

# Judiciary Panel Stressing A Need to Be Bipartisan

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Members of the House Judiciary Committee said today that they believed the wounds from last night's bruising, partisan battle over the calling of impeachment witnesses need not be permanent.

The committee members and other members of the House feel that a bipartisan committee recommendation is essential to a resolution of the impeachment issue on the House floor. But, after months of apparent harmony, partisan raptures have developed in the last few days.

Republicans insisted that the committee chairman, Representative Peter W. Rodino Jr. of New Jersey, and other members of the Democratic majority would have to make some concessions on the witness list for the inquiry into the possible impeachment of President Nixon if the bruises were not to reappear.

Meantime, there was another cloud in view that threatened to blow into a partisan squall early next week. Most Republicans would like to open the questioning of witnesses to the public and the television cameras, while most Democrats wanted to keep the hearings closed.

Last night, after seven hours of the most serious wrangling between Democrats and Republicans since the impeachment inquiry began last October, the panel voted along party lines to call five key figures as witnesses over the next two weeks.

Over the objection of Republicans, the Democrats also decided that five men other than the scheduled witnesses would be interviewed first by the inquiry staff and summoned as witnesses only if they could add significant testimony.

The five men who are definitely to be called are Alexander P. Butterfield, a former White House official, who is now head of the Federal Aviation Administration; Herbert W. Kalmach, who was Mr. Nixon's personal lawyer; Henry E. Petersen, Assistant Attorney General in charge of the Justice Department's Criminal Division; John W. Dean 3d, the former White House legal counsel, and Frederick C. Larue, a former official of the Nixon re-election campaign.

Those who will be interviewed first and possibly called as witnesses later are Charles W. Colson, former special counsel to the President; John N. Mitchell, former Attorney General and campaign director; H. R. Haldeman, who was Mr. Nixon's chief of staff; William O. Bittman, the one-time lawyer for E. Howard Hunt Jr., and Paul L. O'Brien, a lawyer for the re-election committee.

The Republicans were unanimous in wanting to call all 10 men definitely. But, on the critical amendment that would have assured that, only two Democrats — Representative Wayne Owens of Utah and Representative Walter Flowers of Alabama—joined the 17 Republicans, and the amendment was rejected on a 19-to-19 tie vote.

Republicans were furious. Representative Trent Lott of Mississippi declared that "any hope of nonpartisanship is gone." And Representative Tom Railsback of Illinois called it "a very bad day in our inquiry."

## Assist Seen for Nixon

But this morning the Republicans seemed less bitter. Representative Charles E. Wiggins of California, the undisputed leader of the bloc of Republicans that strongly supports the President, declared, "The House of Representatives is a body in which emotions often run high and then cool off the next day. That's what's happened here."

Mr. Lott conceded this morning that he had been

"infuriated by the way the way the thing deteriorated yesterday." But he said that he would have to "see what happens from here on in" before deciding if the party split was permanent.

The Republicans indicated that they could be mollified if at least three of the men on the list to be interviewed — Mr. Colson, Mr. Mitchell and Mr. Haldeman — would eventually be summoned as witnesses.

But the impeachment inquiry staff, after at least two interviews with Mr. Colson, is said to have doubts about the value and veracity of testimony from Mr. Colson.

Furthermore, Mr. Mitchell refused yesterday to be interrogated by staff lawyers.

If the panel continues to become embroiled in partisan disputes, it could help President Nixon in his fight against impeachment.

Democrats and Republicans alike in Congress have little doubt that the Judiciary Committee will vote to recommend articles of impeachment. The 21-to-17 Democratic majority on the committee virtually assures that.

But members of Congress likewise agree that certain key Republicans must vote for the impeachment recommendation if a majority is to be gained on the House floor. Otherwise, it is believed, the impeachment recommendation will appear to be motivated by partisan politics rather than concrete evidence of Presidential wrongdoing.

Also among Southern Democrats are expected to support Mr. Nixon on the House floor, and if there is to be a majority for impeachment it must include some Republican votes.

None of the Republican votes is probably as important as that of Mr. Railsback, a young but relatively senior member with a reputation for thoughtfulness and moderate political views.

"Tom is a natural-born leader," a Southern Democrat, who is not on the committee but who has served in Congress with Mr. Railsback for some years, remarked today.

And a senior Republican leader said, "if Railsback decides not to vote for impeachment, it would be very decisive."

The leader's point was that if Mr. Railsback did not find the evidence sufficient for impeachment a significant number of other Republicans would follow his lead.

Today, Mr. Railsback was not as critical of the Democrats as he was last night. Whether the wounds will be reopened, he said, "depends on what finally happens, and I think they're still going to call the witnesses."

## Rodino Stirs Questions

Some Democratic members were baffled by Mr. Rodino's insistence, in the face of unanimous Republican opposition, on interviewing the five men before calling them as witnesses. These Democrats understood the chairman's desire to bring the impeachment question to a vote without delay, but they were concerned that the chairman was not willing to give in to preserve bipartisan comity.

"We should have leaned over backwards to avoid this kind of split," Mr. Owens, one of the two Democrats who voted with the Republicans, said this afternoon.

"A Democrat who supported Mr. Rodino yesterday and who asked not to be identified acknowledged today, "Peter did get his back up a bit, and frankly I don't understand just why."

He added that perhaps Mr. Rodino "had some kind of intelligence from the staff that I don't know about."

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