

Panel's Republicans Ask Pro-Nixon Brief

By Lou Cannon

Washington Post Staff Writer

Republicans on the House Judiciary Committee rebelled yesterday against their chief counsel, Albert E. Jenner Jr., and instructed his deputy to prepare arguments opposing President Nixon's impeachment.

A resolution circulated by Rep. Robert McClory of Illinois, the committee's second-ranking Republican, directed the deputy minority counsel, Sam Garrison, to utilize the minority staff for the purpose of developing arguments on issues raised in the impeachment inquiry. It was signed by 16 of the committee's 17 members.



ALBERT E. JENNER JR.
... target of GOP revolt

Garrison, a former aide to ex-Vice President Spiro T. Agnew, is regarded as far more partisan than Jenner. As partisan lines have hardened on the committee, Republican members increasingly have turned to Garrison for staff support.

While the resolution tech-

nically instructed Garrison to prepare both pro and con arguments for impeachment, it is the belief of the committee's ranking Republicans that he actually will be preparing the anti-impeachment case.

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"It has become clear that the presentation that Chief Counsel [John] Doar will make later this week will be a prosecutorial presentation giving only one side," said one Republican member. "This resolution will enable the other side to be heard."

Rep. Harold V. Froehlich of Wisconsin, a freshman Republican who is considered one of the undecided members of the committee, said he signed the resolution at "the constant urging" of McClory even though he believed the Republicans could have accomplished their purpose simply by instructing Garrison to prepare the arguments.

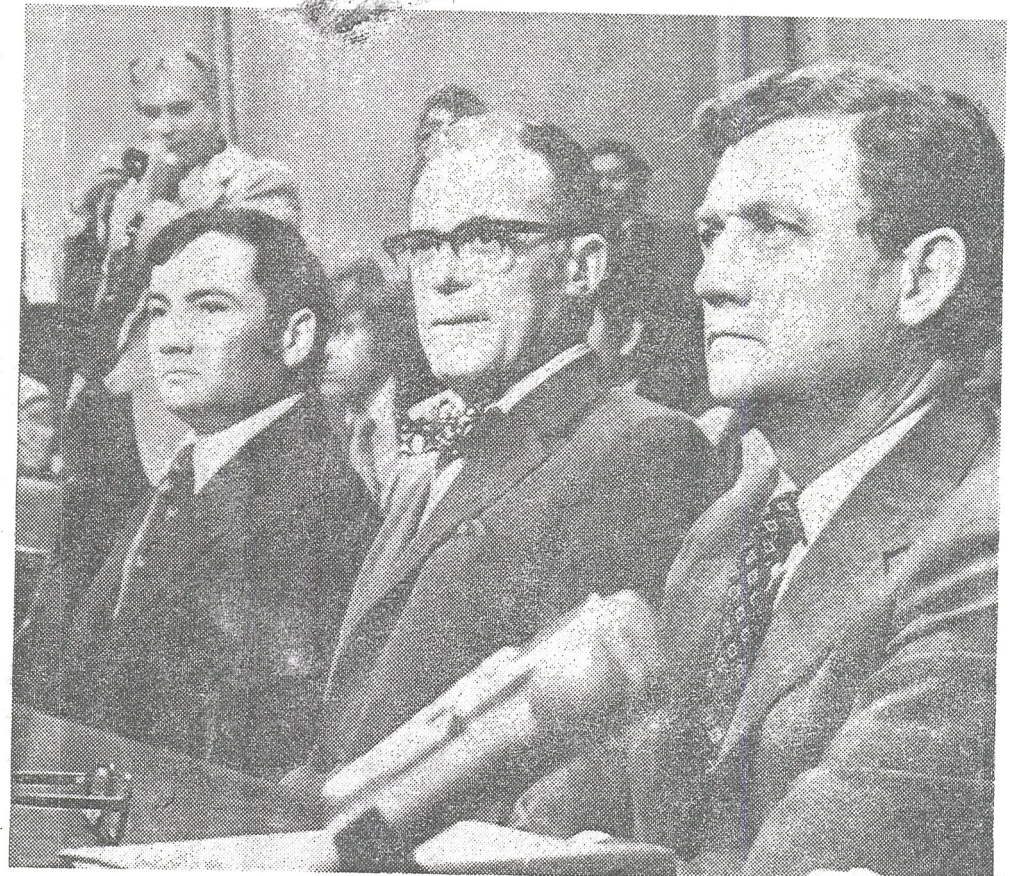
The resolution, in effect, made Garrison the primary Republican counsel and left Jenner in the subordinate role of assisting Doar to prepare the "theories of impeachment" that will be presented to the committee later this week.

While the final procedures that the committee will adopt have yet to be hammered out in closed session, senior committee members, from both sides now envision that the role of White House lawyer James D. St. Clair will end today or Thursday after he sums up the President's case.

St. Clair then is expected to be asked to leave the committee while Doar presents a "theory of impeachment" and some prospective impeachment articles to the committee in closed-door session.

Some Republicans may ask that St. Clair be allowed to remain during this phase of the inquiry, but it is considered unlikely that this suggestion will be accepted by the committee.

"We wanted to be certain that the case against impeachment would continue to be made after St. Clair left," said one Republican member. "This procedure assures us that there will be



United Press International

Impeachment inquiry attorneys Sam Garrison, left, Albert Jenner and John Doar.

a pro and con argument on each proposed article of impeachment."

Jenner has been in disfavor with many Republican committee members ever since he was appointed last January.

The 67-year-old Chicago attorney saw himself as a professional counterpart to Doar rather than as a partisan advocate of the anti-impeachment case. He startled some Republicans on the committee soon after his appointment by declaring that a President could be impeached for non-criminal offenses and also by saying that "within some areas the President should be responsible for the actions of aides, even if he didn't

know, for example, that an aide was doing something that would be regarded as an impeachable offense if the President himself did it."

When it was subsequently disclosed that Jenner had been co-host of a breakfast for Democratic Sen. Adlai E. Stevenson III of Illinois, Republicans were quick to express their annoyance. One of those who was most annoyed was McClory, who circulated the resolution yesterday.

While the resolution reflected the committee's increasing partisanship, it does not necessarily mean that Republicans are nearly unanimous in opposing impeachment.

Some of the most open-minded Republicans on the committee signed the resolution in the expressed belief that it would insure that a case is presented both for and against impeachment. Rep. William S. Cohen of Maine, considered by some members to be the most likely Republican who might vote for impeachment, said that it was "only fair" that strong adversary arguments be presented on both sides of the case.

The only Republican who did not sign the resolution, according to GOP members, was Rep. Delbert L. Latta of Ohio, considered to be a strong supporter of Mr. Nixon. He was unavailable for comment.