

Impeachment Probe Tentatively Planned

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House Democratic leaders tentatively agreed yesterday that the House Judiciary Committee should make a preliminary investigation to determine whether there are grounds to impeach President Nixon.

This first-step decision emerged from a 3½-hour meeting of Speaker Carl Albert and the few members of the party leadership who were in town for the long Veterans Day weekend. It will be discussed further this morning at a full meeting of Democratic leaders and with the House Democratic Steering Committee, which is representative of party membership.

A preliminary study would be one step short of

beginning formal impeachment proceedings. But it would be expected to head off any serious drive for an immediate House vote, without any committee consideration, on an impeachment resolution when members return to work today.

Rep. Jerome R. Waldie (D-Calif.) said he will introduce a resolution calling for Mr. Nixon's impeachment on grounds that he has obstructed justice by refusing to produce tapes of his Watergate conversations, and by firing Watergate Special Prosecutor Archibald Cox for pressing for production of the tapes.

Waldie said he would

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prefer that his resolution be referred to the House Judiciary Committee for consideration, rather than be put to an immediate vote. Any member could demand an immediate up-or-down vote, but this could be headed off by a motion to refer it to committee.

Meanwhile, at the request of Senate Majority Leader Mike Mansfield the Senate Judiciary Committee will meet Wednesday morning to decide whether to conduct hearings on the firing of Cox and the resignations of Attorney General Elliot L. Richardson and his deputy, William D. Ruckelshaus.

Mansfield said the Judiciary Committee should look into the matter because Richardson had promised the Senate at the time of his confirmation that the special prosecutor would be given a free hand. It was because of this promise that Richardson resigned when the President asked him to fire Cox.

Sen. Edward M. Kennedy (D-Mass.) said evidence was building up that Cox was fired not because of the controversy over the tapes but because he was "too hot on the White House trail."

Kennedy, a member of the Judiciary Committee, said he hoped the unit would vote to begin hearings on Wednesday with Cox the first witness. Kennedy also said Mr. Nixon should consider resigning because he had broken his pledge that "justice will be pursued fully, fairly and impartially."

House Republicans will meet this morning to discuss the situation.

Rep. Barber Conable of New York, chairman of the House GOP research committee and the only Republican leader talking yesterday, said he would prefer having a select committee rather than Judiciary handle the preliminary inquiry on impeachment. This was in part because of the liberal and presumably anti-Nixon lineup of the 21 Democrats on the 38-member Judiciary Committee, and in part because gearing up a select committee would give time to see whether the President's plan to release summaries of his tapes verified by Sen. John C. Stennis (D-Miss.) was legal and acceptable.

Conable, a moderate and independent-minded Republican, described himself as



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Speaker Carl Albert met with party leaders yesterday.

"upset and concerned" by events because "every time we go down this chute it has tended to weaken the system and the process and add to the paralysis of government."

He called House Republicans "pretty badly, disturbed" and predicted that Republican leaders would lead no move to block preliminary steps toward impeachment.

Although it appeared that there is not a House majority for voting impeachment of the President today, comments from conservative Republicans showed them seriously shaken by the weekend's events.

"I've carried Nixon's flag faithfully for five years and it's getting awfully heavy," said Rep. G. William Whitehurst (R-Va.).

"I'm bending over backwards to believe him," said Rep. Jerry Pettis (R-Calif.). "I'm bending over so far

backwards my fifth vertebra is about to break."

Rep. Garry Brown (R-Mich.), who was strongly against impeachment before the weekend and played a key role in scuttling a House Banking Committee Watergate investigation last year, said he now is undecided about impeachment.

Liberal Democrats in Congress seemed agreed that the first priority need, ahead of considering impeachment of the President, was to pass legislation creating an independent special prosecutor to continue Cox's work and protect his records. Though such a bill would be subject to presidential veto, some felt the two-thirds vote needed to override could be obtained for the first time this year.

However, Rep. Peter Rodino (D-N.J.), House Judiciary Committee chairman, said research by his staff raised a question of whether

Congress could constitutionally create a post of prosecutor within the executive branch completely immune from presidential control. This was discussed at the meeting with Speaker Albert, which was also attended by Democratic whip John McFall (D-Calif.) and Rep. Jim Wright (D-Tex.), a deputy whip. Majority Leader Thomas P. O'Neill (D-Mass.) is expected back in Washington today.

Rep. Donald M. Fraser (D-Minn.), who has been drafting a bill for an independent special prosecutor, said there are precedents that tend to uphold its legality.

Wright said after the leadership meeting he felt there should be "no sudden demand for action by the House" pending a "responsible inquiry to ascertain whether some impeachable offense has been committed." He added the belief that Judiciary is the "appropriate committee to make such an inquiry", and said he believed this was the position of the Democratic leadership as of last night.

Albert has refused any comment on the weekend events. But McFall said after the meeting he believes Albert "earnestly desires" that action on confirming House Minority Leader Gerald R. Ford to succeed the resigned Spiro T. Agnew as Vice President should be disposed of before the House votes on the question of impeaching the President.

Albert would become President should Mr. Nixon be ousted from office before Ford is confirmed as Vice President.

There has been speculation that Ford's nomination may be delayed and jeopardized by the possibility of impeachment.

Rep. Morris K. Udall (D-Ariz.) suggested that Congress speedily confirm Ford as part of an agreement that Mr. Nixon would then resign in Ford's favor. He said this would spare the country the "agony" of such events as the Democratic Congress holding Ford hostage during court suits and impeachment proceedings, and would show that Democrats are not trying to grab the White House from the Republicans.

Udall said he considered Ford a man of integrity qualified to be President. If Ford is short on innovation and articulateness, said Udall, so have been other Presidents who produced stability and trust.

Staff writer Spencer Rich contributed to this report.