

# Nixon's Fate May Hinge On Nine Key Republicans

## Doar's Moves in Final Stages of Inquiry and Votes of Eight Members on Panel Could Sway House on Impeachment

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WASHINGTON, June 22— President Nixon's fate in the House regarding impeachment may be decided by nine Republicans—eight members of the House Judiciary Committee and the committee's special counsel.

At 5:45 P.M. yesterday, 733 days after the Watergate burglary, the House Judiciary Committee completed six weeks of closed hearings on impeachment evidence assembled by the inquiry staff.

In the next four weeks, the 38 members of the committee will decide whether the evidence warrants a recommendation that the President stand trial in the Senate for alleged constitutional crimes.

Members of the House and officials of the impeachment inquiry whose views have been sought in the last few days believe that a majority of the Judiciary Committee will vote in favor of impeaching Mr. Nixon.

### Mostly Democrats

But the majority will be composed mostly of Democrats. And the outcome on the House floor, where 397 other members will decide whether to accept the findings of their 38 colleagues on the committee, may be determined by the extent to which the impeachment recommendation has Republican support.

No one seems certain how much bipartisan breadth would be persuasive. There are 17 Republicans on the committee. How many of their votes are needed? One of them, Representative Tom Railsback of Illinois, said that two or three Republican votes might be sufficient.

Five, according to a respected Democratic official, would be "substantial."

Representative John B. Anderson, chairman of the House Republican Conference, estimated that "more than two or three" would be the deciding factor.

Accordingly, in the view of those who have closely watched the conduct of the inquiry for clues to its likely outcome, Mr. Nixon's impeachment or exoneration could hinge on the following:

¶ A series of crucial procedural decisions that the committee will make next week. The issues, over which the committee is split along partisan lines, include the form and scope of a rebuttal presentation to be made by White House lawyers, and the number and identity of witnesses who will be summoned to testify at impeachment hearings.

¶ The votes on proposed articles of impeachment that will be cast by eight committee Republicans who are widely regarded more or less as uncommitted. They are Robert McClory and Mr. Railsback of Illinois, Henry P. Smith 3d and Hamilton Fish Jr. of Upstate

New York, Wiley Mayne of Iowa, Lawrence J. Hogan of Maryland, M. Caldwell Butler of Virginia and William S. Cohen of Maine.

¶ The role that John M. Doar, the committee's special counsel on impeachment, will play in the final stages of the inquiry. He, too, is a Republican.

### 'Most Important Person'

"John Doar is the most important person in the whole proceeding," an associate said in an interview this week.

In the 18 days of hearings that ended yesterday, Mr. Doar and his staff presented to the committee 36 volumes of evidence, consisting of 650 findings of fact and 7,200 pages of supporting documentation, and played a total of 12 hours of the President's tape-recorded White House conversations.

If the evidence was massive in scope, it apparently was not conclusive in content—or, at least, in form. It was said to contain substantial indications that the President had violated criminal laws and disregarded constitutional obligations, but no indisputable proof that he had.

"I'd prefer to be the defense counsel," said Representative Charles E. Wiggins of California, who has emerged, to the delight of most of his Republican colleagues, as the leading defender of Mr. Nixon inside the committee.

"Looking to what is generally regarded as the most important question—Watergate and the cover-up—I don't think there's enough there to impeach the President of the United States," Mr. Wiggins said.

### Opposite Conclusion

But the committee's Democratic chairman, Representative Peter W. Rodino Jr. of New Jersey, is apparently prepared to come to the opposite conclusion.

In terms more forthright than he has used before, Mr. Rodino assessed the presentation by Mr. Doar as follows:

"The committee has before it material that it can base a judgment on. What we have presented lays a basis for what I believe are grounds for consideration [of Presidential wrongdoing]."

Mr. Rodino said that "the question in the minds of the committee members has to be, with all we have seen, do we evaluate this in a way that [concludes] the President has

failed to execute the laws faithfully, has abused his power and, in specific instances, has violated the right of individuals?"

How the committee answers such questions may well be influenced by Mr. Doar's actions.

Until now, he has been rigidly impartial. Democrats, Republicans and even the President's chief defense counsel, James D. St. Clair, have stated that Mr. Doar presented the evidence without characterizing or coloring it. As one associate said:

"Doar's feeling is that his ideal role should be that the day he leaves here nobody remembers he was here."

Many committee members, however, say that they have been so inundated by evidence that they cannot determine, without some guidance, or at least consultation, where to locate the high water mark of proper grounds for impeachment.

### Getting Fidgety

The closer they get to a vote assessing Mr. Nixon's conduct, the more fidgety committee members, especially Southern Democrats and neutral Republicans, have become. For many, a vote on impeachment could decide their political futures.

