

NYTimes JUL 20 1974

DOAR URGES PANEL TO VOTE FOR NIXON'S IMPEACHMENT; BACKED BY G.O.P. COUNSEL

NYTimes JUL 20 1974

House Unit Releases Data On I.T.T. and Milk Affair

Trust Suit Inquiry

By E. W. KENWORTHY
Special to The New York Times

WASHINGTON, July 19—The House Judiciary Committee published today voluminous documentation on the tangled web known as "The I.T.T. affair."

But no document substantiated conclusively an allegation that the Nixon Administration

Excerpts from the committee evidence and White House responses on milk and I.T.T., Pages 12-16.

tion's settlement of an antitrust suit against the International Telephone and Telegraph Corporation was in return for the conglomerate's pledge of up to \$400,000 for the Republican National Convention in 1972.

The settlement permitted the corporation to retain the Hartford Fire Insurance Company.

The allegation was at the core of the committee's inquiry as it pursued evidence of impeachable offenses, as it was at the core of the Senate Judiciary Committee's resumed hearings in March-April, 1972, on the

Continued on Page 19, Column 1

Price Supports Studied

By WILLIAM ROBBINS
Special to The New York Times

WASHINGTON, July 19—President Nixon disclosed his decision to raise milk-price supports in 1971 after listening to an exposition by John B. Connally on political and economic considerations and on dairy co-operators' potential for campaign funding, a new transcript released by the House Judiciary Committee showed today.

The President's decision became clear, according to the document, early in a White House discussion on the afternoon of March 23, 1971, after Mr. Connally, then Secretary of the Treasury, had said that Congress would probably raise milk-price supports if the Administration did not and told Mr. Nixon:

"If you do [veto the increase], you've cost yourself the money—you've lost your political advantage."

A short while later, the transcript shows, Mr. Nixon said: "Under the circumstances, I think the best thing to do is to

Continued on Page 19, Column 3

5 MAJOR CHARGES

29 Proposed Articles of Impeachment Are Submitted to Unit

By JAMES M. NAUGHTON
Special to The New York Times

WASHINGTON, July 19—The House Judiciary Committee's senior counsels to both the Democrats and Republicans urged the committee today to recommend a Senate trial of President Nixon on one or more of five central impeachment charges.

John M. Doar, the special counsel, told the committee as it began impeachment delibera-

Text of proposed articles of impeachment, Pages 17, 18.

tions that he could not remain "indifferent" if President Nixon or any other President committed the "terrible deed of subverting the Constitution."

The special Republican counsel, Albert E. Jenner Jr., endorsed Mr. Doar's conclusions by admonishing the committee to live up to the standards set by the nation's founders.

29 Potential Articles

Mr. Doar submitted to the panel 29 potential articles of impeachment—some drafted by the committee staff and others proposed by committee members—that represented various approaches to the following five fundamental allegations against Mr. Nixon:

☐ Obstruction of justice in the Watergate and related scandals.

☐ Abuse of Presidential power in dealings with Government agencies.

☐ Contempt of Congress and the courts through the defiance of subpoenas for evidence.

☐ Failure to adhere to an explicit constitutional

Harsh Judgments Suggested

Along with the 29 potential charges against Mr. Nixon, Mr. Doar submitted a thick volume outlining a summary of the inquiry's key findings and suggesting harsh judgments about the President's conduct both before and after the 1972 Watergate burglary.

The proposed impeachment articles drafted at Mr. Doar's direction contained language accusing the President of "having made it his policy to cover up and conceal responsibility" for the Watergate break-in at Democratic headquarters in June, 1972. Mr. Nixon was said to have furthered the alleged conspiracy through such means as "subornation of perjury," the "purchase of silence" of the burglars and "unlawful interference" with the Government's investigation.

"For all this," the first of the staff's proposed articles declared, "Richard M. Nixon is personally and directly responsible."

Committee members, includ-

Continued on Page 18, Column 1

Doar Urges Panel to Vote for Nixon's Impeachment

Continued From Page 1, Col. 8

Some Republicans who had been sharply critical of the inquiry staff during impeachment hearings, said today that the summation by Mr. Doar and Mr. Jenner had been impressive.

But most of the committee members said they would refrain from drawing conclusions from the material until they formally debate the impeachment issue next week.

Mr. Doar told reporters following his presentation at the closed hearing this morning that he had told the committee he believed the evidence "warrants impeachment on one or more articles."

