

Impeachment Standard

Constitution's Admonition to President On Upholding Law Seen as Key Factor

NYTimes

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Special to The New York Times

WASHINGTON, June 3 — Charles W. Colson's plea of guilty today in the White House "plumbers" case underscored the importance of Section 3 of Article 2 of the United States Constitution in determining the likely outcome of the House impeachment inquiry.

News
Analysis

Tucked into that long section of the nation's guiding principles is a 10-word phrase erecting the standard against which the House Judiciary Committee will measure President Nixon's conduct in office. "He shall take care that the laws be faithfully executed."

Mr. Colson, a former special counsel to the President, became the 14th important White House or political aide to plead guilty to or be convicted of violating criminal laws. The forthcoming trials of 10 more defendants — for their roles in the alleged effort of the White House special investigations unit, the "plumbers," to violate the civil rights of Dr. Daniel Ellsberg or for their parts in the alleged Watergate cover-up conspiracy — could lengthen the list of lawbreakers in the Nixon White House and re-election campaign to encompass such key figures as a former Attorney General and Presidential chief of Staff.

The significance of such courtroom statistics is that, as the Judiciary Committee moves this week from Watergate to other aspects of the impeachment inquiry, there is a growing belief in Congress that Mr. Nixon's continuance in office will depend as much on the over-all tone of his Administration as it may hinge on any specific acts or omissions of the President himself.

Following eight days of closed hearings on Mr. Nixon's possible involvement in the Watergate cover-up attempt, members of the Judiciary Committee expressed a prevailing — but tentative view last week that the evidence, standing alone, was inconclusive.

The White House has sought, with evident reason, to suggest that the nub of the entire impeachment inquiry was the Watergate burglary and its aftermath. Mr. Nixon, refusing on May 22 to honor Judiciary Committee subpoenas for tape recordings and documents, declared that the committee already had "the full story of Watergate."

Many on Panel Undecided

With the exception of a few Democrats who said the evidence incriminated the President, most committee members said that the tapes they had heard and documents they had seen to date were insufficient to decide conclusively if Mr. Nixon was involved in specific Watergate acts for which he might be impeached.

Moreover, the committee warned the President, in a stern letter rebuking him for refusing to honor subpoenas, that its members might ultimately draw "adverse inferences" that Mr. Nixon was withholding evidence that would incriminate

him when combined with material in the panel's possession.

That Mr. Nixon has not yet surmounted the risk of impeachment over the Watergate matter was best illustrated by the attitude of Representative Charles E. Wiggins, a Republican who represents the conservative California Congressional District where the President's own political career began in 1946.

Mr. Wiggins said evidence presented during the initial phase of the hearings had presented "a fairly ambiguous picture." But he added, significantly, that the committee "should sit down soon and discuss several viable theories" against which the evidence could be tested. Without personally adopting any of them, Mr. Wiggins suggested the following three such "theories":

¶First, that the President may have joined last year in the alleged effort to obstruct the Watergate investigation.

¶Second, that in failing to report promptly his knowledge of crimes to the proper authorities Mr. Nixon may have become involved in the technical crime of misprision of a felony.

¶Third, and perhaps most

pertinent, that Mr. Nixon may have failed to carry out a positive duty imposed on him by the Constitution in what Mr. Wiggins referred to as "the 'take care' clause."

What Mr. Wiggins appeared to suggest, as others have, was that a central element in the Judiciary Committee's ultimate decision whether to recommend Mr. Nixon's impeachment would be the broad sweep of the charges against the President.

Tomorrow, the committee staff will begin presenting evidence bearing on allegations that Mr. Nixon made official decisions beneficial to the International Telephone and Telegraph Corporation and to dairy farm cooperatives based in part on pledges of large sums of 1972 campaign funds from officials of those groups.

Subsequently, the judiciary committee will explore the role, if any, played by Mr. Nixon in other possible impeachment issues.

Among them are the activities of the "plumbers," especially the 1971 burglary of the office of a psychiatrist who had treated Dr. Ellsberg; the offer of the post of director of the Federal Bureau of Investigation to United States District Judge William Matthew Byrne while the judge was presiding over the Ellsberg trial, and the wiretapping of 17 White House officials and newsmen in 1969.

Also the approval, and abandonment, of the so-called "Huston plan" that provided for such illegal tactics as burglaries and electronic eavesdropping to spy on suspected domestic radicals; the alleged effort to use the Internal Revenue Service and other agencies to retaliate against political opponents of the President; the underpayment by Mr. Nixon of Federal income taxes while he was in the White House; the erasure of an 18½-minute segment of a key Watergate tape, and the President's dismissal last October of the first special Watergate prosecutor, Archibald Cox.

Should the evidence warrant, the Judiciary Committee could draft separate articles of impeachment or it could combine some or all of the allegations in a general article of impeachment that would charge that the scope of wrongdoing was such as to demonstrate that the President did not "take care that the laws be faithfully executed."

Part of Broad Inquiry

Accordingly, the Judiciary Committee has not so much shifted its focus from the Watergate case to other matters as it has turned its attention to additional elements of a broad inquiry into Mr. Nixon's conduct.

When the committee completed the closed Watergate hearings last week, John M. Doar, the special counsel on impeachment, and Albert E. Jenner Jr., the chief Republican counsel, appeared unperturbed by the statements of many committee members that what they had digested thus far was inconclusive.

We have asked the committee members to consider a great deal of material in a very, very short period of time," Mr. Doar said, adding that "having worked with this material for four and a half months steadily, and having worked with the staff to present this material to the committee, that I think the maers are of extreme seriousness."

Mr. Jenner agreed.

Last week Mr. Doar acknowledged that his staff had started drafting proposed articles of impeachment, although he emphasized that "nothing suggestive" should be drawn from what Mr. Doar said was only a "responsibility" to prepare to advise the committee.

If the committee adheres to its tentative, and perhaps overly optimistic, schedule the panel will begin deciding in a little more than a month whether to recommend to the full House of Representatives that Mr. Nixon be impeached.

At that point, it may become clear whether Section 3 of Article 2—the "take care" clause—will be the 10 most important words in the Constitution.