

Second Impeach Article

Abuse of
Power Is
Charged

Washington

Expanding its formal accusations against President Nixon, the House Judiciary Committee adopted a second impeachment article last night charging him with broad misuse of federal agents and agencies.

The vote was 28 to 10, with seven Republicans joining all 21 Democrats in accusing Mr. Nixon of ordering or condoning wiretapping, private peeks at tax returns and other activities "violating the constitutional rights of citizens."

The bipartisan majority was one vote greater than on Saturday night, when the committee voted 27 to 11 a first article recommending Mr. Nixon's removal from office for obstructing justice in the Watergate coverup.

The additional vote in support of the second article came from Representative Robert McClory of Illinois, second ranking Republican on the committee.

"It will be of limited value to admonish a future president not to obstruct justice or engage in a coverup," he said. "However, it will aid future presidents to know this Congress and this House Judiciary Committee will hold them to an oath of office and an obligation to see that the laws are faithfully executed."

The committee recessed immediately after the vote until 7:30 a.m. PDT today.

Still to come are debate on proposed impeachment articles based on Mr. Nixon's refusal to heed congressional subpoenas, his secret bombing of Cambodia and irregularities in his personal taxes. These will be taken up today when the committee holds its sixth — and perhaps final — day of na-

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tionally broadcast debate.

Compared with Saturday's grim, tear-evoking drama, the roll call on the second

article was almost anticlimactic. Throughout a day of sometimes desultory, sometimes barbed debate, impeachment advocates had easily turned back the maneuvers of Mr. Nixon's out-numbered defenders.

"There is no joy in removing a President," said Representative Jack Brooks (Dem-Texas), but "It is essential to remove from the body politic any president who threatens to destroy our system."

Representative David Dennis (Rep-Ind.), one of Mr. Nixon's staunchest defenders, said the second article, if supported by the facts, would be more important than the first. "But here you just don't really have the evidence," he declared.

"I just don't believe we're going to impeach the President of the United States without the facts," said Dennis.

But Representative Joshua Eilberg (Dem-Pa.) said activities of the so-called Plumbers unit and the President's manipulation of other agencies demonstrated that "The Nixon White House made the secret police a reality in the United States."

The second article charges that Mr. Nixon personally or through subordinates attempted to obtain secret Internal Revenue Service files and to audit political foes, wiretapped government employees and private citizens, misused such agencies as the FBI and Secret Service, and created the special White House unit, the Plumbers, which engaged in illegal activities.

As they had done during debate on the first article, members of the anti-impeachment bloc argued that there was no proof that Mr. Nixon knew of the illegal activities of his subordinates.

Again leading the fight in Mr. Nixon's defense was Representative Charles Wiggins (Rep-Calif.), who opened the debate by attempting to have the entire article thrown out on a point of order — that it did not directly involve "impeachable" offenses.

That complaint was immediately rejected without a formal vote. Then Wiggins offered amendments aimed at narrowing the charges.

By a vote of 28 to 9, the committee rejected Wiggins' motion to include in the specific allegations the words "acting with his (Mr. Nixon's) knowledge and pursuant to his instructions" where they refer to actions by presidential aides.

The impeachment bloc opposed the proposed change on the ground it could eliminate actions which the President approved after the fact even if he had no prior knowledge.

A second amendment by Wiggins was directed at an allegation that Mr. Nixon "failed to take care that laws were faithfully executed . . . concerning the unlawful entry into the headquarters of the Democratic National Committee, and concerning other matters." Wiggins' amendment, which would have deleted the "other matters," was defeated, 24 to 14.

At the outset of the session yesterday, Representative William L. Hungate (Dem-Mo.) offered a revamped version of the abuse of power article, first proposed last Wednesday by Representative Harold Donohue (Dem-Mass.).

The revised article began:

"Using the powers of the office of President of the United States, Richard M. Nixon, in violation of his constitutional oath . . . has repeatedly engaged in con-

duct violating the constitutional rights of citizens, impairing the due and proper administration of justice and the conduct of lawful inquiries, or contravening the laws governing agencies of the executive branch and the purposes of these agencies."

As with the first article, the second concluded:

"Wherefore Richard M. Nixon, by such conduct, warrants impeachment and trial, and removal from office."

It included five numbered paragraphs containing specific allegations:

- That the President, acting personally and through subordinates, sought to obtain confidential information from the Internal Revenue Service and also attempted to get the agency to audit the tax returns of political opponents of the administration.

- That the President misused the FBI and the Secret Service by directing the agencies to wiretap government employees and private citizens.

- That he authorized formation of the White House special investigations unit known as the Plumbers which engaged in illegal activities.

- That he failed to adhere to his constitutional oath to take care that the laws be faithfully executed after he learned of the involvement of White House and campaign aides in the Watergate coverup.

- That he misused the power of his office to interfere with the investigations of the FBI, Justice Department, special Watergate prosecutor and the Central Intelligence Agency.

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