

NYTimes JUL 22 1974
**Jenner Ousted as Counsel
 To G.O.P. on Rodino Panel**

**Impeachment Supporter
 Replaced by Garrison,
 Who Was Assistant**

By R. W. APPLE Jr.

Special to The New York Times

WASHINGTON, July 21

Albert E. Jenner Jr., who has advocated the impeachment of President Nixon, has been replaced as counsel to the Republican minority on the House Judiciary Committee.

Mr. Jenner, a 67-year-old lawyer from Chicago, will continue with the committee and may retain his title. But the functions of minority counsel will be carried out by Sam Garrison, the assistant minority counsel, who served on the Capitol Hill staff of former Vice President Spiro T. Agnew.

"Jenner may still be our counsel in name, but not in fact," said Representative Edward Hutchinson, Republican of Michigan, the ranking minority member of the committee. "We're not looking to him for advice on anything any more."

Mr. Hutchinson added, in a brief telephone interview, that the change had been decided



The New York Times
 Albert E. Jenner Jr.

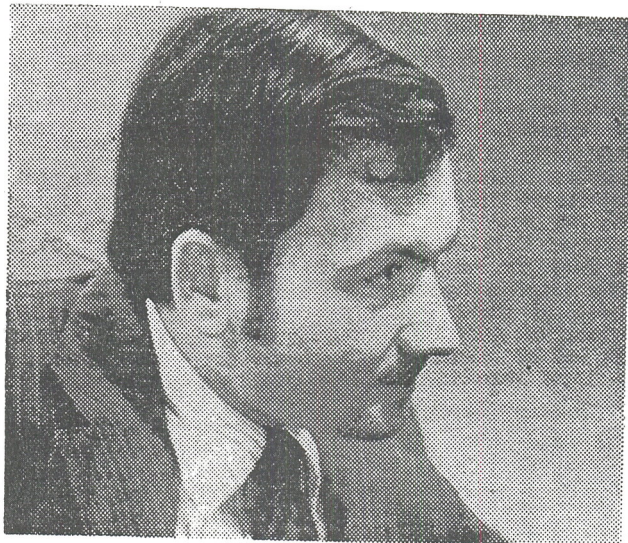
upon informally at a Republican caucus late last week, and that Representative Robert McClory, Republican of Illinois, had advised Mr. Jenner of the decision.

Appearing on the American Broadcasting Companies program "Issues and Answers," Mr. McClory made it clear that Mr. Jenner had been ousted because he was not functioning in what the Republican members considered a sufficiently partisan manner.

"He has taken a strong position pro impeachment," Mr. McClory said, "entirely in line with the Democratic leadership, and it seems to me that he has to serve that position. Consequently, in order that the Republicans can be served, we need the action of, the partisan service of Mr. Garrison."

Mr. Jenner has been under attack from some of the Republicans on the committee

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United Press International

Sam Garrison, assistant minority counsel of the House Judiciary Committee, at special session on Saturday.

**G.O.P. Ousts Jenner as Counsel;
 Aide Promoted on Rodino Panel**

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since he was selected as minority counsel. At first, he was criticized for having raised funds for Senator Adlai E. Stevenson 3d, Democrat of Illinois, later, he came under fire for refusing to function as a defender of President Nixon in the committee's deliberations.

Two months ago, a petition seeking his ouster was circulated among the Republicans, but nothing came of it.

Hutchinson Shifts Stand

Mr. Hutchinson said at the time "it would be foolhardy to dismiss such able and distinguished counsel on the eve of presentation of evidentiary material to the committee." He did not explain today why he had changed his mind.

Mr. Jenner worked closely with the committee's special (majority) counsel, John M. Doar, in drawing up proposed articles of impeachment and a 306-page summary of evidence designed to provide a foundation for the articles.

When Mr. Doar presented the material to the committee on Friday, commenting that "reasonable men acting reasonably would find the President guilty," Mr. Jenner said he agreed with every word Mr. Doar had spoken. That reportedly infuriated some Republicans.

Mr. Garrison will present a rebuttal tomorrow. He is expected to argue that there are no impeachment grounds.

Then the committee will begin to debate the resolution.

Efforts to reach Mr. Jenner for clarification of his future role were unsuccessful, but a source close to the Democratic leadership on the committee, which is headed by Representative Peter W. Rodino Jr., Democrat of New Jersey, said he would continue to work with Mr. Doar as before.

'Not Representing' Minority

In his television appearance, Mr. McClory took some pains to emphasize that Mr. Jenner was being eased out not because he refused to defend the President but "because he is not representing the Republican committee members."

The Illinois Republican said that not all the Republicans were "the President's men." Asked to estimate how many might support impeachment, he replied, "I think three or four would not be a big estimate." He himself is considered an outside possibility as a pro-impeachment Republican.

Representative Charles E. Wiggins of California, another Republican appearing on the television program, also spoke critically of Mr. Jenner.

"Bert Jenner has seemed to have forgotten who his client is in this case," he said. "It's the minority."

He has set himself up as almost another member of Congress in reaching the ultimate judgment which we have to reach, whereas he ought to be serving his clients and doing research, background work and the like, that he seemingly does not have the time to do."

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