

McClory Sees Impeachment

7 Proposed Articles

By Richard L. Lyons
Washington Post Staff Writer

Seven proposed articles of impeachment against President Nixon, ranging from alleged specific criminal acts to a broad charge that he has brought disgrace to his office, have been prepared by Rep. Jack Brooks (D-Tex.) and are circulating among other House Judiciary Committee members.

The catchall article states:

"That Richard M. Nixon, unmindful of his oath of office, by his acts and behavior while serving as President of the United States, brought disgrace and disrespect to the office of the presidency, failed to honor the Constitution of the United States and the laws enacted thereunder, imperiled the civil liberties of the American people, and attempted to undermine the legislative and judicial branches of government, thereby jeopardizing the constitutional system of government in which the people of the United States have placed their trust: and

See ARTICLES, A15, Col. 1

Expects 4-5 GOP Votes

By Lou Cannon
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The second-ranking Republican on the House Judiciary Committee predicted yesterday that four or five Republicans would join a solid bloc of Democrats next week in voting for articles impeaching President Nixon.

Rep. Robert McClory of Illinois, who said he was undecided on his own vote, also forecast that GOP support for the impeachment resolution would be sufficient to assure its passage in the House.

"If the committee makes a recommendation, I think the House will follow it," McClory said.

At a breakfast meeting with reporters McClory said that Democrats were almost solidly united on the committee while "the Republicans represent everything from pro-impeachment to stonewalling against impeachment."

Only two Democrats "at the most" are even possible votes against impeachment, McClory said, and he added: "I wouldn't gamble on either one of them."

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ARTICLES, From A1

"Wherefore, by such conduct warrants impeachment and trial for removal from office."

Mr. Nixon has repeatedly denied committing any acts that would warrant impeachment.

The specific charges drafted by Brooks over the whole gamut of allegations the Judiciary Committee has been considering, ranging from presidential involvement in the Watergate cover-up to bombing Cambodia.

Starting in closed session today and continuing in open meeting much of next week, the Judiciary Committee will be considering articles of impeachment against a President for the first time since Andrew Johnson was the target in 1868, and for only the second time in the nation's history.

Brooks' proposals, which he refined Wednesday after receiving suggestions from other members, are not expected to be approved in their entirety. Some are overlapping. But the committee is expected to recommend that the House impeach the President on one or more counts. If the

House approves, the Senate would hold a trial on the charges.

Brooks proposed one article charging the President of obstruction of justice on 10 different counts. Most deal with his alleged involvement in the Watergate cover-up, specifically approval of hush money to and approval of executive clemency for Watergate defendants, attempts to obstruct the Watergate investigation and relaying information from the investigation to his aides who were subjects of the inquiry.

The obstruction article also contains charges for withholding from the Pentagon Papers trial of Daniel Ellsberg the knowledge that White House "Plumbers" had broken into the office of Ellsberg's psychiatrist and for offering the directorship of the FBI to the presiding judge at Ellsberg's trial.

Another article lumps together nine specific charges of bribery, violating civil rights of citizens and actions that "subvert the processes of the federal government."

Bribery is specially made an impeachable offense by the Constitution. For the rest of the charges, Congress must decide whether they fit under the constitutional provision of "high crimes and misdemeanors".

The bribery counts listed by Brooks include charges that Mr. Nixon, alone or "in concert with others," offered ambassadorships and raised milk price supports in exchange for campaign contributions.

This article also charges the President for unlawfully wiretapping citizens, creating the "Plumbers" to undertake "covert activities without regard to the civil rights of citizens" and for misusing the Internal Revenue Service to harass political enemies.

A third article accuses the President of violating the Constitution by receiving "emoluments from the United States in excess of the compensation provided by law." The specific charges are receiving federal money spent on his homes at San Clemente and Key Biscayne, and free travel on government planes for his family.

Brooks' fourth article of impeachment charges that the President committed a criminal act of fraud by underpaying his federal income taxes between 1969 and 1973 by nearly half a million dollars. This was due to a subsequently disapproved deduction for the donation of Mr. Nixon's vice-presidential papers and failure to pay capital gains on real estate transactions.

A fifth article charges the President with contempt of both Congress and the federal courts by refusing to comply with subpoenas for materials for the impeachment inquiry and the Watergate trials.

The sixth article charges that President Nixon "in violation of the Constitution and laws of the United States did make and permitted others to make dishonest and misleading statements to the United States Congress, officials of the executive branch of the United States government, and to the people of the United States."

Brooks' specific charges in this article are Mr. Nixon's firing of Watergate Special Prosecutor Archibald Cox last Oct. 20 "in abrogation of commitments to the United States Senate and to the people of the United States," his stated belief in the "honesty and integrity of Richard G. Kleindienst, his nominee for Attorney General, knowing at the time that Richard Kleindienst had presented untruthful testimony to the Senate Judiciary Committee," and the President's "false and misleading" statements to Congress and the American people about secret bombing of Cambodia.

McCLORY, From A1

In contrast McClory saw eight or nine of the 17 Republicans on the committee as possible impeachment votes. He predicted that "half or more" of these Republicans would wind up voting for impeachment.

If the committee's 21 Democrats voted solidly for impeachment and were joined by four Republicans, the committee vote for impeachment would be 25 to 13. Most congressmen close to the inquiry believe this would be sufficiently decisive to guarantee House approval.

McClory said that the opposition of Republican leaders in his district made it more difficult for a Republican to support impeachment that to oppose it. But he also spoke of division within the party on the issue and said he would have to be able to explain his vote, no matter which way he came out.

Later in the day, after a meeting between Republicans on the Judiciary Committee and the House GOP leadership, Minority Leader John Rhodes of Arizona disputed McClory's prediction.

"I don't believe it's possible to make that kind of a forecast at this time," Rhodes said.

Two issues were seen by McClory as paramount to

his own decision on impeachment. One was the "extremely important factor" of the White House refusal to cooperate with the committee by furnishing requested tapes and documents.

Most of the material obtained by the committee, McClory pointed out, came either from the Senate Select committee or from the Watergate special prosecutor.

The other issue that McClory viewed as of paramount importance stemmed from the many guilty pleas, convictions and indictments of former White House aides. The conviction of John D. Ehrlichman last week on charges arising from the break-in at the office of Daniel Ellsberg's psychiatrist brought to 22 the number of guilty pleas or verdicts against persons who served in the Nixon administration or were connected with the President's re-election campaign.

This pattern has raised serious questions, McClory said.

"I'm concerned," he said, "about the President's constitutional obligation to take care that the laws be faithfully executed."

On the other hand, said McClory, he was "not bothered" with charges arising from the ITT or milk fund cases or the issues of the President's taxes. He said charges in these areas did not constitute "conduct that would warrant removal from office."

McClory contradicted White House lawyer James D. St. Clair's assertion that a key portion of the March 22, 1973, tape in which Mr. Nixon discusses "stonewalling" of the Watergate investigation was "of dubious relevance." McClory said he found the section "very relevant."

The Illinois Republican, conceivably one of the key swing votes on the committee, anticipated only one possibility of serious delay.

He said that in the event the Supreme Court ruled before the committee vote that Watergate Special Prosecutor Leon Jaworski was entitled to 64 tapes withheld by the White House the committee should wait to see if it could also obtain the additional tapes.