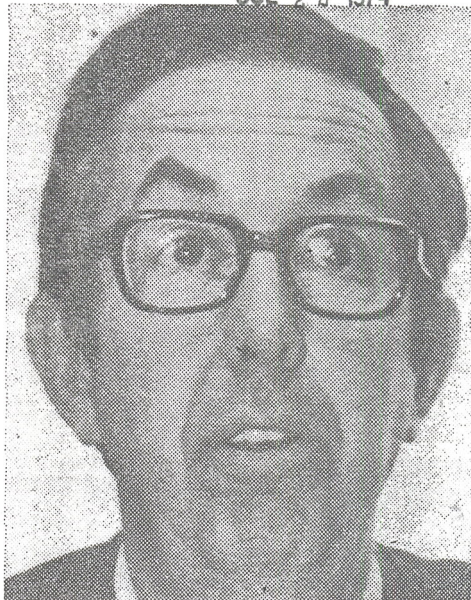


REP. LAWRENCE J. HOGAN



REP. M. CALDWELL BUTLER

... two Judiciary Committee members are torn by conflicting forces

Impeachment Poses Problem

Tough Decisions Face Butler, Hogan

By Helen Dewar

Washington Post Staff Writer

ROANOKE, Va.—Ordinarily it would have been the kind of weekend to answer the dreams of a freshman congressman in a re-election year: a three-day visit by the Vice President to the congressman's own district, including a relaxing sojourn with the state bar association at one of the area's poshest resorts.

Instead, just as Vice President Ford was scheduled to tee off the first hole of the Homestead golf course at Hot Springs, Va., Rep. M. Caldwell Butler (R-Va.) was en route back to Washington for a meeting of the House Judiciary Committee—an association that, at first glance, seems not likely to help him with the homefolk.

Butler's Sixth Congressional District—spanning the staunchly Republican southern end of the Shenandoah Valley—gave President Nixon 72.7 per cent of its vote in 1972, his biggest margin in Virginia and one of his best in the country.

According to local Republicans, the district largely pro-Nixon, although they add, paradoxically, that Butler is not likely to be hurt seriously in his re-election bid against a Democrat and two independents if he votes next week for impeachment.

"There may be some people who are tempted to vote against him," said State Del. Marshall Coleman (R-Staunton), "but

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By Charles A. Krause

Washington Post Staff Writer

Rep. Lawrence J. Hogan (R-Md.) is a member of the House Judiciary Committee, a loyal Republican, a candidate for governor of Maryland and a man who has vowed to vote his conscience on the question of the President's impeachment.

He is, therefore, a politician torn by many forces in many different directions as the Judiciary Committee prepares to vote late this week or early next week on President Nixon's fate.

"This is undoubtedly the most difficult vote I'll ever have to make," the Congressman has said.

Hogan is still undecided on how he will vote or, at least, he is not yet ready to make any private decision public. He is not even sure what standard of evidence should be used to judge the President or what, exactly, constitutes an impeachable offense, he said in a telephone interview last week.

Nevertheless, he said he is sure of one thing: "Any way I vote, it's going to hurt" politically. At the same time, many Maryland politicians believe that Hogan's sudden prominence as a leading Republican on the Judiciary Committee has helped the Prince George's County congressman gain crucial media exposure for his statewide gubernatorial campaign.

Hogan said that the political consequences of the impeachment vote "are always in the back of your mind." But,

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by November they'll be asking what the alternative is."

"It's a trade-off," said Del. Ray L. Garland (R-Roanoke), Butler's former GOP colleague in the Virginia House of Delegates. He'll lose some staunch Nixon supporters but he'll pick up enough others to win a majority in a four-way race."

People out here don't think too much of the whole impeachment thing," said another Republican, an ac-

tive poll worker in Roanoke. "But Caldwell's got a real independent reputation; he'll survive."

Butler, anxious a month earlier about how his district might react to an impeachment vote, now feels a little more secure, although he insists he still hasn't made up his mind and is generally counted among the swing votes on the committee.

"People seem resigned to my doing whatever I'll do," said Butler, as he mulled

over Judiciary Committee records and chatted with a reporter on an early Saturday morning flight from Roanoke to Washington.

Butler seemed confronted on several counts.

To begin with, there was the five-column headline on page one of the morning Roanoke Times saying: "Ford to Support Butler, Whatever His Impeach Vote."

Ford, in a brief appearance at a \$100-a-couple reception for Butler and Ninth District Rep. William C. Wampler (R-Va.) the night before, had said he would be glad to return to Roanoke to campaign for Butler regardless of how he votes on impeachment.

