

Speaks of Impeaching

Washington

Senator George S. McGovern said yesterday that if the courts order President Nixon to release the Watergate tapes, and Mr. Nixon refuses to honor the order, Congress might have to move for impeachment.

"If the President remains steadfast in his refusal to turn over the tapes, even if the courts hold that he has an obligation to do so," the South Dakota Democrat said, "then the Congress will have no other recourse except to give serious consideration to impeachment."

The senator, who lost the 1972 presidential election to Mr. Nixon in a landslide vote, also said that the fact that the President refuses to release the tapes of presidential conversations "has made it very hard for us to accept the arguments that he advances that he had nothing to do either with the coverup of the Watergate incident or its original planning."

Attorneys for the President and for special Watergate prosecutor Archibald Cox are set to appear in U.S. District Court here Wednesday for oral arguments over release of the tapes of presidential conversations.

McGovern's comments referred to a portion of the written arguments filed on the President's behalf last week which claim that the President, and not the courts, has the ultimate power to make this decision.

DEFY

The claim has led to speculation that Mr. Nixon is prepared to defy a court order to release the tapes, should one eventually be issued.

In his comments on NBC's "Face the Nation," McGov-

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McGOVERN

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ern argued that Mr. Nixon's position would place him above both the judiciary and Congress and is "an invention that the President has advanced, that I find no basis for in Constitutional law."

Attorney General Elliot Richardson, later in the day, said he did not believe the President was preparing to defy a court order. Appearing on the ABC "Issues and Answers," Richardson said he believed that argument was presented as one of what the "rule ought to be."

"I don't think," Richardson continued, "the President has taken a position on that except through his press secretary who said that on his behalf that the President would, of course, obey any definitive orders in this case."

COOPERATION

The attorney general said he believed the President had already "gone far" on cooperating with the Watergate investigations by permitting evidence to be given by people who witnessed or took part in conversations with him and releasing "a great many" presidential papers.

Speaking to the same point in his television appearance, McGovern argued that the President is "more than a lawyer."

"He is," McGovern said, "also the leader of the American people. He has a serious credibility problem with the American people. Without reference to the legal aspects of this point, I

would strongly recommend to President Nixon that he not only release the tapes, but that he make a full accounting of everything that he knows about this Watergate tragedy."

AGNEW

While Watergate dominated the McGovern television appearance, the attorney general was questioned almost as closely about Vice President Agnew's recent problems.

Discussing the Maryland investigation into charges of kickbacks and bribery involving government officials and reported to involve Agnew, Richardson said he personally would decide whether the information gathered concerning the vice president would be presented to a grand jury.

Whether the information would be presented, he said, would depend in part on another decision he personally would make — whether a sitting vice president can be indicted.

DECISIONS

Assuming responsibility for these final decisions, Richardson said:

"Of course, with respect to any matter in the Department of Justice, I would retain ultimate responsibility. In this situation, clearly, I feel the responsibility I hold very keenly, and I would expect to exercise it."

Richardson spoke as a source close to the investigation told the New York Times "it will take a miracle to avoid" an indictment of the vice president.

New York Times