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The Mixed Mood in Congress

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Some Democrats in Congress sought yesterday to reopen formal impeachment proceedings against former President Nixon, but Representative Peter W. Rodino Jr. (Dem-N.J.), chairman of the House Judiciary Committee, declared that "impeachment is dead."

For the most part, the reaction in Congress to President Ford's decision to pardon his predecessor followed customary partisan lines.

Mr. Nixon's former political allies — conservative Republicans and Southern Democrats — praised Mr. Ford for having performed a courageous act of mercy.

But Democrats and Republicans who had often been critical in the past of Mr. Nixon's policies and his handling of the Watergate case were similarly critical of Mr. Ford yesterday.

Rodino was said to be

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"very upset" about the pardon. But his statement that he had no intention of renewing impeachment proceedings put a damper on what some of his colleagues believed would be a way of completing a formal record of Mr. Nixon's wrongdoing as President.

Senator Mike Mansfield of Montana, the Democratic leader, and several junior Democrats on the House Judiciary Committee noted that the three articles of impeachment voted by the committee, which were laid aside after Mr. Nixon resigned, were still available and could be called up for action.

Three California Democrats who serve on the Judiciary Committee — Jerome R. Waldie, George E. Danielson and Don Edwards — suggested that the committee might insist that Mr. Nixon comply with the subpoenas for tapes that he had not provided while President.

Waldie said that he and

many of his colleagues had believed that the "judicial process" would reveal "in an unmistakable manner the extent of the acts for which he (Nixon) was removed." But the pardon, Waldie said, "changes all the concept that existed at the time of the final report."

In the committee's final report, published last month, all 38 members agreed that Mr. Nixon had obstructed justice in the Watergate coverup, and therefore, should have been removed from office had he not resigned.

Some of the moderates on the committee expressed

disappointment with the timing of the pardon.

Representative Tom Railsback (Rep-Ill.), said that he had expected the pardon would come eventually but that it should not "impede full disclosure of the facts" or deter Leon Jaworski, the special prosecutor, "from trying to get all the facts."

Representative Walter Flowers (Dem-Ala.) said that the pardon was "premature" and that he was "somewhat perturbed" we might not have gotten all the information out in the sunlight that ought to be there."

He said that Waldie's idea of pursuing the outstanding subpoena "deserves some scrutiny."

The ranking Republicans on the committee, Representative Edward Hutchinson of Michigan and Representative Robert McClory of Illinois, approved of the pardon decision.

The Republican leader in the house, John J. Rhodes of Arizona, said that "the best interests of the country, both domestically and abroad, are served by ending this matter at this time before it goes any further."

A number of liberal Democratic senators and representatives, including Senators William Proxmire and Gaylord Nelson, both of Wisconsin, Senator Frank Church of Idaho, Senator George McGovern of South Dakota and Senator Walter F. Mondale of Minnesota, issued statements yesterday critical of the pardon.

But Mr. Ford's decision received support from Mississippi's Democratic senators, John C. Stennis and James O. Eastland, and from such conservative Republicans as Senator Carl Curtis of Nebraska.

Senator Sam J. Ervin Jr., (Dem-N.C.), whose Watergate investigating committee developed many of the allegations that were later included in the articles of impeachment, questioned "most seriously the wisdom of President Ford thwarting the due processes of law by granting a pardon before Mr. Nixon was indicted, tried and convicted."

"A good case can be made," Ervin said, "for the proposition that the pardon power vested in the President by the Constitution exceeds that of the Almighty, who apparently cannot pardon a sinner unless the sinner first repents of his sins."

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