

# Blackmun Decries 'Pall' of Watergate; Talmadge Sees No Impeachment Basis

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Special to The New York Times

WASHINGTON, Aug. 5—Supreme Court Justice Harry A. Blackmun said today that under the "pall" of the Watergate scandal, the "very glue of our ship of state seems about to become unstuck."

"There is a resulting fear of consequent grave damage to the democratic process of which we have been so proud, and in which we firmly have believed, and which we have proclaimed to the world," he said in a speech at the American Bar Association convention here.

Meanwhile there were these developments in the Watergate case:

¶ Senator Herman E. Talmadge of Georgia, a member of the Senate Watergate panel, contended in a television interview today that there was no evidence that would now justify impeaching President Nixon and that the public would not support such a move. He declared that a good deal of suspicion would be lifted from the White House only when Mr. Nixon re-

leased tape recordings of relevant Presidential conversations and made himself available for examination.

¶ Richard G. Kleindienst, former Attorney General, was said by United Press International to be prepared to testify this week that he gave Mr. Nixon all the facts in the Watergate case last April 15 and that he was convinced that the President did not know until then about a cover-up.

¶ Prof. Charles Alan Wright, the President's attorney, will appear in Federal District Court on Tuesday with a statement justifying Mr. Nixon's refusal to furnish the special Watergate prosecutor, Archibald Cox, with tape recordings of White House conversations dealing with Watergate. [Page 22.]

The hearings by the Senate Watergate committee resume tomorrow with L. Patrick Gray 3d, former acting director of the Federal Bureau of Investigation, on the witness stand.

Justice Blackmun was appointed to the Court by President Nixon and is generally

counted as part of the Court's conservative bloc.

But he gave his audience a perspective on Watergate that was different from the official White House stance that the scandal has been blown out of proportion.

The Justice noted that America had often been marked by "adversity," that there have been "other scandals, large and small, that have rocked every Administration of recent times." He noted too that various public officials were recently implicated in other crimes or improprieties.

"One senses a laxness in public life that 20 years ago, if indulged in, could not be politically surmounted," he told the lawyers and judges and their families, gathered for the association's annual prayer breakfast.

Then he turned to Watergate, and said: "The pall of the Watergate, with all its revelations of misplaced loyalties, of strange measures of the unethical, of unusual doings in high places,

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and by lawyer after lawyer after lawyer, is upon us. It is something that necessarily touches us all, irrespective of political inclination."

"Seemingly," he said a moment later, "there is an environment of diffuse but broad taint and corruption in our public life."

Justice Blackmun went to the Old Testament for a parallel to—and a way out of—the Watergate problem. He found it in the story of the rebuilding of the ruins of Jerusalem by the prophet Nehemiah in 446 B.C.

"One may say that our Jerusalem is in ruins," he suggested. With Watergate coming on top of the era's other problems, one might "question," he said, whether this society's "foundations are eroding and whether the walls, after all, are only rubble."

### Begin to Rebuild

It is perhaps time, he said, to follow Nehemiah's example, and begin to rebuild.

"Perhaps we need to make our own solitary inspection of the walls," Justice Blackmun said, "to plan; to cooperate; to resolve that it is worth doing; to provide leadership; to engage, if necessary, in activity that simultaneously is both defensive and constructive; to re-

dedicate—or should I say dedicate—ourselves to what this bar association and this nation stand for."

At this convention, the association's 96th annual meeting, the talk returns to Watergate again and again.



United Press International  
Justice Harry A. Blackmun

To a great degree, the talk has been defensive, with many lawyers conceding that the profession's disciplinary structure was inadequate but insisting that the profession itself did not cause Watergate.

Justice Blackmun did not blame the profession for Watergate; instead, he cited a general decline in traditional American values. When he finished, his listeners gave him a standing ovation.

### Reticent About Comment

Judges traditionally have stayed quiet about matters of public controversy, explaining that the courts should be "above debate" and that they don't want to discuss an issue on which they might be asked to rule. But critics have long pointed out that it is possible to discuss disputed matters

without prejudicing or prejudging a specific case.

In Justice Blackmun's speech, for instance, he mentioned no particular participant in Watergate by name.

And when he finished, it was clear the lawyers were glad that he had taken up the issue. "Superb," Bernard Segal, a former president of the association said to the Justice, shaking his hand in congratulations.

"That was wonderful," an elderly woman said to him. "Could I have your autograph?" She does not usually collect autographs, she told him as she held out the breakfast program for him to sign, but in this case, she said, she was making an exception.

Another Supreme Court Justice who has spoken out on

Watergate is Potter Stewart, who on May 9 praised the "dedication and persistence" of two Washington Post reporters in uncovering "serious wrongdoing in American political life."

Mr. Gray, who resumes his testimony tomorrow, read a long opening statement to the Senate Watergate committee Friday afternoon, but is yet to be questioned.

Senator Talmadge said today on the Columbia Broadcasting System's television news program "Face the Nation" that he expected public interest will have waned when the Senate inquiry continues next month.

The committee is scheduled to examine last year's Presidential election in two more phases—"dirty tricks" and campaign financing. The "dirty tricks" phase will focus on alleged political sabotage.

"We might be able to create



Associated Press  
Senator Herman E. Talmadge before a televised interview yesterday.

two subcommittees" of the seven-member Watergate panel to take up the matter simultaneously, Senator Talmadge suggested today. "I do hope that we can complete this investigation at the earliest possible date, submit our report and prepare such legislation as may be warranted," he added.

Mr. Kleindienst will follow Mr. Gray to the witness stand. According to United Press International, he is prepared to testify that when he relayed to President Nixon on April 15 the revelations made shortly before to Federal prosecutors by the dismissed White House counsel John W. Dean 3d, the President appeared surprised.