

Doar Abandons Neutrality, Presses Impeachment Case

Counsel Says Nixon Guilty Of 'Crime'

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Special counsel John Doar abandoned his position of neutrality yesterday and presented the case for impeachment of President Nixon in strong words before the House Judiciary Committee.

Using notes in a closed session, Doar reportedly spoke of the "enormous crime" committed by the President "in the conduct of his office." This was a reference to the Watergate cover-up and a series of other illegal or improper acts which Doar is convinced were undertaken with the knowledge and at the direction of President Nixon.

"Reasonable men acting reasonably would find the President guilty," said Doar, according to a Democratic member who took notes.

Doar did not recommend impeachment in so many words. He has said repeatedly during the seven months of the committee's impeachment inquiry that it is his job to guide the committee through the evidence, not to tell the members what to do. But members came away with no doubt about Doar's views.

Asked by newsmen after the meeting whether he felt the evidence justified impeachment, Doar replied: "That's my judgment, yes."

Asked if he had any doubts about that position, Doar said: "No, I don't regard it as a close call."

Some members said Doar yesterday in the closed session shifted from his role of impartial instructor to that of prosecutor. He also reportedly showed more fire than ever, shifting occasionally from his laconic monotone to make an emotional speech.

Doar said he does not consider himself a prosecutor but as counsel to the committee. "I advised them as I always have fairly."

Minority counsel Albert Jenner, who has stood with Doar

on all major staff recommendations, reportedly told the committee he agreed with every word Doar spoke. The staff argument against an impeachment resolution will be made by the deputy minority counsel, Sam Garrison.

Reports of Doar's remarks brought a retort from White House press secretary Ronald L. Ziegler in San Clemente,

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Calif., that Doar and Committee chairman Peter W. Rodino (D-N.J.) were conducting the inquiry in a "partisan, duplicitous and false way."

At yesterday's committee meeting, Doar presented the committee possible articles of impeachment, some prepared by his staff, others by committee members. He also presented a summary of evidence the committee has examined which he felt supports impeachment.

There were five different sets of impeachment articles, prepared by different sources. But they were much the same in their main charges.

Charges prepared by Doar and others include obstruction of justice, abuse of power, and violation of civil rights for the Watergate break-in and cover-up and the Ellsberg psychiatrist's office break-in, contempt of Congress for defiance of committee subpoenas and tax evasion by the President.

The committee will hold another closed session today and possibly a third early next week to go over the compressed volume of evidence and discuss the draft articles. Beginning Wednesday the committee will hold a series of public meetings to debate and vote on the articles and decide whether to recommend to the House whether the President of the United States should be impeached. The final vote is not likely until early the following week.

A committee vote for impeachment seems assured, and its strong advocacy by the highly respected Doar may provide more support for it.

Doar told the committee, according to members, that the President's lawyer, James D. St. Clair "had things upside down." The tremendous powers of the presidency should be used for the benefit of the people, not for the aggrandizement of individuals, Doar reportedly said.

If President Nixon did not know of the Watergate cover-up before March 21, 1973, as he insists, Doar told the committee, "he did all he could to continue it after that." One of the first things, he did, said Doar, was to have his then chief of staff H. R. Haldeman listen to tapes of presidential conversations and take notes of what they had said, Doar said.

The facts are "overwhelming," Doar told the committee, that the President "ordered a broad general plan of illegal surveillance" and was in charge of its cover-up.

This was a reference to creation of the White House "plumbers," set up at the

President's order after release of the Pentagon Papers to plug national security leaks. This led to the break-in of the office of Daniel Ellsberg's psychiatrist in 1971 and of Democratic headquarters at the Watergate complex here in 1972.

Doar reportedly rejected any theory of conspiracy, which requires that two or more persons plot together. The President was in charge and all the rest worked for him, Doar reportedly told the committee.

In a 3-6-page "summary of information" Doar presented to back up his case he argued that the committee must decide whether the misdeeds were directed by Mr. Nixon or carried out without his knowledge.

"The critical question this committee must decide is whether the President was duped by his closest political associates or whether they were in fact carrying out his policies and decision," the summary contends. "This question must be decided one way or the other."

The summary adds: "It must be decided whether the President was duped by his subordinates into believing that his personal agents and his key political associates were not involved in a program of illegal electronic surveillance for his political purposes; or whether, in fact, Richard M. Nixon, in violation of the sacred obligation of his constitutional oath, authorized illegal intelligence-gathering activities against his political opponents."