"Even the hardliners would have a tough time fighting that," said Butler with a chuckle that was obviously intended to indicate that the comment didn't necessarily mean that his vote would displease them.

Ford had gotten a warm, although somewhat subdued, reception from the 200 party guests and roughly 50 people who turned out to greet him at the airport. He got a good laugh from the party crowd when Butler introduced him as a man who was "as pure as the driven snow on a convent roof" and some guests conceded they wanted to see him as President, even sooner than 1976.

On the Roanoke-to-Washington plane, as Butler was telling a reporter he felt free to vote his conscience on impeachment, several fellow passengers strolled by to urge him to do just that.

"Just wanted you to know I'll vote for you regardless of how you vote," said a stocky, silver-haired man from Vinton, near Roanoke. But he said he wanted to impress upon Butler that he liked President Nixon's appointments to the Supreme Court. "They might just be the ones to do him in," quipped Butler. The man laughed, apparently agreeing.

Another man from west of Salem, on the other side of Roanoke, stopped by to greet Butler and urge him to vote for measures supporting "competitive free enterprise" in Congress. Later, as Butler disembarked at National Airport, the man's wife told him she would support him regardless of how he voted on impeachment.

Butler says he has received no pressure from state party leaders or other Virginia congressmen on impeachment and that his mail on the issue has dropped off considerably in recent weeks.

"I guess everybody who's interested has already written, at least once," he said.

"I've let it be known I'm trying to sweat this thing out on my own and people are considerate, they're not trying to push me," added Butler.

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effort to find out what the feeling (on impeachment) is statewide. I forbade any survey questions on that subject."

Hogan said that as he has campaigned around the state "far more people defend the President than are against him." But, he added, this assessment of voter sentiment is "hardly scientific" and he plans to vote based on the evidence in any case.

Rep. Robert McClory (R-Ill.), the second-ranking Republican on the Judiciary Committee, said last week that pro-Nixon sentiment among party leaders in Illinois would make it more difficult for him to vote for impeachment than against. But McClory said he thought his decision could be explained without much political damage either way.

In Maryland, party leaders do not think Hogan's vote—even if it is for impeachment—will affect Hogan's chances in the Republican gubernatorial primary, where the congressman is given a strong edge against Louise Gore, the head of the state's bicentennial commission.

At the same time, a leading Republican Party official said he thought Gov. Marvin Mandel, would try to make an issue of Hogan's vote should the congressman vote against impeachment.

Mandel could turn the general election into a referendum on President Nixon, with Hogan having to defend the President should he vote against impeaching him. This, the Republican Party official said, would put Hogan at a strong disadvantage in the gubernatorial race.

Hogan, however, said he thinks Mandel will attempt to use the issue against him however he votes—reminding Republicans that Hogan voted against the President if that's what the congressman ends up doing. Hogan also said he would lose some of his financial backers if he voted for impeachment. "It's just a no-win political situation," Hogan said.

So, he said, the political factor almost cancel each other out and he will vote on the evidence against the President and the constitutional issues that have arisen since the impeachment inquiry began.

"There are several areas that are very troubling to me," Hogan said but refused to name them. "I'd rather not say now. That goes to the very kernel of my deliberations."

Later in the interview, however, Hogan said that "there is a very serious constitutional question as to whether the President has executive privilege" when it comes to withholding documents subpoenaed by the Judiciary Committee conducting an impeachment inquiry.

"The law is very, very hazy on this point," Hogan, who is a lawyer, said. "My own legal opinion is that he doesn't have privilege in this area but I'm not a legal scholar."

Hogan said he thought it was a "mistake" for the Judiciary Committee conducting an impeach-

ment s that he doesn't have privilege in this area but I'm not a legal scholar."

Hogan said he thought it was a "mistake" for the Judiciary Committee not to have either gone to court or to the full House to cite Mr. Nixon for contempt for refusing to honor the Committee's subpoenas.

As for the evidence against the President, Hogan said that he "will not vote for a general, nebulous impeachment article that says the President abused his power. It's going to have to set out with specificity what the President did that was wrong and illegal."

Hogan said that in his view "very, very little of the evidence goes directly to the President" although he conceded that some of it does but even that "may not be sufficient for impeachment."

Still, Hogan predicted that the Committee will vote for the President's impeachment with or without him. And, he added, there will be little rancor among committee members when the vote is finally taken.

"Everybody is conscious of his or her historic responsibility," Hogan said.