

House Lawyers Say Crimes Not Impeachment Necessity

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House Judiciary Committee lawyers have concluded that President Nixon could be impeached and removed from office for actions that need not be legal crimes, but must be serious offenses against the public interest.

Chairman Peter W. Rodino (D-N.J.) said the legal study, to be released today, was "solidly approved" by the staff, including both special counsel John Doar and the Republican counsel, Albert Jenner.

This broad definition of impeachable offenses is supported by most legal scholars and so was not surprising, though it may be viewed as a setback for the President if it is accepted by most congress-

men when they vote on whether the President should be impeached in connection with Watergate or other acts.

Defendants in impeachment proceedings traditionally have argued for the narrower view that an official can be impeached and removed from office only for indictable offenses for which he could be tried, convicted and sent to prison. This would restrict considerably grounds for impeachment.

Under the broader view reportedly adopted by the committee staff, Mr. Nixon could be impeached for acts which congressmen decided amounted to a misuse of power or subverted the integrity of government, but which were not indictable legal crimes.

In the most recent impeachment proceeding, in 1936, Congress adopted this broader definition in removing a federal judge for bringing his court into disrepute.

The Department of Justice has prepared its own study, "The Law of Impeachment," which was to have been released yesterday but was delayed. The House Judiciary Committee also had planned to release its report yesterday but postponed it a day to get copies printed.

Rodino had said earlier that he expected his committee at some point to take a vote on a definition of impeachable offenses. Yesterday he said there would be no vote. Re-

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publicans and some Democrats had objected on grounds that this is an individual decision for every member of Congress to make.

Next step for the House committee is to obtain all the information it can from the White House and other sources that would provide evidence on whether Mr. Nixon has committed impeachable acts.

Democrats and Republicans on the committee held separate caucuses to discuss and generally approve a proposed committee rule to assure confidentiality of information that may be given it by the White House. James D. St. Clair, the President's chief legal adviser, had expressed great concern on this point in a meeting with Doar and Jenner last week.

The plan is that initially only Rodino, Doar, Jenner and Rep. Edward Hutchinson (R-Mich.), senior Republican on the committee, would see documents, tapes or other material turned over by the White House. But before the committee voted on charges, every committee member would be entitled to see all information received under conditions of security that would forbid copying documents or taking notes.

"We are imposing on ourselves procedures to show that we are responsible," said Rodino. But he reiterated that after the committee has adopted

a rule of confidentiality, probably at a Friday meeting, it will not negotiate the issue with St. Clair. If the White House does not agree to submit information voluntarily under security assurances given, the committee will try to compel production of information by subpoena, members said.

Democrats said Doar told them he would be ready by the end of this week or soon after to send St. Clair a letter specifying materials the committee wants from White House files.

Reps. Jerome Waldie (D-Calif.) and Robert Dinan (D-Mass.), two committee members who have long urged impeachment of the President, predicted that the White House will not cooperate with the committee.

"There is always going to be confrontation with the White House because the White House is trying to cover up guilt," said Waldie. "You can't cooperate when you're guilty."

Dinan predicted that St. Clair will use the tactics of a defense attorney and try to delay at every step. "St. Clair

is going to push us into court," said Drinan. "But we have the inherent right to get the information and will not be pushed around."

Rodino said the committee will follow the "rule of reasonableness" in deciding at what point the committee should use the subpoena power given it by the House to conduct its inquiry.