

Defiance of Subpoenas Bill OK'd

Washington

The The house judiciary committee voted narrowly yesterday to charge President Nixon with unconstitutional defiance of committee subpoenas, completing the draft of the bill of impeachment.

Before ending the long inquiry into the President's conduct and adjourning the deliberations late last night, the committee rejected proposals that it formally accused Mr. Nixon of usurping congressional war powers and of conducting his personal financial affairs in a manner demeaning his high office.

Thus, the 38-member committee, after nine months of intense investigation and a week of anguished judgments, drew the following outline of the case:

● Article 1, approved Saturday by a 27-to-11 bipartisan committee vote, accuses Mr. Nixon of having personally engaged in a course of conduct designed to obstruct justice in the Watergate case.

● Article II, recommended to the House Monday 28 to 10, charges the President with a persistent effort to abuse his authority in violation of his constitutional oath to uphold and defend the nation's laws.

● Article III, added yesterday to the bill of impeachment on a near-party-line vote of 21 to 17, alleges that Mr. Nixon sought to impede the impeachment process by defying eight subpoenas for 147 recorded White House conversations and a variety of other evidence.

Approval of any one of the three central charges by a majority of the House would result in the second impeachment of a president of the United States, the first since the Senate trial and

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acquittal of Andrew Johnson in 1868.

A two-thirds majority vote of the Senate to convict Mr. Nixon on any of the accusations would strip him of his office.

The Judiciary Committee decisively defeated, early last evening, a motion to add an article to try the President for having conducted a bombing campaign over Cambodia in secrecy, beginning in 1969. Nine Democrats, including some liberal opponents of the Vietnam war, joined all 17 Republicans in the 26-to-12 vote to reject the proposed charge.

Representative Don Edwards (Dem-Calif.), called the bombing a "massive deception" on the American people. But Representative William S. Cohen (Rep-Maine), said that although the bombing was wrong, "it came about through the sloth and default of Congress" for not exercising its war-making powers.

Late last night, in the panel's final vote on Mr. Nixon's conduct, Republicans and some Democrats combined to stave off a charge of misconduct based on Mr. Nixon's underpayment of federal income taxes and acceptance of government-paid improvements to his personal homes in Florida and California. The vote was 26 to 12.

Several members who voted Article V said that while Mr. Nixon demonstrated poor judgment on his taxes, they did not feel he had committed an impeachable offense.

The committee's last act, adoption of a resolution reserving "the liberty of exhibiting at any time further articles or other charges might be added to those now before the House, which meets in about two weeks to start its deliberations.

Of the three charges adopted by the committee, the last appeared least likely to command an eventual majority when the 435-member House begins its formal impeachment debate next month.

Only three of the ten Republicans and conservative Southern Democrats who had endorsed one or both of the two other articles joined the majority yesterday in approving the subpoena charge.

The narrow margin, along with the warning of some Republican advocates of impeachment that the majority was bent on "political overkill," foreshadowed a bitter debate on the subpoena issue in the House.

But some impeachment proponents said privately that, if the third article sur-

vives House consideration, it might be among the most powerful charges in the Senate, where the 100 members are more prone to hold the White House to account for disregard of congressional actions.

Two Republicans — Representative Robert McClory of Illinois, who sponsored the third article, and Representative Lawrence J. Hogan of Maryland — joined 19 Democrats in approving the formal accusation.

But four other Republicans, who had voted Saturday to accuse Mr. Nixon of obstruction of justice in the Watergate case and again Monday night to charge the President with repeated violations of his oath to uphold the law, contended yesterday that no additional articles would be warranted in the bill of impeachment.

The four Republicans, who had helped to draft the first two articles, were Representatives Tom Railsback of Illinois, Hamilton Fish Jr. of New York, M. Caldwell Butler of Virginia and Cohen.

Two of the three conservative Southern Democrats, Representatives Walter Flowers of Alabama and James R. Mann of South Carolina, agreed that as Flowers stated it, "I just think this is too much."

A committee majority pressed ahead, nonetheless, with the third charge, agreeing, in effect, with Edwards that it would "destroy this safety valve" of impeachment if Mr. Nixon was permitted to defy subpoenas for recorded White House conversations and other impeachment evidence.

McClory said that Congress had at least as power-

ful a legal argument as the prosecutor had for requiring the President to comply with its subpoenas in a matter where Congress was attempting to judge the President's conduct in office.

If Mr. Nixon was to be the "sole arbiter" of what evidence shall be used to assess his conduct, McClory asked, "then how in the world could we conduct a thorough and a complete and fair investigation?"

"Well, we just could not," he answered.

He called the President's disregard of the impeachment inquiry subpoenas "the rime xample o 'stonewalling'" by the White House in the scandals bred by the Watergate case.

But opponents of the third article asserted that it would weaken the presidency to impeach Mr. Nixon on the subpoena issue and that the committee had failed, in any event, to seek redress either through the courts or by seeking a House citation for contempt gress.

"This really is overkill at its worst," charged Representative Charles W. Sandman Jr. (Dem-N.J.), who had sought unsuccessfully to block the adoption of the two earlier articles.

"There are enough votes here to pass anything," he said. "I know it and you know it."

Several Republican opponents of the subpoena article charged that adoption of it by the committee and the House, or conviction on it by the Senate, would lead to constant peril to future presidents if they tried to withhold material from an opposition Congress on proper grounds.

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