

# Support for Nixon Seen Wilting Away

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Support for President Nixon appeared to be wilting away yesterday as several uncommitted members of the House Judiciary Committee indicated they may vote for impeachment.

The most striking shift was by Rep. M. Caldwell Butler (R-Va.), who announced his intention to vote to impeach the President with the statement: "I cannot condone what I have heard, I cannot excuse it, and I cannot stand still for it."

Rep. Ray Thornton (D-Ark.) was the second undecided member to announce for impeachment.

The former Arkansas attorney general said last night there was "no mistake" from the evidence that the President "was aware and generally attempted to conceal the evidence" of Watergate. Thornton said that while some of the offenses attributed to the President have happened before, "I know of no time when it was systematized or carried on in such an organized way." He said the President should be impeached for abuse of power and obstruction of justice.

Chairman Peter W. Rodino (D-N.J.) closed 10 hours of general debate last night with the expected statement that he will vote for impeachment. He said he had applied the tests he felt the committee must apply and "I find the President must be found wanting." Rep. Edward Hutchinson (R-Mich.), senior committee Republican, announced as expected he will oppose impeachment.

The committee is to begin voting this morning on two articles of impeachment for recommendation to the House.

It has been assumed for months that the committee would approve an im-

peachment resolution, but the margin appeared to be growing wider yesterday. Several Republicans and Southern Democrats spelled out the evidence that most troubled them and indicated—without saying specifically—that they would wind up in the pro-impeachment camp.

An informal head count last night showed 20 solid votes for impeachment and nine against. The nine other members have not announced their position positively, but most are expected to favor impeachment on at least one ground.

It appeared that on at least one article the vote could be as high as 27 to 1 to recommend impeachment.

The middle-ground members seemed to be most concerned about evidence showing an alleged abuse of power by the President, specifically the misuse of agencies such as the CIA, FBI and Internal Revenue Service for political purposes.

These charges are contained in the second article of impeachment proposed by the Democratic majority and designed to appeal to as many undecided members as possible. The first article, which is to be considered by the committee first today, accuses the President of obstruction of justice in the Watergate cover-up.

The articles were still being refined by Democratic drafters last night, but sponsors said any changes would be minor. A likely addition is a charge that evidence on the break-in of Daniel Ellsberg's psychiatrist's office was concealed by the President.

When it comes to the actual voting, the wording of the article will become crucial. A member who wants to vote for impeachment on a single ground may find the entire article containing the charge he agrees with too broad.

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## IMPEACH, From A1

For instance, Rep. Robert McClory (R-Ill.) has indicated that he might vote to impeach the President for contempt of Congress, but this is part of the broader article on abuse of power.

The articles will be open to amendment and may be changed to achieve the maximum vote.

The Watergate article to be taken up today contains specific allegations of wrong-doing by the President, including approving payment of hush money, making false statements to investigators, encouraging lying by aides and concealing evidence.

Meanwhile, the Republican effort to obtain a delay in the proceedings while more evidence is sought had faded away. On Wednesday, several Republican members had said the committee should postpone any votes until it tried to obtain the taped presidential conversations which the Supreme Court had ordered turned over to Watergate Special Prosecutor Leon Jaworski.

But yesterday, the Republicans abandoned that effort. They said that if President Nixon had indicated some willingness to make the tapes available to the committee as well as to Jaworski a delay would have been worth seeking. Without any assurance of that from the President, however, they said there was no point in trying to force a committee delay.

Butler told the committee and the viewing nationwide television audience that failure to impeach the President would carry "frightening implications

for the future of our country" because it would set an acceptable standard of conduct for the future.

Butler reminded fellow Republicans that their party had run for office for years against Democratic corruption.

"But Watergate is our shame," he said. "Those things happened while we had a Republican in the White House, and every single person convicted to date has one way or another owed allegiance to the Republican Party. We cannot indulge ourselves the luxury of excusing the misconduct of our own people. The American people may reasonably ask the Republican Party: 'Do you really mean what you say?'"

Failure to impeach, said Butler, would be to condone "an abuse of power totally without justification" and would be saying to the American people: "These deeds are inconsequential and unimportant."

