

The Importance of Rep. Railsback

A shadow was cast on President Nixon's rising hopes for survival at a recent closed-door session of the House Judiciary Committee by Rep. Thomas Railsback, a 42-year-old downstate Illinois Republican who has become pivotal in the historic impeachment drama.

Railsback requested the impeachment inquiry staff to determine whether Mr. Nixon's April 17, 1973, order to aides to convey secret grand jury information to his personal lawyer, Herbert Kalmbach, was actually carried out. Exactly what the committee staff reported back is unknown but can be guessed at by the fact that Railsback, in private conversation with committee colleagues, has expressed shock over possible defilement of grand jury sanctity.

This means that Railsback has implicitly rejected the White House defense strategy of narrowly focusing the inquiry on whether it can be proved, beyond a reasonable doubt, that Mr. Nixon authorized hush-money payments. On the contrary, the fact that Railsback is independently probing the overlooked but potentially lethal grand jury issue indicates a strong possibility he may vote for impeachment.

This is dreadful news for Mr. Nixon because of Railsback's unique position. Although moderate ideologically, he is closely aligned socially with the party's conservative mainstream as a member of the elite Chowder and Marching Society and as a daily communicant in the House gymnasium (no place for liberals). He is a close friend and admirer of Rep. Robert Michel, the congressman from Peoria whose loyalty to Mr. Nixon knows no deviation.

With this background and by shielding his intentions, Railsback has become the committee's single most influential member. If he votes against impeachment, the White House hopes for 16 out of 17 Republicans—a near party-line vote that could carry over to the House floor. If Railsback votes for impeachment, however, he probably would be accompanied by another four committee Republicans and would influence many other Republicans on the House floor.

When the impeachment inquiry was beginning last year, Railsback collaborated with Rep. Charles Wiggins of California—now Mr. Nixon's most effective defender—in decrying Democratic partisanship. He has since been sharply critical of Chairman Peter Ro-



dino for limits placed on witnesses called by Nixon defense lawyer James St. Clair.

But he has never bought the prevailing Republican thesis that only a criminal offense is sufficient to impeach a President. Rather, Railsback feels several noncriminal actions, in both misusing government power and in Watergate obstruction of justice, constitute grounds for impeachment.

Not looking for the "murder weapon" which his Republican colleagues think is necessary, Railsback found something more subtle when he read a June 8 column in *The Washington Post* by Walter Pincus, executive editor of the *New Republic*. Three paragraphs in that column, suggesting Mr. Nixon violated the grand jury process, led Railsback to the edited White House transcripts.

In a telephone conversation April 16, 1973, the President asked assistant Atty. Gen. Henry Petersen what was happening inside the Watergate grand jury, promising not to pass on the information "because I know the rules of the grand jury." On the next morning, April 17, the President relayed to H.R. Haldeman what Petersen had told him and suggested Haldeman share it with John D. Ehrlichman.

On April 17, the President again requested and received grand jury information from Petersen, relating it later that day to Haldeman, Ehrlichman,

press secretary Ron Ziegler and Secretary of State William Rogers.

But Railsback was bothered most by what the President did with Petersen's report to him April 16 that Kalmbach would be called before the grand jury because of incriminating testimony by John W. Dean III. That same day Mr. Nixon told Haldeman to question Kalmbach about Dean's testimony, adding: "Be sure Kalmbach is at least aware of this." Railsback requested the committee staff to check out that order.

This is not the clear criminal offense demanded by St. Clair. But to lawyer Railsback it is seriously improper conduct deserving scrutiny. Indeed, Wiggins, hoping to bring Railsback into the anti-impeachment fold, is worried by his intense concern with grand jury meddling.

Railsback has been chary of offending his district's hard-core Republicans, needed to fight off an unusually strong Democratic challenger in November. But he returned from the Fourth of July weekend back home declaring himself confident his constituency will support him no matter what he does about impeachment. That confidence, his rejection of St. Clair's standards of impeachment and his concern with the Nixon-grand jury affair ought to seriously undercut recent optimism at the White House.

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