

# Statement by Wiggins on Support of Impeachment

Special to The New York Times

WASHINGTON, Aug. 5 — Following is a statement issued today by Representative Charles E. Wiggins, Republican of California, a leading defender of President Nixon in the House Judiciary Committee, in which he said he would now support impeachment:

Throughout the painful ordeal of investigating certain events occurring during Mr. Nixon's Presidency to determine whether sufficient cause exists to justify his impeachment and removal from office, I have adhered to the deeply felt conviction that a judgment on so momentous a question must be based solely upon the facts and the law applicable thereto. Any other basis for judgment is, in my opinion, contrary to the oath I swore to uphold.

When the necessity for decision was thrust upon me and my colleagues, it was and is my judgment, acting as a lawyer for the House, that the facts disclosed by our investigation were legally insufficient to establish personal Presidential misconduct authorizing his impeachment.

But the facts then known to me have now changed. I am now possessed of information which establishes beyond a reasonable doubt that on June 23, 1972, the President personally agreed to certain actions, the purpose and intent of which were to interfere with the F.B.I. investigation of the Watergate break-in. Several overt acts occurred shortly thereafter, the purpose and intent of which were to implement the plan of action agreed to by the President.

## Legally Sufficient

These facts standing alone are legally sufficient in my opinion to sustain at least one count against the President of conspiracy to obstruct justice.

Viewed most charitably to the President, it might be concluded that the President did not possess the requisite criminal intent to obstruct justice on June 23, 1972. Admittedly, there were legitimate national security reasons to conceal activities of E. Howard Hunt unrelated to Watergate. And there were understandable reasons for the President to want to con-

fine a growing political scandal which did not necessarily involve a corrupt purpose on his part. But these considerations only justify the conclusion that the President may have acted with mixed motives. For purposes of our inquiry, his intent is better measured by his awareness of the natural and probable consequences of his deeds.

Having reached the conclusion that the President has, in one instance, violated the law, it remains to be decided whether such misconduct justifies his impeachment.

## Give New Meaning

I would like to believe that the events of June 23, 1972, represent a single transgression and that shortly thereafter the President returned to a proper course of cooperation with the F.B.I. in its investigation. If such were the case, it would be difficult for me to justify the harsh remedy of impeachment, given its profound impact upon the domestic and international interests of this nation.

I cannot say that the facts now known to me establish beyond a reasonable doubt that the President's intent to obstruct justice continued beyond July 6, 1972; but those facts do tend to color and give new meaning to all subsequent statements of the President, particularly those on Aug. 29 and Sept. 15, 1972, times when his awareness of the events of late June were fresher in his mind and more apt to be recalled. Such subsequent statements are properly to be considered in the resolution of the remaining and ultimate question.

It is a matter of deep regret to me that a question of such importance cannot be judged dispassionately and in historical perspective. But the intensity of current emotions and the pervasiveness of public suspicions, even if not justified by the evidence, have already poisoned the proper atmosphere for judgment.

Given the reality of the times, I believe it is appropriate therefore to focus on another question.

After considerable reflection, I have reached the painful conclusion that the President of the United States should resign.

If challenged to do so, I

believe that any competent counsel could mount a principled defense before the bar of the Senate which might avoid the conviction of the President, even acknowledging those errors of judgment which may constitute an isolated criminal act. But the greater issue is the welfare of the United States. Even a successful defense would leave the nation terribly divided and the capacity of the President to lead fatally weakened. The national interest thus requires the President to concentrate his efforts on a speedy and orderly transition of power to the Vice President. The process is a delicate one which must recognize the potential for international instability and domestic recriminations.

In reaching this conclusion, I am not unmindful that the long-range interests of our country cannot be served by tolerating a President to be hounded from office by a hostile press or irrational public opinion. But the facts now before us establish a legal predicate for a Presidential impeachment and therefore lay a proper basis for appropriate consideration to be given to public attitudes. I do not rest my conclusion on such a basis, but it now becomes a factor which is entitled to consideration in resolving the ultimate question of whether the President should be impeached.

## Orderly Transition

Under all of the circumstances, I believe that this is not the time for the President to meet with his attorneys to plan for his defense in the Senate. It is a time for the President, the Vice President, the Chief Justice, and the leaders of the House and Senate to gather in the White House to discuss the orderly transition of power from Richard Nixon to Gerald Ford.

Failing such action, with great reluctance and deep personal sorrow, I am prepared to conclude that the magnificent career of public service of Richard Nixon must be terminated involuntarily and shall support those portions of Article I of the bill of impeachment adopted by the Judiciary Committee which are sustained by the evidence. I shall of course

resist impeachment on Article II and III, both of which, in my opinion, would constitute unfortunate historical precedents if allowed to stand.

WJF  
8-6-74



Associated Press

Senator Sam J. Ervin Jr., left, chairman of the Watergate committee, conferring with members of the Senate Rules Committee. Members of panel, from left: Howard W. Cannon of Nevada, chairman; Robert C. Byrd of West

Virginia; James B. Allen of Alabama and Harrison A. Williams Jr. of New Jersey. They are all Democrats. The committee is hearing testimony before drafting recommendations in case the House impeaches the President.