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**Impeachment
Rejected Now
In Senate Poll**

By Spencer Rich

Washington Post Staff Writer

The Senate would overwhelmingly reject a move to oust Richard M. Nixon from the presidency for "high crimes and misdemeanors" if such a vote were held today, a survey by The Washington Post indicates.

The conclusion of the senate's best vote counters—both Democrats and Republicans—is that such a move would fail by at least 17 votes and probably more.

They say that the absolute maximum of senators who lean toward a Nixon ouster is now between 45 and 50—far less than the two-thirds vote or 67 senators, needed to remove the President if the House sends over a bill of impeachment.

Many put that figure far lower — at only 30 to 40 votes — and stress that most of these anti-Nixon votes are "soft" and tentative. They say that no matter how the senators now lean, most genuinely haven't made up their minds and could easily change their tentative conclusions.

"Assuming that the House were to vote a bill of impeachment enabling the Senate to put the President on trial, I count a minimum of 60 votes against impeachment now," said a Northern Democrat generally viewed as one senator who always has an accurate vote count.

He studied a Senate roll-call tally sheet silently for more than 10 minutes and added, "The most they could get for impeachment is 40 votes, and maybe not that much. Maybe 20 to 40."

The subject of impeachment is so dangerous politically that this senator, like the 20 other senators and key staffers interviewed in The Washington Post survey, asked that his name not be used.

"Based on the evidence now, I don't think there's a prayer for conviction in the minds of senators. Some of the most avid Nixon-haters tell me they couldn't vote for impeachment now," said a Democratic staff member with close links to all wings of his party.

A Southern Democrat who said he had just sat down with a group of associates and made a careful vote-

count said he isn't clear on how many senators are lean-

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ing toward removal of the President, but he is confident that there are "39 solid against impeachment. Those 39 aren't going to vote to convict unless it is proved, proved, that he committed a crime. So far it isn't proved he's even guilty of parking in front of a fireplug."

A moderate-to-conservative Republican said, "How many for impeachment? I'd say not more than 20 votes. There is a distinct predisposition against impeachment at present."

Another Republican, with a flawless record on vote predictions, said, "34 against the President right now."

"A wild guess—50 to 50, but an awful lot of senators haven't really come to grips with the whole issue in their minds, one way or the other," said a Midwestern GOP moderate.

As it happened, the most favorable estimate for Mr. Nixon came from a Northern Democrat who personally detests the President, would like to take his place and strongly suspects that the President is responsible for the 18½-minute erasure on one of the White House tapes.

"How many right now? I don't know of any right now personally who have made up their minds. Maybe 10, at a gut feeling. I couldn't count more. . . . (As for myself) I don't feel they have sufficient evidence at this time to convict the President."

A number of others of both parties put the maximum figure at 45 to 50 votes tentatively against the President now.

There was universal agreement that the sentiment for removing the President would balloon immediately if any of the following occurred:

- Flat presidential defiance of a final court order to turn over to Congress, the courts or the special prosecutor's office any clearly relevant evidence in the Watergate probe or impeachment proceeding.

- Clear evidence that the President is responsible for destroying evidence or obstructing the courts—the White House tape erasures, for example.

- Clear evidence that the President was guilty of complicity in the Watergate break-in or the subsequent cover-up, or that he was guilty of promises of favors

to campaign contributors, which would constitute bribery.

- A massive public upsurge of anti-Nixon sentiment for whatever reason—Watergate suspicions, the state of the economy or the oil shortage, for example.

- A presidential attempt to fire Watergate Special Prosecutor Leon Jaworski for pursuing evidence relevant to the Watergate scandals.

A large number of senators said the most crucial issue in the senate trial, if the House sends over a bill of impeachment, would be whether individual senators conclude that the President can only be removed from office if there is solid proof of a major indictable criminal offense, or whether they decide they can remove him for "misconduct in office."

Proving an indictable criminal offense, like destruction of evidence or conspiracy to burglarize the Watergate, would be harder, and virtually all senators interviewed believe that no such proof has been brought forward.

Reaching the conclusion that Mr. Nixon has misbehaved in office—say, by misusing the CIA and FBI to cover up—would be easier. But an overwhelming majority would have to adopt this standard before Mr. Nixon could be convicted and removed from office.

More than half the senators interviewed said they tend to believe convincing evidence of serious misconduct would be sufficient to warrant removal, but about 40 per cent said they need hard evidence of an indictable crime and didn't see it now. They predicted that the White House and Mr. Nixon's supporters will go all out to try to convince senators that the "indictable offense" criterion is the proper one.

A Northern Democrat widely regarded as a super-liberal said, "Two-thirds is damned hard to get."

Underlying his observation are these statistics: The Senate has 58 Democrats, of whom 42 are Northerners or border states and 16 are Southerners. If all 42 Northern Democrats, plus six of the Southerners were to vote to remove the President, the pro-ouster forces would still need 19 Republican votes—almost half the Senate's 42 Republicans.

Of 16 senators interviewed in The Washington Post's survey, two are Southern Democrats, nine are Democratic liberals or middle-roaders and five are GOP middle-roaders. Most

are in the great undecided middle and an impeachment move would have to win virtually every one in order to succeed.

At present, seven lean toward impeachment, eight lean against, and one is undecided but perhaps leaning for. All stressed that they have made no final decision and are open to hear the evidence.

Here are some of their statements:

Northern Democratic moderate—"The State of the Union hurt him badly with his defiance of Congress. Now many are saying you don't need an indictable crime but a political crime—misconduct in office. I think more senators now are saying this is what they'll make the final decision on—I'm one of those who has shifted to this criterion. Much more sentiment has been building up against him in recent months. Probably a majority now inclined to vote against him."

Western Republican moderate-to-conservative — "At this moment I don't see any evidence of a felonious act. At this moment I'd vote against impeaching. But I'm waiting for the House evidence."

Eastern middle-road Republican—"Right now I'd vote no. But much more evidence may come out one way or the other. I'm not sure right now we have any direct evidence of his complicity. My guess is most senators will go for narrow grounds—will require proof he's personally involved in tape-erasure, cover-up, clearly misused CIA and FBI."

Southern Democrat—"It'd have to be more than just misleading the public or lying to the public or even knowing of the coverup before March 21, which I think he did. It'd have to

be a crime. You've got to show me a criminal statute he violated, that he personally erased the tape, that he destroyed material evidence. Most senators will be much happier if it never gets over here."

Northern Democrat—"We have to keep a juror's objectivity. The thing that really disturbs me is the 18½-minute gap. It's hard to believe he didn't know what's going on (but nevertheless) I don't feel they have sufficient evidence at this time to convict the president."