

McCloskey to Ask House to Consider Impeachment

By JAMES M. NAUGHTON
Special to The New York Times

WASHINGTON, June 3—Representative Paul N. McCloskey Jr., Republican of California, announced today that he would ask the House of Representatives to consider whether President Nixon should be impeached for "obstruction of justice."

Mr. McCloskey, who was an unsuccessful candidate in Republican Presidential primaries last year, raised the impeachment issue in a carefully worded letter made public today.

He did not commit himself to starting formal impeachment action. But he notified colleagues in the letter that he had reserved one hour on the House floor Wednesday for a "full discussion" of "serious questions" raised by President Nixon's 4,000-word statement of May 22 on the Watergate conspiracy case.

Responsibilities Cited

Mr. McCloskey's letter said that he intended to discuss "the special constitutional responsibilities of the House with respect to investigation of the matters revealed in President Nixon's public statement of May 22."

In that statement, Mr. Nixon acknowledged for the first time that he had asked H. R. Halde- man and John D. Ehrlichman, two senior White House aides who have resigned, "to insure" that national security activities of a secret White House investigative unit would not be uncovered by the Government's investigation of the break-in last June at the Democratic party's headquarters in the Watergate complex.

Mr. Nixon said that he had



The New York Times
Paul N. McCloskey Jr.

set up the White House unit to try to plug leaks of information related to national security and that he had been unaware at the time of any illegal activities.

Break-Ins at Issue

According to Representative McCloskey, however, the May 22 statement "raises serious questions as to whether probable cause exists to believe that the President was guilty of the obstruction of justice."

Mr. McCloskey's letter said that members of the White House investigation unit, known familiarly as "the plumbers," were responsible for the break-ins at the Watergate and at the office of a Beverly Hills psychiatrist who had treated Dr. Daniel Ellsberg, then facing charges of conspiracy and

theft involving the Pentagon papers.

"Both of these activities were criminal in nature," Mr. McCloskey said.

"To take steps 'to insure' that criminal activities not be exposed, under ordinary rules of criminal law, is to obstruct justice, a felony," Mr. McCloskey stated.

He also said in the letter that the President "is entitled to the presumption of innocence," but he added that "the facts thus far known would seem to indicate the need for a careful and impartial inquiry by the only body in our system of government which is assigned the responsibility for initiating action to remedy executive and judicial misconduct."

Mr. McCloskey was referring to a provision in the Constitution that gives the House of Representatives the sole authority to decide—by majority vote—whether to impeach a Federal official. If an official is impeached by the House, the Senate conducts a trial to determine if the official should be removed from office. Two-thirds of the Senators present must vote for the removal.

Duty Emphasized

"The constitutional power granted to the House also represents a duty on our part," Mr. McCloskey said.

Furthermore, he noted in the letter that the White House press secretary, Ronald L. Ziegler, had stated last week that it would be "constitutionally inappropriate" for Mr. Nixon to be questioned by Government prosecutors or Senate investigators.

"In this Mr. Ziegler is correct," Representative McCloskey said. "The sole constitu-

tional action permitted against a President who may have committed a crime while in office is that of impeachment, and only the House can institute such a proceeding. Clearly, we should not do so without preliminary proceedings to fully ascertain such facts as may indicate probable cause of guilt or innocence."

Accordingly, Mr. McCloskey urged fellow House members to be present when he initiates a "full discussion" on Wednesday "of the alternative actions which now might be properly considered by the House."