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**Partisan Plot
Portrayal Is
Undercut**

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The opening round of debate in the House Judiciary Committee undercut the White House effort to depict the impeachment effort as a partisan plot.

But the lack of focus on specific and critical points of controversy left both the President's critics and defenders unhappy about the

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public's impression of the quality of evidence on which the President is being judged.

The weeks of orchestrated effort by Mr. Nixon's spokesmen to depict the committee as a "kangaroo court" or a liberal Democratic lynch mob were all but demolished in a few hours yesterday, when three of the committee's junior Republicans—Lawrence J. Hogan of Maryland, M. Caldwell Butler of Virginia and William S. Cohen of Maine—delivered the most eloquent and impassioned indictments of the President heard from anyone.

Their testimony alternated with and complemented the low-keyed opening statements of three Southern and border state Democrats—Walter Flowers of Alabama, James R. Mann of South Carolina and Paul S. Sarbanes of Maryland—

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whose words and gestures reflected the agony of their own losing struggles to square Mr. Nixon's behavior with the standards set by the Constitution.

The sequence of speeches altered the tone of the hearing from the partisan debate it had been, and negated what has been Mr. Nixon's main hope for a public relations victory over his antagonists.

Last night, the junior Republican on the committee, Rep. Delbert L. Latta of Ohio, restated the White House contention that the impeachment majority was made up of "labor, COPE and ADA" liberals, bent on destroying the needed "strength in the office of the presidency."

But the four remaining Democratic speakers—representing, as if by design, the four regions of the country and such diverse constituencies as Brooklyn, Salt Lake City, Iowa City and Sheridan, Ark.—provided a more effective rebuttal to that claim than any stage manager could have devised.

But the hard challenge from the President's main defenders on the committee—Reps. Charles E. Wiggins (R-Calif.) and David W. Dennis (R-Ind.)—to debate the detailed evidence of the key points in the bill of impeachment went largely unanswered by both Republicans and Democrats.

That was because many of the members decided to use their opening 15-minute statements to speak to the country, to their own constituents or, in some instances, to the President, rather than to each other.

The committee's internal dialogue—on points of evidence and law—is likely to take over today, as it debates specific provisions of the bill of impeachment it now seems certain to send to the House floor.

That debate may be simplified by the apparently broad agreement on the nature of an impeachable offense and the degree of proof required to sustain it.

With few exceptions, the members appeared to accept the standard that only "grave offenses" of a kind "definitely incompatible" with the Constitution, whether specifically criminal or not, would justify the removal of a President. They also seem agreed that the evidence—in a phrase

first suggested by impeachment council John Doar—must be "clear and convincing," a standard tougher than that of a finding of "probable cause" but not so rigid as a jury verdict that an individual is guilty "beyond a reasonable doubt."

The debate also indicated that considerable fencing is in store on the question of direct vs. circumstantial evidence. Opponents of impeachment argued that the majority staff has piled "inference on inference" to build a case reaching to the President—an argument that Cohen rejected with the observation that if you awake to find snow on the ground, it is not unreasonable to infer that it snowed while you were asleep.

But that argument will be settled, not by phrases or analogies, but by the hard debate on specific points of evidence—the very thing most committee members, particularly those favoring impeachment, avoided in their opening statements.

Those statements were mainly political—appealing to everything from the public conscience to the prejudices of particular constituencies and, sometimes, to the attention of the man in the dock, Richard Nixon.

Those preparing to vote for impeachment told the nation—and the history books—how "distasteful" they found that burden.

Those Republicans preparing to vote against impeachment expressed their distaste for the moral standards of the White House and were free in condemning former presidential assistants who have yet to be convicted of wrongdoing in a court of law.

There were also messages aimed at disproving, in advance, the claim that partisanship should or would affect the verdict. Rep. Robert McClory (R-Ill.) took time to explain why it was not true that "no good Republican can vote to impeach a Republican President" and Rep. Jack Brooks (D-Tex.) asserted that if Democrats were really politically motivated, they would do anything to keep Mr. Nixon in office and prevent Vice President Ford from taking over and receiving "a great outflowing of support" from the public.

Rep. Don Edwards (D-Calif.), a former national chairman of Americans for

Democratic Action, was so anxious to establish his non-partisanship that he even confessed he had once voted for Mr. Nixon.

Most of the half-dozen Republicans leaning toward impeachment made a point of saying they had helped get the President a fair hearing by insisting on changes in committee procedures from the majority Democrats.

Southerners like Flowers and Mann, whose districts went 2-to-1 for Nixon in 1972, were especially eager to explain themselves to the White House and the folks at home before casting any impeachment votes. Alabamian Flowers emphasized his shock at learning the White House had leaked tax information against Gov. George C. Wallace of Alabama. Mann told the White House and his South Carolina constituents he was "starving" for evidence that would clear the President, and still hoping to receive it.

But for all the disclaimers, the pattern of speeches was predominantly partisan up until Thursday afternoon. After Chairman Peter Rodino's statesmanlike opener, eight straight Democratic speakers on Wednesday night and Thursday vied in their descriptions of the sweeping character of Mr. Nixon's alleged crimes and the seriousness of the danger of keeping him in office.

The loudest voices among the answering Republicans were those complaining of a "highly partisan prosecution" and a prejudiced press, and claiming that any faults of Mr. Nixon were minor compared to the schemes of Lyndon Johnson that had escaped investigation by a Democratic Congress.

That pattern broke dramatically when Hogan and Butler, both staunch conservatives, and Cohen, a progressive Republican, laid down their critique of the President.

Hogan invoked echoes of the Declaration of Independence by citing "the long train of abuses" he attributed to the President. Butler, who acknowledged he would not have been in Congress without Mr. Nixon's help, accused him of a "misuse of power . . . frightening in its implications for the future of America."

And Cohen undertook, in part, to do what no one else had done—meet Wiggins' and Dennis' challenge to debate the evidence.

Wiggins had focused on the testimony concerning Mr. Nixon's alleged misuse of the Internal Revenue Service to harass his political enemies—a charge that is central in importance to the half-dozen or so possible pro-impeachment Republicans.

As Wiggins told it, all Mr. Nixon said in a conversation about the IRS on Sept. 15, 1972, was "Yeah," and "Great," and, "You know, we have never used these agencies in the past, but things are going to change now . . ."

Those few comments, he said, are far from "clear and convincing evidence justifying an impeachment . . ."

Cohen, in rebuttal, added two more quotes from the President, which he said put a more serious light on the situation: "I want the most—I want the most comprehensive notes on all of those that have tried to do us in, because they didn't have to do it. Things are going to change, and they are going to get it, right?"

But the full context of the presidential conversation, as reported in the committee's transcript, was not read to the television audience.

It shows the President asking for the results of the "Post Office check" on contributions to his opponent, Sen. George McGovern (D-S.D.).

It shows him saying, in a reference to the lawyer then handling the Democrats' civil suit against the President's re-election committee over the Watergate break-in, "I wouldn't want to be in Edward Bennett Williams' position after this election . . . I think we are going to fix the son-of-a-bitch. Believe me. We are going to . . ."

And again, a moment later, the President remarks: "We've been just God damn fools. For us to come into this election campaign and not do anything with regard to the Democratic senators who are running, and so forth. (Characterizations deleted). That'd be ridiculous. Absolutely ridiculous. It's not going to be that way any more."