The committee must also decide whether it believes that Mr. Nixon "used the power of his high office for over two years to coverup and conceal responsibility for the Watergate burglary and other activities of a similar nature."

The summary referred to the April 30, 1973, speech in which Mr. Nixon insisted that he repeatedly was advised that no one in his administration was involved.

"... The committee has to decide whether in his statement of April 30 the President was telling the truth to the American people, or whether that statement was part of a pattern of conduct designed not to take care that the laws were faithfully executed, but to impede their faithful execution in his political interest and on his behalf," the summary states.

Both Doar and Jenner mentioned, but reportedly did not press hard, the views of James Madison, who helped write the Constitution, that a President can be held respon-

sible for acts of his subordinates.

Jenner reportedly told the committee that, "Where there is secrecy and concealment you have to infer there is something wrong. You may not see the hand go in the cookie jar, but you can see the crumbs on the floor."

Rep. Tom Railsback (R-Ill.), one of a half-dozen committee Republicans who may vote for impeachment, said: "Doar did a nice job and Jenner covered a needed area pointing out our awesome responsibility to the Constitution. I think it will be persuasive with some members."

"He became a prosecutor today, there's no question about that," said Rep. Charles Sandman (R-N.J.), considered a likely supporter of the President.

Rep. Barbara Jordan (D-Tex.) said Doar "analyzed the facts as a lawyer would analyze them. As the facts have been developed, they would not be exculpatory on the part of the President."

Rep. Robert McClory (R-Ill.), second senior committee Republican who sometimes sounds like a possible vote for impeachment, said of Doar's speech: "He didn't convince me, but he performed very capably."

Reps. James Mann (D-S.C.) and Walter Flowers (D-Ala.), the Democratic members considered least likely to vote for impeachment, said Doar had not convinced them. Flowers said Doar hit hardest at President Nixon's failure to carry out his constitutional mandate to "take care" that the laws be faithfully executed.

Rep. Edward Mezvinsky (D-Iowa) said Doar's presentation directed the committee squarely down the road of impeachment. "The burden has shifted markedly in the direction against the President," he said.

Rep. Don Edwards (D-Calif.) said Doar "spoke from the heart and from a devotion to the Constitution. It was a very subjective speech and very impressive."

Rep. Jerome Waldie (D-Calif.), one of the first to call for the President's impeachment, called Doar's speech one of the two or three moving incidents of the 10-week series of closed hearings. "Doar was expressing his emotional trauma in concluding that the President should be impeached," Waldie said.

The summary of evidence volume which Doar gave committee members yesterday contains the evidence he believes would support articles of impeachment.

This shows Doar believes the evidence justifies im-

peachment on four separate charges.

One is a broad Watergate charge, broken down into the break-in, the cover-up, payment of hush money, promise of executive clemency, "deception and concealment," and receiving details of the Watergate investigation and relaying them to suspects in his office.

The second charge is abuse of power by the President. Specific acts cited are illegal wiretaps, creation of the "plumbers," misuse of the Internal Revenue Service to harass enemies, refusing to spend appropriated funds, knowing of but failing to act on Richard G. Kleindienst's untruthful testimony to the Senate Judiciary Committee when he was the President's nominee for Attorney General, and use of federal funds to improve the President's homes at San Clemente and Key Biscayne.

The other evidence Doar gave the committee in condensed form supported articles of impeachment against the President for tax evasion and for contempt of Congress for his defiance of committee subpoenas for material for its inquiry. Mr. Nixon underpaid income taxes by more than \$400,000 from 1969 to 1973 by taking deductions—later disallowed—for donation of his pre-presidential papers and for failing to declare capital gains on real estate transactions.

The five sets of draft articles which Doar presented the committee are not identified by author. But one set of four articles parallels the evidence Doar gave the committee and presumably was prepared by the staff.

That staff set of four articles begins with this preamble:

"Resolved, that the House of Representatives does impeach, Richard M. Nixon, of high crimes and misdemeanors in the conduct of his office, as set forth in the following articles, in violation of the sacred obligation of his constitutional oath, faithfully to execute the office of the President of the United States, and, to the best of his ability, preserve, protect and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, all in the manner marked by concealment and public deception, contrary to his trust as President, unmindful of the solemn duties of his high office, to the manifest injury of the confidence of the nation and the great prejudice of the cause of law and justice and subversion of constitutional government."