Representative Walter Flowers, Democrat of Alabama, said that the committee had come to a "turning point," a juncture at which he was undecided which road he would take.

"I think it's a coin flip right now" whether Mr. Nixon will be impeached, he said.

Both advocates and opponents of impeachment in the various Congressional districts send committee members mail containing veiled, and sometimes explicit, threats that a vote either way will end their careers.

Some members have privately expressed regret that the staff presentation did not contain some damning, irrefutable pieces of evidence—"the murder weapon," they call it—that would decide the question to the satisfaction of their constituents.

Without, apparently, such evidence, the committee is faced with a decision based on an accumulation of bits and pieces of a potential case against the President and on the theory that Mr. Nixon's defiance of committee subpoenas and requests for 153 more tape recordings supports the "adverse inference" that the tapes would be incriminating.

### Comparing Notes

Thus, as Mr. Railsback said in an interview: "I expect some of us will be trying to compare notes and compare thoughts. I look forward to visiting Doar and Jenner to get their thoughts." Albert E. Jenner Jr. is the chief Republican Counsel.

Mr. Doar has said that he would be prepared, should the committee ask him, to suggest ways in which the members might analyze the evidence.

Well-placed officials said, however, that Mr. Doar was determined to be indirect and unargumentative.

For one thing, Democrats and Republicans have made clear that they considered it their prerogative, and not Mr. Doar's, to make all impeachment decisions.

Mr. Doar's associates said that he would try to offer guidance in subtle ways. One would be to give to any members who asked for it various information that would support argu-



ments they intended to make in the debate preceding the committee's impeachment vote.

Another would be to provide the committee as a whole, if asked, with a set of possible articles of impeachment, none of which Mr. Doar would advocate himself.

Mr. Doar's staff was said to be preparing at least three dozen such articles, encompassing every conceivable formula a committee member might advance to support a finding of grounds for impeachment.

The proposed articles reportedly range from specific charges of criminal violations to broad allegations of misuse of Presidential authority.

#### A Narrow Article

For example, one narrow article might contend that Mr. Nixon had obstructed justice by allegedly joining in a plan to provide hush money to E. Howard Hunt Jr., one of the convicted Watergate burglars.

The Watergate grand jury, which named Mr. Nixon last March 1 as an unindicted co-conspirator to obstruction of justice, alleged that the secret payment of \$75,000 to Mr. Hunt had followed the discussion by Mr. Nixon of such a payment on March 21, 1973.

A broader proposed article of impeachment might allege that, in a number of matters, Mr. Nixon had failed to carry out his sworn constitutional oath to "take care that the laws be faithfully executed."

The broader allegation would be based on such matters as these:

¶The clandestine wiretapping of 17 Government officials and newsmen in 1969.

¶The President's formal approval, and purported but informal subsequent rejection, of a 1970 plan proposing burglaries

and other "clearly illegal" acts to obtain information about suspected domestic radicals.

¶The creation in 1971 of a secret White House special investigation unit, called the "plumbers," that committed a burglary in furtherance of a Presidential mandate to get information about Dr. Daniel Ellsberg.

¶The approval by Mr. Nixon of secret bombing raids in Cambodia and of falsified military reports to prevent Congress from learning about it.

¶Mr. Nixon's underpayment of Federal income taxes by \$432,787 while in the White House.

Mr. Rodino said yesterday that he hoped the committee would begin debate on possible articles of impeachment by mid-July, vote the week of July 22, and present its findings to the House early in August.

Before doing so, though, the committee must complete the next phase of its inquiry. On Monday, the panel will begin public meetings at which the members will decide, among other things, how Mr. St. Clair will present a White House rebuttal.

Republicans want wide latitude for Mr. St. Clair, but Mr. Doar reportedly told the President's lawyer yesterday that it is Mr. Rodino's view that the White House must present the same type of material as Mr. Doar did—that is, statements of fact—and not an advocate's oriel that attempts to interpret evidence.

The committee will also decide on a witness list. Republicans are adamant about calling a number of witnesses, particularly John W. Dean 3d, the former White House legal counsel who has made the most damaging charges against Mr. Nixon, and they want Mr. St. Clair to be allowed to subject the witnesses to a thorough cross-examination.

Most Democrats favor calling

no more than four or five witnesses, especially Charles W. Colson, the former White House special counsel, who said in court yesterday that the President had repeatedly urged him to commit the acts for which he was sentenced to a one-to-three-year prison term and fined \$5,000 for obstructing justice.

Mr. Railsback, reflecting some of the problems committee members face, said in an interview:

"Before you impeach a President of the United States you'd better have a very good case," he said. "The staff has been bringing out both sides. The case doesn't feel very solid right now. I may feel differently after we see it all in perspective."