

IMPEACHMENT UNIT DRAFTS ITS REPORT

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2-Year 'Deception' Laid to Nixon — No House Vote on Document Foreseen

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WASHINGTON, Aug. 14 —

For more than two years, President Nixon engaged in "deliberate, repeated and continued deception of the American people" about the Watergate case, according to the draft of the House Judiciary Committee's final report on impeachment.

Excerpts from draft of final report are on Page 24.

The draft report, circulated late today among members of the committee, is expected to be formally submitted to the full House of Representatives on Monday. 19 AUG

But the committee chairman, Representative Peter W. Rodino Jr., Democrat of New Jersey, said that the report would lie "dormant," serving only as a record of the events that led last Thursday to Mr. Nixon's decision to resign the Presidency.

No Vote on Report

Mr. Rodino said that neither the Judiciary Committee nor the House would vote on the final report, although it recommends the impeachment of Mr. Nixon and his trial by the Senate.

The draft, running nearly 150 pages, is instead expected, according to Republicans and

Continued on Page 24, Column 2

Continued From Page 1, Col. 1

Democrats on the committee, form the basis for assuring the public that the impeachment proceedings would have been justified had they not been aborted by Mr. Nixon's resignation.

Copies of the draft, contained in sets of printer's proofs, were sent to the 38 committee members for any corrections or additions they might suggest. A copy was obtained by The New York Times from a Democratic Congressional official.

In essence, the report describes the grounds for the committee's bipartisan votes to recommend three articles of impeachment against President Nixon.

34 Items of Evidence

It listed 34 central items of evidence that led the committee to vote, 27 to 11, to charge Mr. Nixon with obstruction of justice in the Watergate case in Article I.

Among the 34 items was the set of June 23, 1972, transcripts, issued by Mr. Nixon four days before he resigned, that showed he had joined in the attempted Watergate cover-up six days after the burglary at the Democratic party's headquarters on June 17 of that year.

Eleven Judiciary Committee Republicans who voted against Article I are expected to join, in a concurring report, in the finding on the basis of the belated disclosure.

The majority draft, prepared at the direction of Mr. Rodino and John M. Doar, the panel's special counsel, said that the 34 items of evidence formed "a pattern of undisputed acts" that could "only lead to one conclusion."

The conclusion, the report said, was that Mr. Nixon had sought personally and through his aides to "delay, impede and obstruct" the Watergate investigation almost from its inception.

The draft said that the second impeachment article, charging Mr. Nixon with a variety of abuses of his authority as President, had been based on "improprieties by the President that served no national policy objective and cannot be justified under the most expansive view of the discretionary or inherent powers of a President."

Any one of the five central areas of alleged abuses of authority, the draft said, "would be sufficient" in a Senate trial of the President "to warrant his removal from office."

The draft report said that in some cases, particularly attempts by Mr. Nixon to use the Internal Revenue Service for political purposes, the efforts "proved unsuccessful." But the report justified impeachment on the basis of such attempts as follows:

"The impeachment process is designed to determine whether the President is fit to remain in office, not whether he should be punished for past misdeeds. In this connection a violation of the President's duties, the

objective is no less serious because the improper objective is not achieved.

The Third Article

According to the majority draft, "undisputed facts, historic precedent, and applicable legal principles" would also have sustained removal of the President from office on the impeachment, which a narrow, 21 to 17, majority adopted.

The third article accused Mr. Nixon of having violated his constitutional obligations by defying Judiciary Committee subpoenas for 147 tape recordings and other documents.

In refusing to supply the evidence, the draft said, Mr. Nixon "interfered with the exercise of the House's function as the grand inquest of the nation."

"Unless the defiance of the committee's subpoenas under these circumstances is considered grounds for impeachment," the report continued, "it is difficult to conceive [obtaining] any relevant evidence necessary for Congress to exercise its constitutional responsibility in an impeachment proceeding. If this were to occur, the impeachment power would be drained of its vitality."

Dissent by 15 in G.O.P.

The draft also contained a dissenting report, signed by 15 Republicans who voted against Article III, asserting that conviction of Mr. Nixon on the subpoena grounds "would have unnecessarily introduced an element of brittleness at the heart of our system of constitutional checks and balances."

The minority draft also said

that it would have been "unfair" to seek the removal of a President from office "for failure to cooperate in his own impeachment."

There appeared to be few new items of information in the voluminous draft. Most of the material, and the conclusions drawn from it, had been displayed and debated during the Judiciary Committee deliberations that led, by July 30, to the adoption of three articles of impeachment.

But Mr. Rodino and other committee members suggested that the final report would, in light of Mr. Nixon's abdication of the Presidency, be used to provide a historic record of the basis on which he would have been tried by the Senate.

"A hundred years from now this will be the record," Representative George E. Danielson, Democrat of California, said today. "It would be a shame if we didn't set out our findings as a reliable precedent."

Mr. Rodino said that the final report would merely be filed with the House, without any formal vote, as "a House document."

To assure wide circulation of the conclusions and, more particularly, the grounds for them, Mr. Rodino said, he will ask that the report be printed in full in the Congressional Record and that the House authorize the printing of several thousand copies of the report for public use.

Although the three articles of impeachment are contained in the draft, along with the recommendations of the committee that Mr. Nixon be impeached and tried, Mr. Rodino said that the report would "lie dormant" in the House and "never be raised."

One thing the committee will have to do before issuing the report is to correct a number of typographical errors. One of them already has been caught by Mr. Rodino. His name had been spelled "Rodinno."