

The Impeachment Squeeze

A squeeze on the House Judiciary Committee, helping to reverse the impeachment tide and give the momentum to President Nixon, was applied last week by independent actions of the Justice Department and a federal judge.

On Wednesday morning, a highly exercised Deputy Atty. Gen. Lawrence Silberman placed an angry telephone call to John Doar, majority counsel for the impeachment proceedings. Silberman bluntly informed Doar that the Justice Department and the FBI were red hot about leaks from the committee. They simply could not tolerate FBI reports appearing on the front page of every morning's Washington Post.

About the same time, Minority Counsel Albert Jenner had a low-keyed conversation with Federal Judge Gerhard Gesell. Asked by Jenner for private comment on the committee possibly going into open session, Gesell said no. If committee proceedings went public, the judge warned, he would not be able to empanel a jury in the Ellsberg burglary trial of John D. Ehrlichman and others.

Rep. Peter Rodino of New Jersey, the committee chairman, quickly responded to Silberman's warning by pleading with fellow Democratic committee members at a caucus that afternoon to summon a little self-restraint in maintaining confidential information. But with jury selection for the

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Ellsberg burglary trial to begin June 26, Gesell's admonition could keep the proceedings closed until well into July.

Thus, a squeeze has been applied to the committee, dropping morale of the Democratic majority to its lowest ebb since Doar took over last Dec. 20 to bring order out of chaos. While not sufficiently disciplined to prevent leaks, the committee cannot go into the open sessions that would avoid the need for discipline.

Coupled with resurgent Nixonian regularity among the committee's Republicans, the initiative has moved from the impeachment investigators to the President's defense. The 38-member Judiciary Committee is belatedly following the course predicted months ago by senior White House aides: polarization along party lines and disintegration among the 21 Democrats.

Signifying incipient disintegration is the first substantial criticism among committee Democrats of the Rodino-Doar leadership. The complaint is twofold: first, in retrospect, the committee should have been in open session, closing the doors only for specific confi-

dential points; second, Doar should have conducted the inquiry much more rapidly, even at the sacrifice of thoroughness.

Thus, there is substantial unease among committee Democrats over indefinite continuation of closed-door sessions with the July 15 target date for a committee vote on impeachment slipping into August.

Senior Democrats on the committee are urging Rodino to hold to July 15. House Majority Leader Thomas P. O'Neill of Massachusetts is privately exasperated with the delay. Whereas Doar was a hero to house Democrats a month ago, many now grumble that overpreparation of cases was his weakness as the Justice Department's civil rights chief in the early 1960s.

But most disruptive have been the committee's leaks. Democrats privately suspect two anti-Nixon fire-eaters, Reps. Robert Drinan of Massachusetts and Jerome Waldie of California, of disastrous wholesale leaks.

The worst blow to the committee's self-respect came from Rep. Joshua

Ellberg, no fire-eater but a Philadelphia Democratic machine politician best known for caution. It was Ellberg who made the committee Secretary of State Henry Kissinger's persecutor by racing from a closed session with a garbled version of the wiretap affair. "It was mindless, absolutely mindless," a Democratic member rages. "Ellberg never says anything, but this time he saw a top secret document and began talking before digesting it."

That aberration partially justifies the prediction by hardliners at the White House that Judiciary Committee Democrats ultimately would help Mr. Nixon through their excesses. The President's men now want to keep them on the defensive. They may accuse Judiciary Committee Democrats of obstructing justice by defaming and destroying the public images of Water-gate defendants, precisely the felony to which Charles Colson pleaded guilty in regard to Daniel Ellsberg.

Divided and demoralized about tactics and procedures, the committee's Democrats now look elsewhere for a revival of impeachment momentum. With good reason, they believe a Supreme Court decision ordering Mr. Nixon to obey the special prosecutor's subpoenas could force the President back on the defense by mid-July. For now, however, he has his congressional inquisitors at bay.