

Nixon's Lawyers to Define Impeaching

Washington

The White House and the House Judiciary Committee moved yesterday toward two potential collisions over the panel's inquiry into the possible impeachment of President Nixon.

White House press secretary Ronald L. Ziegler declared that the President's Watergate Lawyers and the Department of Justice would both issue "another point of view" challenging the conclusion of the committee staff that the scope of impeachment covered a broad array of offenses not limited to indictable crimes.

The Judiciary Committee's special counsel, John M. Doar, posing a second possible conflict, told the panel at a meeting yesterday that it should take the White House no more than "a day or two" to comply with a committee request for some 700 pages of documents and 17 tape recordings. Ziegler declined to say whether the White House would voluntarily turn over the material.

Ziegler said administration views on the proper grounds for impeachment would be made public early next week. Doar told the House committee that his request for White House evidence, based on a list of material already assembled by the special Watergate prosecutor, Leon Jaworski, would be delivered "promptly."

Thus it appeared likely that both sides in the impeachment inquiry would know in a few days whether they would confront or cooperate with one another.

Doar, and other members of the committee's bipartisan impeachment inquiry staff, issued a 49-page advisory report Thursday, categorically rejecting the argument that a president may

be impeached only for violations of criminal laws. The study did not define precisely the scope of impeachment, but made clear that it included a broad assortment of actions that might represent "grave misconduct."

At a White House briefing yesterday Ziegler declined to characterize the administration view on the basic issue of what constitutes impeachable misconduct. Ziegler did say, however, that the President's advisers would have "another point of view on this question."

James D. St. Clair, the President's special Watergate counsel, has described impeachment as an "adversary" proceeding much like that between lawyers representing conflicting interests. He is expected by Republicans on the Judiciary Committee to challenge the committee staff's assertion that "impeachable conduct need not be criminal."

Late yesterday the Justice Department issued two "working papers" on the historical background of impeachment, but withheld publication of a legal memorandum drawing conclusions from the two appendices.

The two background studies were accompanied by a disclaimer in which Robert G. Dixon Jr., an assistant attorney general, stated that the documents "should not be regarded as an official position of the Department of Justice."

Nonetheless, the documents may have suggested the outlines of the administration's viewpoint.

The House Judiciary Committee staff said that the impeachment standard in the Constitution — "high crimes and misdemeanors" — was a legal "term of art" drawn from British impeachment

proceedings. The committee lawyers said the phrase would include "constitutional wrongs that subvert the structure of government, or undermine the integrity of office and even the Constitution itself."

The Justice Department's 57-page report, "The Concept of Impeachment Offense," took account of interpretations of constitutional scholars similar to the committee staff's judgment.

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