The President's participation in the Watergate cover-up "is clearly a policy of obstruction of justice," Butler said, and his "manipulation of the FBI, CIA, IRS and indeed the existence of the White House plumbers are frightening in their implications for the future of America."

The committee received another bomb threat resulting in a 30-minute recess, but no bomb was found.

The case for Mr. Nixon was laid out by Rep. Charles Wiggins (R-Calif.), who insisted that the evidence amassed by the committee staff did not meet the test of being "clear and convincing."

He disputed the charge, contained in

both articles of impeachment, that Mr. Nixon misused the Central Intelligence Agency to block the FBI's investigation of the Watergate burglary.

Mr. Nixon's only direct role, Wiggins said, was to give instructions that the FBI investigation not expose unrelated CIA covert activities and that there should be coordination between the two agencies.

The President acted in that manner, Wiggins added, because he knew that one conspirator was working for a CIA front, and that two others had been active CIA agents. Mr. Nixon also knew at the time that the FBI had suggested CIA involvement as one possible theory of the case, he said.

"... I think it is not unreasonable to characterize the President's order, given the facts known to him at the time he issued the order, to be wholly responsible and wholly reasonable, and inconsistent with the notion that it was motivated by a corrupt desire to obstruct justice," Wiggins argued.

Wiggins similarly sought to minimize Mr. Nixon's role in a charge that he abused his powers by using the Internal Revenue Service to investigate his political enemies. He acknowledged that White House aides sought to have enemies' tax returns audited, but asserted that the President personally played no role in that.

He said that the only incident of presidential involvement is contained in a tape of a Sept. 15, 1972, conversation. White House chief of staff H. R. (Bob) Haldeman described to the President how an aide was working "ruthlessly" against political enemies and mentioned the IRS, Wiggins said.

"And do you know what the only thing the President said was? The only thing he said was, 'Yeah,'" Wiggins recalled. "That's the only evidence in the charge that the President corrupted the IRS."

Rep. David W. Dennis (R-Ind.) made a point-by-point rebuttal of the proposed articles of impeachments, arguing that they are not supported by the evidence.

Dennis said that the 17 wiretaps constituting the charge of illegal surveillance were "presumptively legal" at the time they were ordered and are "probably legal in large part" despite a recent Supreme Court decision limiting government wiretaps.

Dennis said there was nothing wrong in establishing the "plumbers" unit, which was engaged, among other work, in the break-in at the office of Daniel Ellsberg's psychiatrist. Proof is lacking, he contended, to show that Mr. Nixon intended the plumbers to engage in unlawful covert activities. One of the charges is that the break-in was to obtain information Mr. Nixon could use to defame Ellsberg. Dennis said there is no proof of that.

Dennis acknowledged that in the obstruction of justice charge the "most dangerous single incident" was the March 21, 1973, conversation in which Mr. Nixon stated "in dramatic fashion, that in order to buy time, a payment to Hunt was apparently necessary."

But Dennis observed that John W. Dean III testified that nothing had been resolved about paying hush money by that conversation. He said other evidence shows that the payment to Hunt would have been made even if that Dean-Nixon conversation had never occurred.

Dennis warned that any prosecution of the President will divide the country. "It will tear asunder the Republican Party for many years to come—and this is bad for the country, which depends for its political health on a strong two-party system," Dennis said.

Another staunch supporter of the President, Rep. Wiley Mayne (R-Iowa), bitterly criticized the committee staff, led by John Doar. He accused Doar of "throwing in everything but the kitchen sink" to justify spending \$1.5 million on preparing evidence, most of which he charged is "irrelevant and repetitive."

He accused Doar of amassing "inferences piled on other inferences, and every time he made an inference it was unfavorable to the President of the United States."

Mayne also charged that Mr. Nixon had been subjected to investigations that never were aimed at previous Presidents. He said Lyndon B. Johnson had left the White House with a "multi-million-dollar empire" amassed through television properties subject to federal licensing. "He left the White

House a wealthy man, but has he been investigated like Mr. Nixon has been?" Mayne asked.

Rep. Hamilton Fish Jr. (R-N.Y.), regarded as one of the Republicans who might turn against the President, did not tip his hand yesterday, but indicated that he was considering voting for impeachment on both articles.

