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Impeachment Committee's Undecided Members Face A Day of Reckoning NYTimes

By JAMES M. NAUGHTON

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WASHINGTON, July 17 —

The second-ranking Republican on the House Judiciary Committee said today that it might be "suicidal" for members of President Nixon's party to vote for a recommendation that the President be impeached.

But the Republican, Representative Robert McClory of Illinois, declared that he would ignore the perils to his own political future if he decided that Mr. Nixon should be held accountable for "wrongdoing taking place right under the President's nose."

Mr. McClory's remarks, in a conversation with reporters, illustrated the growing pressures being faced by Republican members of the Judiciary Committee as they approach the panel's day of reckoning with impeachment.

The committee heard testimony today from its final witness, Herbert W. Kalmbach, the President's former personal attorney. Tomorrow it will re-

Continued on Page 21, Column 5

ceive what James D. St. Clair, Mr. Nixon's chief defense lawyer, described as the "White House closing argument" against impeachment.

First Vote Next Week

By the next week, after the inquiry staff presents an outline of the evidence and the committee formally debates its import, the 21 Democrats and 17 Republicans are expected to cast their first vote on impeachment.

The proximity of that conclusive vote has apparently led to intense political pressure on those Republican members of the committee who, like Mr. McClory, contend that they are undecided whether impeachment would be warranted by the evidence.

One Republican, who asked not to be identified, said that colleagues on the committee who had decided to oppose impeachment were trying to put pressure on the undecided members to join in a solid Republican bloc.

Other Republicans, such as Representative Tom Railsback of Illinois, have reported that the anti-impeachment mail they receive has become more voluminous than pro-impeachment mail.

An upstate New York Republican, who is not a member of the Judiciary Committee but whose experience typifies what those on the panel are undergoing, reported that two long-time campaign contributors — a Republican who opposes impeachment and a Democrat who favors it — had warned separately that their future financial backing would be contingent on the Congressman's impeachment vote.

Pressure From Wife

Representative M. Caldwell Butler, Republican of Virginia, said today that he had not been subjected to undue pressure from constituents in his staunchly Republican district and was, accordingly, still open-minded on impeachment.

But Mr. Butler's wife, June, has sought to influence his vote — reportedly in favor of impeachment — by reading to him at bedtime from "All the President's Men," the book in which two Washington Post reporters described their efforts to plumb the Watergate depths.

Representative Hamilton Fish Jr., Republican of upstate New York, has told reporters of being dogged by another form of family pressure. His father, Hamilton Fish Sr., is an officer of a group of citizens who urge in newspaper advertisements that the President not be impeached. Each advertisement, the Congressman said, invariably produces angry complaints from constituents who mistakenly conclude that the younger Mr. Fish has decided to oppose impeachment.

The significance of the half-dozen or so undecided committee Republicans is that Democrats, virtually all of whom are expected to recommend impeachment, have said that bipartisan support would be essential if the committee finding is to be persuasive on the House floor.

Expects Unanimity

In a statement that some inquiry officials interpreted as a form of subtle pressure on the undecideds, Representative Charles E. Wiggins of California said yesterday that he expected all 16 of his Republican committee colleagues to join him in voting against impeachment.

But Mr. Railsback said that he and "at least" three others — William S. Cohen of Maine, Mr. Butler and Mr. Fish — would remain undecided until they had heard White House and committee lawyers argue the merits of the case. Mr. Cohen stated that Mr. Wiggins was not speaking for him. Representative Henry P. Smith 3d

of upstate New York insisted he was "persuadable" either way.

And Mr. McClory, whose public statements have alternated between defense and criticism of Mr. Nixon, agonized aloud at a recess in today's hearing about the burden of the forthcoming decision.

"It would be a very difficult decision for me" to vote for impeachment, he said, adding, "But I'm not going to rule it out because of the difficulty or because of the suicidal aspects involved."

Worried by Defiance

He said that he was troubled by two aspects of the Watergate affair. The first, Mr. McClory noted, was the President's defiance of Judiciary Committee subpoenas for White House tape recordings and other evidence.

"I don't see how we can excuse that kind of concealment of vital evidence," he said.

Moreover, he added, he is concerned that "so many of those who were in the White House are now in jail or have completed their terms or are awaiting sentencing."

"There was obviously wrongdoing taking place right under the President's nose and I'm very concerned," said Mr. McClory. "Is that any way to run a White House?"

Asked whether those two matters would merit impeachment, replied ruefully, "that's something I'm going to have to decide."

Some Republicans on the committee have begun to follow an earlier suggestion by Mr. Wiggins that Congress, as an alternative to impeachment, should devise new laws that would curb excesses in the executive branch.

Representative David W. Dennis, Republican of Indiana, said today that he considered himself undecided but that he thought impeachment was "radical surgery" to be used only in

the face of overwhelming evidence of Presidential abuse.

"What we really ought to be doing is thinking about some remedial legislation," Mr. Dennis added.

Most of the currently ambivalent Republicans said that their attitude, when the vote came, would be colored to a large extent by the White House and committee staff arguments.

Mr. St. Clair said that his final argument tomorrow in defense of the President would center on the Watergate case and would make three principal points — that Mr. Nixon had no prior knowledge of plans for the Watergate burglary, that he did not direct the payment of alleged hush money to Watergate burglars and that the President, rather than engaging in a cover up, had pressed for full disclosure of the facts of the scandal.

The New York Times reported today that the committee's special counsel, John M. Doar, whose presentation will follow Mr. St. Clair's, would outline legal theories and evidence that would support a recommendation of various articles of impeachment.