Various panel members said that both Mr. Doar and Mr. Jenner, who had refrained deliberately from offering conclusions during 10 weeks of hearings, had become advocates of impeachment today.

In a style that Representative William S. Cohn, Republican of Maine, described as "dramatic," Mr. Doar reportedly told the committee that the defense of the President presented yesterday by Mr. Nixon's lawyers was "irreconcilable" with the evidence.

Mr. Doar told the committee that, "as an individual, I have not the slightest bias against President Nixon. I would hope that I would not do him the smallest, slightest injury."

Can't Be Indifferent

But he went on to say that he could not be "indifferent" to any abuse of power by any Chief Executive. He added:

"If in fact President Nixon, or any President, has had a central part in planning and executing this terrible deed of subverting the Constitution, then I shall do my part as best I can to bring him to answer before the Congress of the United States for this enormous crime."

Mr. Jenner's brief statement in support of Mr. Doar was called "emotional" by one Democrat member and "an excellent job" by Representative Lawrence J. Hogan of Maryland, a Republican who had

previously criticized Mr. Jenner's conduct in the inquiry.

According to several members, Mr. Jenner declared that the panel had an obligation to live up to the ideals of the nation's founder's and the authors of the Constitution and to determine "whether that country and that Constitution are to be preserved."

He stated, the committee members reported, that in a conspiracy case where concealment was to be expected it would be necessary to draw adverse inference from Mr. Nixon's conduct and the evidence, because "you can't find the hand in the cookie jar."

Decisive Phase

The introduction today of the proposed articles of impeachment was merely the beginning of the deliberative — and decisive — stage of the committee's inquiry. From the five sets of possible articles the panel will decide how to frame a formal accusation against Mr. Nixon and then, perhaps late next week, whether to recommend that the full House adopt it.

In both the duplicate drafts of impeachment articles and in the staff outline of the evidence, the meticulously balanced tone that had characterized the staff's earlier presentation of material was dropped altogether.

In its place were suggested, and damning, declarations that Mr. Nixon had made "false and misleading statements" to investigators and the public about his role in the various scandals and that he had committed "various abuses of Presidential powers."

One suggested article stated, for example, that the burglary in 1971 at the office of a psychiatrist who had treated Dr. Daniel Ellsberg was "solely" to obtain information for "public defamation" of Dr. Ellsberg and was "part of a pattern of massive and persistent abuse of power for political purposes."

The proposed article added that efforts to influence the outcome of the trial of Dr. Ellsberg on charges of illegal possession of the Defense Department's massive secret study of the Vietnam war were part

of a similar pattern of conduct "at the direction of Richard M. Nixon and on his behalf, acting both personally and directly and through his personal agents at the seat of government."

Democrats who have been critical of Mr. Nixon readily agreed with the thrust of the proposals. Representative John F. Sieberling, Democrat of Ohio, said that Mr. Nixon was impeachable for misconduct of subordinates because, "if Caesar's wife should be above suspicion, so should the President's staff."

Another Democrat, Representative Charles B. Rangel of Manhattan, told reporters that "John Doar and the staff reached the same conclusions based on the facts that I did." He added that, for the first time, "a little of the tiger finally got out of the tank" of Mr. Doar.

Republicans who have staunchly defended Mr. Nixon, however, took issue with both the substance and the form of the staff presentation.

Calls Him 'Argumentative'

Representative Edward Hutchinson of Michigan, the ranking Republican, called Mr. Doar's remarks "argumentative."

Representative Charles W. Sandman Jr. of New Jersey, another senior Republican, agreed that Mr. Doar had "taken on the role of prosecutor. Mr. Sandman added that he, for one, would not support articles of impeachment based on a "conglomeration" of evidence that fell short of clear proof of conduct "tantamount to a crime."

The reaction of members who have insisted they are still undecided about impeachment generally was praise of the staff summation but reluctance to adopt it.

Representative Walter Flowers, Democrat of Alabama, said that Mr. Jenner had made "a good jury speech." Representative Wiley Mayne, Republican of Iowa, described Mr. Doar's remarks as a "strong statement" on behalf of impeachment.

And Mr. Hogan emphasizing the burden of deciding whether to adopt the staff's suggested conclusions, asked one visitor

to his office today to "say a prayer for us."

Outside the Capitol, some 600 supporters of Mr. Nixon held a service at which they prayed, instead, for exonerated of the President.