"At the outset of this debate," Fish said, "I find myself deeply troubled over evidence of presidential complicity in thwarting justice and in the alleged abuse of power in that great office, particularly the use of the enormous power of the United States government to invade and impinge upon the private rights of individuals."

Another nominally undecided member, Rep. Walter Flowers (D-Ala.), also indicated personal alarm at evidence suggesting improper use of the IRS.

"... There has been evidence before us that the White House obtained politically damaging information from the IRS about a member of the family of the governor of my state and published it to attempt to affect the governor's re-election," Flowers said. It was a reference to the leaking of information on an IRS investigation of Gov. George C. Wallace's brother, Gerald.

"The power of the IRS reaches into every life, and it is a chilling thought that it might be a political instrument to get the enemies of the government," he added.

Flowers said there is also evidence that the FBI was used to spy on the administration's enemies and that the CIA supplied equipment for the break-in at the office of Ellsberg's psychiatrist.

Flowers also was critical of President Nixon's conversations with Assistant Attorney General Henry E. Petersen about grand jury evidence implicating Haldeman and another

White House aide, John D. Ehrlichman.

Petersen had urged Mr. Nixon to help in the investigation, and the President had assured him that the information on the grand jury would be kept confidential.

"Yet not only did the President relay this information to Haldeman and Ehrlichman, who were the ones under investigation, but helped them use it to structure a plan to defend themselves," Flowers said.

Two Democratic liberals who long have advocated impeachment—Reps. Jerome Waldie (Calif.) and John Conyers (Mich.)—charged that the case against Mr. Nixon was overwhelming.

Conyers argued that the two articles before the committee had been too narrowly drawn and should at least embrace the President's decision to bomb Cambodia in 1969.

Conyers said he also hoped to make a separate article of impeachment out of Mr. Nixon's refusal to comply with Judiciary Committee subpoenas calling for the production of taped conversations and documents.

Waldie said that "not one iota of evidence" had been submitted to clear the President of the offenses charged against him. "There's a mountain of evidence showing that he acted to obstruct justice," Waldie charged, but no counter-evidence of an exculpatory nature had been offered.

Rep. William Cohen (R-Maine) appeared from his remarks ready to vote to impeach, but said he still had to make a final decision. Like others in the middle group still agonizing over their decision, Cohen is most concerned about misuse of federal agencies, especially the Internal Revenue Service

American people pay their taxes, he said, in the belief that their dollars are spent for legitimate purposes. "The most serious threat to our very society and liberties," he said, "occurs when those in positions of power undertake to turn neutral instruments of government into agents of vengeance and retribution against private citizens... We simply cannot condone such intolerable conduct."

To those who call evidence against the President only circumstantial, Cohen said, this can be as reliable as direct evidence, and added: "Conspiracies are not born in the sunlight... they are hatched in dark recesses, amid whispers and code words. The footprints of guilt must often be traced with the searchlight of probability."

Rep. Lawrence F. Hogan (R-Md.), who had previously announced he would vote for impeachment, sharpened his criticism of Mr. Nixon for condoning the Watergate cover-up.

Hogan recited Oval Office conversations where the President was told and discussed demands for Watergate hush money, and asked:

"Did he rise up in righteous indignation and throw them out of his office and call the Department of Justice and tell them a conspiracy was going on to buy silence? My President didn't do that. He worked and worked to try to cover it up so it wouldn't come to light. As much as it pains me to say it, he should be impeached and removed from office."

To demands from Rep. Charles Sandman (R-N.J.) for direct proof of the President's guilt, Hogan replied: "He wants the arrow to the heart. What we have is a virus that creeps up on you slowly until it becomes overwhelming." He described Sandman's approach as "focusing on one little tile in a mosaic and saying I find nothing wrong... We must look at the whole."

Rep. George E. Danielson (D-Calif.) said the committee has "ample direct evidence" to prove the President guilty of impeachment offenses.

"It is a pattern of conduct featured by the concealment, containment and hiding of evidence, by perjury subornation or perjury and acquiescence in perjury by those holding responsible authority. The cover-up activities clearly constitute violations of several criminal laws, including obstruction of justice..."

