

# Robert Byrd Calls Nixon Fall Likelier

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## Senate Democratic Whip

Robert C. Byrd of West Virginia said yesterday that President Nixon's "defiance" of the Watergate Special Prosecutor and the House Judiciary Committee increases the likelihood that he will be removed from office by the Senate.

Byrd, who told reporters March 3 that he doubted that two-thirds of the Senate was ready to vote to convict the President, said he could not repeat that estimate today. "I think the situation has probably hardened," Byrd said, citing the convictions of several former Nixon aides, the Watergate grand jury's report to the special prosecutor, and "the stonewalling that the President and his lawyer have been exhibiting all the way down the line."

Appearing on "Face the Nation," (CBS-WTOP), Byrd declared that the President's refusal to provide evidence sought by defendants in the Ellsberg break-in case could force the government to drop the case, which "would amount to a form of executive clemency if the President were to persist."

This, Byrd added, "could very well be interpreted" as obstruction of justice, which is an impeachable offense.

Byrd also charged President Nixon with violating his pledge not to interfere with Special Prosecutor Leon Jaworski without first consulting congressional leaders. That pledge, made during the confirmation hearings of Attorney General William B. Saxbe and published as a formal Justice Department regulation, has "the force of law," Byrd said.

Byrd said he doubts that the Senate Judiciary Committee, on which he serves, needs to take any further action to protect Jaworski's independence, and he ultimately expects the Supreme Court to back the special prosecutor's right to subpoena documents from the President.

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## IMPEACH, From A1

Asked whether Mr. Nixon could be impeached and convicted simply for failure to provide evidence, Byrd commented, "I don't think that the House Judiciary Committee could get suckered into . . . dealing with this whole situation purely on the basis of contempt. I think the President and his lawyer would like to have that happen."

In another Sunday interview program, the American Bar Association president, Chesterfield Smith, also took issue with Mr. Nixon's apparent defense strategy.

"The President has not been interested in expediting this [the Watergate investigations] in any way," Smith commented on "Meet the Press" (NBC-WRC).

"It is clear to me that he has impeded it for reasons of his own, that I don't believe he has been thinking of himself as the chief enforcement officer of the nation. I think he is thinking of himself as somebody being investigated." Smith rejected the notion that the involvement of large numbers of lawyers in Watergate might have tarnished the legal profession. "Many of them had legal training, but they weren't acting as lawyers or exercising legal skills or doing anything that lawyers normally do," he said.

In an interview with Public Television correspondent Jim Lehrer, White House counsel or Anne Armstrong criticized some members of the House Judiciary Committee for prejudging the case against President Nixon. Their views were "set in concrete," she said, "before the evidence was in."

Contending that organized labor and other liberal groups were responsible for a "vendetta" against President Nixon, Mrs. Armstrong said the impeachment process would be delayed further if the President were to furnish additional subpoenaed tapes to the House Judiciary Committee.