

White House Strategy: Divide and Conquer

The essentially to President Nixon's defense of the present partisan split within the House Judiciary Committee can be measured by the hard fact that presidential defense lawyer James St. Clair did not really make his case last week.

St. Clair, engaging and quick-witted, is a superb trial lawyer. But his two-day presentation of evidence was generally unconvincing. "I'd call it just so-so," one fence-sitting Republican member told us. He and others who really have not made up their minds on impeachment, agreed that St. Clair failed to refute adequately accusations that President Nixon authorized hush-money payments to E. Howard Hunt.

But while St. Clair's substantive presentation fell flat, he and the President's staunchest allies on the committee did succeed last week in polarizing the committee along partisan lines as never before. The polarization will continue for the time being. Just as the Democratic majority last week restricted St. Clair's witness list, it is expected in another party-line vote today to reject opening examination of witnesses to public view.

Impeachment, then, may boil down to this: will the genuine anger of Republicans against Chairman Peter Rodino and his Democratic majority obscure their serious consideration of Mr. Nixon's guilt or innocence?

Just a small fraction of the 38 committee members are affected. Six or possibly seven of the committee's 17 Republicans are genuinely undecided, with the possibility that they might

end up voting for impeachment. Whether they do or not might well determine the outcome on the House floor.

Consequently, White House strategy for months has been to foment a partisan split within the committee. Mr. Nixon's aides were bitterly disappointed that Republicans backed Rodino's subpoenas for presidential tapes, and since then have pushed hard to mobilize those Republicans behind St. Clair's procedural demands.

The President's unwitting allies in this polarization have been House Democrats, including Majority Leader Thomas P. O'Neill, who have pressed the committee to vote impeachment by mid-July as scheduled. When it seemed two weeks ago that the committee might slip a month on that schedule, many Democrats—including some on the committee—urged less deliberation and more speed. Under such pressure, Rodino has been abrupt in rejecting St. Clair's time-consuming requests.

But beyond haste, there is Democratic exasperation with St. Clair's double standard. Some senior Democratic congressmen not on the committee have privately asked Rodino whether, in the interests of bipartisanship, he might not be more conciliatory toward St. Clair's requests. Rodino replied he could not be forthcoming when the President cavalierly defied subpoenas but demanded strict rules of evidence followed in making his defense.

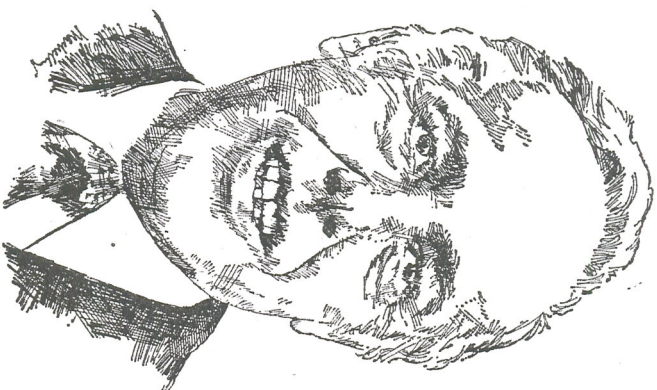
Thus, St. Clair's game plan: stone-

walling tactics help produce the partisan split which in turn leads Republicans to overlook the stonewalling. One moderate Republican committee member who six weeks ago was willing to impeach Mr. Nixon for defiance of congressional subpoenas told us his rage has been diverted away from the President and toward Rodino.

Indeed, partisan squabbling has diverted the entire committee's attention away from the stonewalling. St. Clair's attempted refutation of the hush-money accusation in a case in point. Immediately before the famed hush-money conversation with John W. Dean III on March 21, 1973, Mr. Nixon spent 57 minutes alone with H. R. Haldeman. Did money payments come up in that conversation? The committee does not know, because the President has refused to turn over the tape recording—a fact overlooked by Republican committee members in their anger against Rodino.

In this climate, Democrats grumble privately that Republican members are getting their marching orders from House Minority Leader John Rhodes and the White House. When such charges drift back to the Republicans, partisan ferocity is fanned.

So, the committee's Republicans were not disturbed when presidential counselor Dean Burch referred to the impeachment inquiry as a "partisan Lynch mob." A month ago, most committee Republicans would have denounced Burch. None did last week. One Republican, never a Nixon apologist, referred to Burch's invective as



Lawyer James St. Clair

"excessive but certainly understandable."

St. Clair's problem will be to maintain that polarization within the committee through the weeks ahead as the congressmen approach their rendezvous with history. Difficult though that task will be, it will be doubly necessary when committee counsel John Doar begins to sum up the case against the President.