford said it would be a "catastrophe" if Secretary Kissinger resigned. Mr. Burch predicted public "revulsion" if Mr. Kissinger was "driven from office by nameless people," and that the public would blame the press for printing leaked charges against the Secretary as well as the Judiciary Committee for leaking the material.

The new White House offensive put the Judiciary Committee on the defensive. Chairman Rodino expressed regret for leaks while adding that he couldn't control actions of panel members. But he also declared, "We're not going to be diverted by these attacks by individuals who seek to discredit this committee."

Rep. Robert McClory of Illinois, a senior
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committee Republican, didn't join the White House offensive against the panel and defended Rep. Rodino's handling of the impeachment inquiry. "The chairman hasn't lost control of the committee," he told reporters.

However, the White House demand for more open committee proceedings may soon be fulfilled. Rep. McClory said he hoped the committee would make its sessions public after the staff finishes its initial presentation of evidence late next week. Rep. Jack Brooks (D., Texas) said he hoped the committee "very shortly" would make public all the material it has heard so far in secret sessions; Mr. Rodino agreed.

Yesterday, as the committee continued its impeachment inquiry, its staff told the members that while President Nixon had broken the law by impounding funds appropriated by Congress, he shouldn't "necessarily" be impeached for it. Some Nixon critics argue that impoundment is an impeachable offense because it usurps the power of the purse, which the Constitution gives solely to Congress.

But the staff argued that "a practical construction" of the Constitution contemplates that each of the three branches may, from time to time, temporarily "abrade" the powers and prerogatives of another branch. "Not every abrasion—if history is to serve as a guide, not even so serious an intrusion as the presidential seizure of the steel mills in 1952—need lead to impeachment of a President," the staff said in a long memo.

The staff also noted that where the courts have directed Mr. Nixon to release impounded funds, he has done so.

The committee will consider the impoundment matter today along with allegations that Mr. Nixon used the Internal Revenue Service to help his friends and harm his enemies and that he usurped Congress' war-making power by directing secret bombing of Cambodia.