

# Demos Shape 2nd Article to Impeach

## Vote Is Expected Today

Washington

The House Judiciary Committee is expected today to approve, by a margin of more than 2 to 1, a second article of impeachment charging President Nixon with abuse of power in the conduct of his office.

Still unsettled after a meeting of committee Democrats yesterday was whether a charge of contempt of Congress for defiance of committee subpoenas should be lumped into this article or stand as a separate one.

It appeared more likely to be made a third article.

Dressed in casual attire, 18 of the 21 Democratic members of the Judiciary Committee met in the Rayburn House Office Building yesterday afternoon to work out the precise language of the second article.

Debate on that article will open when the committee reconvenes its televised session on impeachment at 7:30 a.m. PDT today.

The latest draft of Article II includes six categories of actions by the President that committee drafters contend constitute impeachable offenses.

The draft article charges that Mr. Nixon:

- "Misused the constitutional powers of his office" by authorizing or permitting unlawful wiretaps and permitting use of information

obtained for purposes unrelated to proper government function. This would include the 17 wiretaps placed on telephones of government officials and newsmen, from 1969 to 1971, seeking the source of news leaks.

- Authorized creation of

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the secret leak - plugging "plumbers" unit in the White House, "financed in part through the unlawful conversion of campaign contributions." Their activities included the break-in of the office of Daniel Ellsberg's psychiatrist, which resulted in dismissal of the charges of releasing the Pentagon papers against Ellsberg.

- Misused such agencies as the Internal Revenue Service, Central Intelligence Agency, and the FBI, whose "proper functioning is essential to the faithful execution of the laws and the protection of the rights of the people."

- Endeavored to impede inquiries by the courts and congressional committees of the Watergate break-in by concealing relevant evidence.

- Obtained material information from the Department of Justice on the Watergate investigation and passed it on to his aides who were subjects of the investigation.

- Knew that his aides obstructed justice by trying to cover up White House involvement in the Watergate break-in, and in doing so "failed to take care that the laws be faithfully executed." The "take care" clause is a duty of the President written into the Constitution.

Representative Robert McClory (Rep-Ill.), who voted against the obstruction of justice article on Saturday

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has worked with Democrats on the draft of Article II and is expected to vote for it. The vote approving this article could climb to 28 to 10 unless one of the six Republicans who voted with all 21 Democrats Saturday changes his position.

The original draft of Article II placed before the committee when it began general debate Wednesday evening made contempt of Congress one count in this article.

But some members feel contempt does not rise to the high level required for impeachable conduct. Others who feel contempt is an especially strong charge want to make it a separate article because it does not fit into the Bill of Rights theme of Article II.

Representative Don Edwards (Dem-Calif.), one of the drafters, said the President's refusal to turn over relevant material to the impeachment inquiry is "so clearcut - it strikes at the heart of the impeachment process." If a President can refuse to turn over material bearing on the charges, the impeachment clause could become a dead letter, he said.

Representative Edward Mezvinsky (Dem-Iowa) plans to offer an article that charges the President with tax evasion and unconstitutionally receiving "emoluments from the United States in excess of" his sala-

ry. This would be based on Mr. Nixon's underpayment of taxes by nearly \$500,000 and use of federal funds to make improvements on his homes in San Clemente and Key Biscayne. The committee staff had recommended a tax evasion article, but it was dropped by Democratic drafter as too weak a case.

Mezvinsky is expected to lose.

Washington Post

## Impeach Debate On TV

Live television coverage of the House Judiciary Committee's impeachment debate will be broadcast today at 7 a.m. on KPIX-TV (Channel 5).

A tape of the proceedings will be broadcast at 7:30 p.m. on KQED-TV (Channel 9).

Radio stations KCBS (740) and KQED-FM (88.5) will broadcast the proceedings live from start to finish.