The committee recessed the hearing early this afternoon to spend the rest of today examining the staff documents. A discussion of the material will be resumed tomorrow.

As the members emerged from the hearing room, a number of them were implored by the supporters of Mr. Nixon to vote against impeachment.

In addition, one woman wearing a badge identifying her as a member of "Citizens Congress for Fairness to the President" berated reporters and said:

"We elected him President and he has a right to use his judgment on what he should break into."

Panel Releases Data on I.T.T. Affair

Continued From Page 1, Col. 6

nomination of Richard G. Kleindienst to be Attorney General.

In the 980 pages of the House committee's volume No. J evidence, there is plenty of documentation, most of it previously disclosed, that in the years 1969-71 there were many meetings of high Administration and I.T.T. officials as the company, headed by Harold S. Geneen, sought to persuade the Administration to drop the antitrust suits or settle them favorably to the company.

I.T.T. Memos Cited

There was no lack of documentation, most of it also disclosed earlier by the House Commerce Subcommittee on Investigations and the Senate Watergate hearings, that the Administration went to great lengths to keep from Congressional committees and the public set of I.T.T. memos about those meetings. The memos raised sharp questions about the truthfulness of some of the testimony by Mr. Kleindienst and former Attorney General John N. Mitchell at the Kleindienst hearings.

But there was no Government document that supported the statement in the memo of Dita D. Beard, I.T.T. lobbyist, to her boss, William R. Meriam, an I.T.T. vice president, on June 25, 1971, that "our noble commitment" of \$400,000 "has gone a long way toward our negotiations on the mergers (with Canteen Corporation, Grinnell Corporation and Hartford) coming out as Hal Geneen) wants them."

It was the Dita Beard memo that prompted Mr. Kleindienst to ask for a reopening of his confirmation hearings because, he said, he did not wish to be confirmed with "a cloud over my head."

But the hearings did produce a cloud over his head, as the documentation today — which was also not new — showed that

Mr. Kleindienst did not tell the truth when he said that, as Deputy Attorney General in charge of the litigation, he had left the I.T.T. negotiations entirely up to Assistant Attorney General Richard W. McLaren, who as head of the Antitrust Division had brought the suits.

Nor did Mr. Kleindienst tell the truth when he said that he had not discussed the suits with anybody at the White House or with Attorney General John N. Mitchell and when he said that he had not been "pressured" at any time by the President.

Pleaded to Misdemeanor

It was those statements that led Mr. Kleindienst last May 10 to plead to a misdemeanor for failing to answer "accurately and fully" the questions put to him.

For the truth was that on April 19, 1971, Mr. Nixon called Mr. Kleindienst and ordered him not to appeal one of the suits to the Supreme Court.

And Mr. Nixon's knowledge that Mr. Kleindienst had not told the truth raised the question of his not disclosing a possible felony — a question that the Judiciary Committee impeachment staff seemed to raise today when it printed without comment Mr. Nixon's press statement of March 24, 1972 — after Mr. Kleindienst had testified.

In that statement, Mr. Nixon said that his confidence in Mr. Kleindienst as "an honest man" had not been shaken.

Indeed, the only high drama in today's report on I.T.T. was a tape recording — hitherto undisclosed — of a meeting of Mr. Nixon on that April 19 with John D. Ehrlichman, then the President's chief domestic adviser, and George P. Shultz, then head of the Office of Management and Budget, in the midst of which the President telephoned Mr. Kleindienst.

The New York Times had disclosed the President's order

to Mr. Kleindienst, but the tape gives the full flavor of his anger at Mr. McLaren for initiating the suits and pursuing them.

"I don't know whether I.T.T. is bad, good or indifferent," the President said to Mr. Ehrlichman, "but there is not going to be any more antitrust actions as long as I am in this chair. God damn it, we're going to stop it [the appeal]."

Unless Mr. McLaren agreed to halt the appeal, Mr. Nixon said, "McLaren's ass is to be out within an hour."

"The I.T.T. thing — stay the hell out of it," he said. Is that clear? That's an order."

The Phone Conversation

When he got Mr. Kleindienst on the phone, the President said:

"The order is to leave the God damned thing alone. . . . I do not want McLaren to run around prosecuting people, raising hell about conglomerates, stirring things up at this point. Now you keep him the hell out of that. . . . or either he resigns. I'd rather have him out, anyway. I don't like the son of a bitch."

