

# Nixon Forces Lose The First Key Vote

## 6 GOP Members Defect

Washington

In its first crucial test vote, the House Judiciary Committee last night rejected a Republican move to strike an impeachment charge that President Nixon made "false and misleading statements" in the Watergate coverup. The vote was 27 to 11.

Six Republicans joined all 21 committee Democrats in overturning the first bid in a time-consuming GOP effort to eliminate all nine counts from a draft article of impeachment saying Mr. Nixon should be removed from office for obstruction of justice.

By an identical margin at the beginning of yesterday's session, the committee crushed a GOP move to delay the proceedings for ten days to see whether the members can obtain additional Watergate tapes from Mr. Nixon. Democrats said they have all the evidence they need to recommend that Mr. Nixon be the second U.S. president to be impeached.

On the late evening test vote, the Republicans who sided with the solid Democratic majority were Representatives Henry P. Smith III and Hamilton Fish Jr. of New York, Thomas F. Railsback of Illinois, Lawrence J. Hogan of Maryland, M. Callwell Butler of Virginia and William S. Cohen of Maine.

Two Republicans who previously had indicated they favored impeachment voted to strike the disputed charge. They were Representative Robert McClory of

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Illinois and Harold V. Froehlich of Wisconsin. Smith, who sided with the Democrats, has said he would oppose impeachment.

Froehlich, angered by the non-specific article, said, "I think I will wait until the floor (full House) to vote impeachment."

By the time the weary committee had adjourned until 9 a.m. PDT today, its members had spent nearly seven hours in tedious debate over Republican-inspired legalities and other hours of backstage negotiating trying to refine the wording of the impeachment resolution.

The final approval of the articles of impeachment — coming perhaps early next week — is a virtual certainty.

Chairman Peter W. Rodino (Dem-N.J.) eager to put together an overwhelming, bipartisan vote in the end, patiently let the debate drone on. Only once did he pause to lecture Representative Charles W. Sandman Jr. (Rep-N.J.) to "speak to the facts."

Sandman and Representative Charles E. Wiggins (Rep-Calif.), the President's staunchest defender on the 38-member panel, led the late night fight to eliminate the nine counts against Mr.

Nixon in the coverup article, ranging from interference with Watergate investigations to misuse of the CIA.

Throughout much of the day, Republicans attacked the substitute draft article introduced by Representative Paul Sarbanes (Dem-Md.) as too broadly worded. Sandman complacently names — violated Mr. Nixon's due process guarantee under the Constitution.

The Democrats, joined by committee counsel John W. Doar and Albert Jenner, re-

torted that a brief, concise list of charges could be backed by the panel's 40 volumes of supporting evidence, of which the President is already aware.

Representative Barbara Jordan (Demo-Tex.) said that in the committee's inquiry, the President had enjoyed "due process tripled, due process quadrupled," including having his Watergate lawyer present to cross-examine witnesses.

Rodino seemed straining to hold together a key power bloc of nine committee members, seven pro-impeachment Republicans and two Southern Democrats, Walter Flowers of Alabama and James R. Mann of South Carolina.

Ten hard-line Republicans are assumed ready to remain solidly behind the

President' Opposing them are about 19 Democrats solidly for impeachment. Rodino's strategy seemed to call for waiting, tolerating delay, and gently negotiating to nudge as many of the in-betweens as possible into the impeachment camp.

If it is understood Rodino is prepared to wait as late as Tuesday for a final vote on whether to recommend Mr. Nixon's impeachment by the House, his trial by the Senate and removal from office.

More than a century ago, Andrew Jackson became the first President impeached by the House of Representatives. Johnson was cleared in a Senate trial.

Tempers frayed during the long wrangling over GOP demands for more specifics in the impeachment articles. During the dinner break, Sarbanes said the Republicans were conducting a "diversionary action." Rodino warned against "parliamentary maneuvers to delay the task."

The impeachment article count that survived the first test vote accused the President of: "making false or misleading statements to

lawfully authorized investigative officers and employees of the United States."

Before the panel began work, McClory moved to halt proceedings for ten days if Mr. Nixon would give "unequivocal assurances" by noon today that he would give the committee the Watergate tapes he is surrendering to special prosecutor Leon Jaworski under a Supreme Court order.

McClory's last-ditch bid to forestall the inevitably admittedly was perfunctory. He said he would "press more vigorously for this" if he had some hint the President would cooperate, but "I have a strong feeling" Mr. Nixon would not relinquish the tapes.

In San Clemente, Calif., deputy White House press secretary Gerald Warren, when asked if Mr. Nixon would turn over the evidence to the committee, said the President was operating under instructions relating to the court case. He declined to answer specifically a direct question about the turnover, replying, "We think the committee should

proceed with its work."

Rodino noted that Mr. Nixon gave an "unequivocal, categorical, decisive" refusal in May to surrender any more material. The committee rejected McClory's motion by a 27-to-11 vote.

The nine-count substitute coverup charge offered by Sarbanes, slightly more

broadly worded but essentially the same as the original, charged Mr. Nixon with:

- Making false and misleading statements to Watergate investigators.

- Withholding evidence from investigators.

- Approving or encouraging witnesses to give false or misleading statements to investigators, or such testimony to the courts and Congress.

- Interfering or trying to interfere with investigations of the Justice Department, the FBI and the Watergate special prosecutor's office.

- Approving "surreptitious payment of substantial sums of money" to silence or influence the testimony of witnesses or participants in the Watergate break-in and other illegal activities.

- Trying to misuse the Central Intelligence Agency.

- Passing investigative information from the Justice Department to targets of the investigation to help them avoid criminal liability.

- Making false and misleading statements to deceive the American people into believing a thorough investigation of the Watergate break-in had been held, and that no one in the administration or the Nixon re-

election campaign committee was involved.

- Trying to get potential defendants or those convicted to expect favorable treatment for their silence or false testimony, or rewarding them for the same.

The President's staunchest Republican supporters attacked the wording of the coverup charge as soon as the committee clerk had finished reading it before the jammed hearing room and a nationwide radio and television audience.

"This is a lot of generalities," said Representative Edward Hutchinson of Michigan, ranking committee Republican. "You don't set forth any specifics. I think it is fatal on that point."

Said Wiggins: "The heart of this is that the President made it his policy to obstruct justice and interfere with investigations . . . when, exactly?"

Sandman, charged that Mr. Nixon would be deprived of his due process guarantee under the Constitution under the articles of impeachment as drawn.

"He is entitled to due notice of what he is accused of," Sandman said. "You have 20 different charges all on one piece of paper, and not one of them is specific."

Sarbanes said Mr. Nixon, through his Watergate law-

yers, was "well aware of the charges against him," and it would take 18 volumes of impeachment articles to list them all.

Besides, Sarbanes said, articles of impeachment are "not specific in the same sense that a criminal indictment must be specific."

Wiggins asked if Sarbanes intended to charge the President with a substantive criminal offense in each allegation.

"This is not meant to be coincidental with a criminal offense," Sarbanes replied. "If those matters can be shown in a criminal sense, they are pertinent to proceedings under this article, but the article is not restricted solely to those matters."

Saying Sandman's objection to lack of specifics also troubled him, Flowers said he would seek a compromise under which discussion of details relating to each accusation would be part of the public record, without rewriting the article itself.

Asked if that would be acceptable, Wiggins snapped: "Of course not. It's not acceptable unless the President is sitting here and listening."

The coverup charge, Wiggins added, "is too damned vague."

United Press