Danielson read excerpts from a Sept. 15, 1972, conversation between the President and top aides "just before the presidential election," at which they discussed ways to sidetrack a Watergate investigation proposed by House Banking Committee Chairman Wright Patman (D-Tex.). Danielson said this "plot to cover-up the Watergate burglary" showed the President was "running the show" and was in itself ample proof for impeachment.

Rep. James Mann (D-S.C.), a Southerner deeply torn by the issue of impeachment, said members must vote their consciences and place allegiance to the constitutional system above their political careers.

"How much I would like to have all the evidence," said Mann, referring to the President's defiance of committee subpoenas for 147 taped conversations. "The President has the evidence. I'm starving for it, but I'll do the best I can with what I've got."

Mann did not debate the allegations but asked the American people to believe that members, when they cast their vote, are voting in compliance with their oath to uphold the Constitution. "We are not determining the President's guilt or innocence," said Mann. "We are determining whether the American people are entitled to a trial in an open court."

Rep. Paul Sarbanes (D-Md.), who clearly announced his support for impeachment without saying the words said our constitutional system is "based on truth and integrity" and "cannot work if those standards are not followed. Otherwise, it is impossible for the citizenry to make informed judgments with respect to their responsibility for self-government."

"There are many proofs of the President's direct involvement" in the Watergate cover-up, Sarbanes said.

"Ask yourselves if a President who surrounds himself at the highest level by men who abuse constitutional processes should be called to account. What concept of government is it that permits the man at the top to walk away and say he knows nothing, saw nothing, heard nothing?"

Sarbanes publicly expressed thanks to former IRS Commissioners Thrower and Walters for standing up to White House pressure to misuse their agency, former Attorney General Elliot L. Richardson and his deputy, William Ruckelshaus for refusing to fire former Watergate Special Prosecutor Ar-

chibald Cox, who had done no wrong, and to Cox and his successor, Leon Jaworski, "for pressing ahead to prove that no American stands above the law."

Another Republican who indicated he may vote for impeachment was Rep. Harold V. Froehlich (Wis.), who said that he was "deeply pained" by evidence suggesting that Mr. Nixon had knowledge of and participated in the cover-up of the Watergate burglary.

He observed that Mr. Nixon had commended Dean for containing the investigation of Watergate and had ordered Dean to make an "incomplete" investigation of the crime and the participation of White House aides.

Froehlich also said he was troubled by evidence that Mr. Nixon passed on confidential grand jury information from Petersen to two top aides under investigation, Haldeman and Ehrlichman. He said, however, that he would withhold his final decision until the debates are completed.

Rep. Trent Lott (R-Miss.), one of Mr. Nixon's strongest supporters, said there was insufficient evidence connecting any of the crimes directly with

the President.

"The line must be drawn directly to the President," Lott said. "This has not been done."

But Rep. John Seiberling (D-Ohio) called the evidence against the President overwhelming and said the tapes revealed Mr. Nixon to be obsessed with perpetuating himself in power.

Rep. Charles Moorehead (R-Calif.) deplored the crimes for which presidential aides have been convicted, but said that impeachment required leaping over a moat to connect the President to those crimes. "I cannot jump over that moat," Moorehead said. "I could not vote for impeachment."

Rep. Robert F. Drinan (D-Mass.), an impeachment advocate from the beginning, accused the committee of ignoring what he regarded as the most impeachable offense—concealment of the bombing of Cambodia in 1969 and 1970. "The President orchestrated a conspiracy to keep the lid on Cambodia until at least after the election in 1972," he charged.

The draft articles of impeachment do not contain a charge involving the Cambodia bombing.

Many of the committed Democrats concentrated on the Watergate cover-up charge and particularly the alleged payment of hush money to the burglary defendants. Rep. Charles D. Rangel (D-N.Y.) discussed the President's asserted approval of payments to Hunt, one of the conspirators, and Rangel asked: "Why is my President talking about paying \$120,000 to a common burglar?" If the reason was "compassion," Rangel said, "there are thousands of poor people in our jails throughout this country who have a better case than Howard Hunt."

Rep. Joseph J. Maraziti (R-N.J.) supported the President all the way, declaring, "We should settle for no less than hard evidence that the President has committed an impeachable offense."