The historical account prepared by the Judiciary Committee staff begins with the decision in 1969 to bring the antitrust suits and concludes with Mr. Kleindienst's guilty plea.

In between, there are documents of the meetings of I.T.T. and Administration officials, the President's order to Mr. Kleindienst, the negotiations on a settlement, the Dita Beard memo and the consequent uproar, the delivery of 13 "politically sensitive" I.T.T. documents detailing the meetings in 1969-71, first to the White House and then to the Securities and Exchange Commission, and the efforts of the Administration to prevent their disclosure and the disclosure of six other White House documents that were published today for the first time.

TRUST SUIT INQUIRY

Milk Price Support Action Traced in New Transcript

Continued From Page 1, Col. 7

just uh, relax and enjoy it."

Mr. Nixon, Mr. Connally and other aides then discussed a delay in making a public announcement to allow time to turn the decision to political advantage.

The new transcript is the central piece of evidence in two volumes prepared by the staff of the House Judiciary Committee for members' deliberations as to whether the milk-price decision was made in return for political contributions and whether, if it is a case of bribery, that is an impeachable offense by the President.

The committee's evidence was accompanied by a 217-page volume of rebuttal presented on behalf of Mr. Nixon by his lawyer, James D. St. Clair.

The rebuttal makes essentially the same argument that Mr. Nixon made in a White House statement issued last Jan. 8—that "economic and traditional political considerations were the only basis of the decision to increase the price-support level."

The two volumes of committee evidence present little that is new, besides the White House transcript, but it draws copious statements, documents and testimony together in an orderly, chronological presentation. Most of the material had been provided by the Senate Select Committee on Presidential Campaign Activities.

Like other reports on evi-

dence published recently by the committee, the milk volumes draw no conclusions or inferences.

Most of the report focuses on activities of Presidential aides and associates with reference to campaign contributions by three large milk cooperatives before and after a controversial decision, announced March 25, 1971, to increase the milk-price support from \$4.66 a hundredweight to \$4.93.

The decision came only 13 days after the then Secretary of Agriculture, Clifford M. Hardin, had ruled that an increase could not be justified on economic grounds, the only consideration allowed under relevant statutes.

The two volumes trace the relations between the Nixon Administration and the milk co-ops from 1969, when dairy leaders were seeking friends in the new Administration, through contacts shortly before the election of 1971, when a Nixon associate was still seeking financial support from dairymen for the President's re-election.

Highlights Are Given

Following are highlights of activities by the cooperatives and Nixon aides and associates, as presented in the committee's report:

¶In August, 1969, Herbert W. Kalmbach, Mr. Nixon's personal attorney, accepted a secret contribution of \$100,000 from Associated Milk Producers, Inc. The money allegedly came from corporate funds.

¶In December, 1970, a lawyer for the co-op, Patrick J. Hillings, in a letter addressed to President Nixon on "a matter of some delicacy," cited plans for \$2-million in campaign contributions and in the next paragraph began presenting a case for reduced dairy imports. There is no evidence that Mr. Nixon ever saw the letter.

¶Also in 1970, Charles W. Colson, then a Presidential assistant, noted in a memorandum to Mr. Nixon that milk producers had "pledged \$2-million to the 1972 campaign."

¶Secretary Connally, in March 1961, was alleged to have assumed a milk-cooperative aide, that an increase in the milk-price support was "in the bag."

¶Mr. Kalmbach, on the day after Mr. Nixon made his decision, was assigned by John D. Ehrlichman, one of the President's two top assistants, to receive a reaffirmation of the dairymen's \$2-million pledge at a meeting at the Madison Hotel here.

Focus of Inquiry

The Judiciary Committee in its study of the milk issue is considered likely to focus most of its attention on personal actions of the President, and principally on those of March 23, 1971.

Early that day, Mr. Nixon had a telephone conversation with Mr. Connally. A transcript, giving only Mr. Nixon's end of the conversation, throws little light on the issue.

That afternoon, however, after a meeting with dairy leaders to hear their arguments, it was clear that Mr. Nixon had already heard a presentation of the case from Mr. Connally. The President, in a discussion with his aides, called on the Secretary to repeat his reasoning.

Mr. Connally asserted that the price-support action could be justified on economic ground but stressed the dairymen's political. Power and outlined their methods of raising campaign funds.

"They're raising an enormous amount of money that they're going to put into political activities, very frankly," he said.