

A COMMITTEE IMPEACHMENT VOTE BY SIZABLE BIPARTISAN MAJORITY IS INDICATED AS DEBATE GOES ON



The New York Times and Associated Press
Charles E. Wiggins, top left, assailed the evidence. Hamilton Fish Jr., top right, James R. Mann, at left, and William S. Cohen did not reject impeachment.



SOME VOICE FEAR

'Irreparable Damage' Seen if Charges Are Preferred

By JAMES M. NAUGHTON
Special to The New York Times

WASHINGTON, July 25—A large, bipartisan majority of the House Judiciary Committee signaled its readiness today to adopt a resolution formally proposing the impeachment of President Nixon.

In the second day of general debate, nearly all of the Democrats and half a dozen of

Excerpts from the committee proceedings, Pages 11-13.

the 17 Republicans on the committee declared sharply or hinted broadly that they would support one or both of the two central proposed articles of impeachment that lay on the

committee counsel table.

The draft articles, to be debated in detail tomorrow, then amended and, by next week, voted upon, accused President Nixon of the following:

Acting "directly and personally" and through close associates to "delay, impede and obstruct" the investigation of the June 17, 1972, Watergate burglary in violation of a constitutional oath Mr. Nixon twice took to uphold and enforce the nation's laws.

Abusing the authority of the Presidency in action as diverse as the "illegal surveillance" of citizens, the attempt to use confidential data of the Internal Revenue Service for political goals and the disregard of Judiciary Committee subpoenas "in contempt of the House of Representatives" and defiance of the Constitution.

Evidence Held Inferential

A bare majority of the committee's Republicans, but too few to block an impeachment recommendation, contended in the nationally televised debate the evidence was too inferential to be persuasive, and that it would do "irreparable damage" to the nation to prefer charges on which the President might ultimately be stripped of his office.

"I am as shocked as anyone by the misdeeds of Watergate," said Representative David W. Dennis, Republican of Indiana. "But I join in no political lynching where hard proof fails as to this President or any other President."

Representative Carlos J. Moorhead, Republican of California, told the committee and the national TV audience that there was "a big moat you have to jump across to get the President involved, and I cannot jump across that moat."

But as one after another of the 21 Democrats, including Southern conservatives, and seven key Republicans who had withheld comment on the evi-

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dence disclosed their attitudes toward Mr. Nixon's conduct, they made clear that their words would echo within days in a bipartisan vote—by a margin perhaps as large as 28 to 10—to urge the impeachment of the nation's 37th President.

Sadness and Anger

Democracy is "fragile," said Representative Jerome R. Waldie, Democrat of California. "You cannot look at this case without feeling a deep sadness, but a deeper anger, a deeper anger that this country was jeopardized to the extent it has been in the past two years," he said.

"I cannot in good conscience turn away from the evidence of evil that is, to me, so clear and compelling," said Representative Lawrence J. Mogan, Republican of Maryland.

Another Republican, Representative Hamilton Fish Jr. of upstate New York, whose father is a leader of a citizens' group lobbying against impeachment, said that he was "deeply troubled" by the alleged cover-up and abuses of authority.

Momentarily ignoring the eyeglasses slipping down the slope of his nose, he said, "If the evidence is clear, then our constitutional duty is no less clear."

And Representative James R. Mann, a South Carolina Democrat speaking in a courtly style but with biting sarcasm, suggested that he was ready, like earlier statesmen, to end his career in defense of the system and then declared that Mr. Nixon was still withholding the tape recordings that might seal the outcome of impeachment.

"That evidence," he said, was accumulated "in the office of the people of the United States"—his voice stressed the word "people"—"at 1600 Pennsylvania Avenue, at the expense of the taxpayers. I am starving for it. But I will do the best I can with what I have got."

Impeachment has been called, as one committee member noted today, "The grand inquest of the nation." Befitting such a designation, the debate

today—as did the beginning of it last night—contained drama, pathos and eloquence.

Representative Wiley Mayne, Republican of Iowa, contending that President Nixon had done nothing more indefensible than his predecessor had asserted that President Johnson had entered public office without financial means and “Left the White House a very wealthy man” but had never been investigated “in the manner that Richard Nixon has been investigated” by a Democratic Congress.

Across the broad dais in the hearing room, Representative Jack Brooks, a Texas Democrat who had been a close friend of Mr. Johnson's, glared at Mr. Mayne.

Cover-Up Is Charged

Earlier, in an extended speech that was extemporaneous, Mr. Waldie's voice vibrated with intensity, and his right hand formed a fist that gyrated above his desk as he said:

“Common sense tells you that a President of the United States does not condone the payment of over \$400,000 to seven people occupying a D.C. jail cell because they have committed a burglary unless he wants something from them. That is not compassion. That is not a charitable institution . . . That was a cover-up to buy their silence and that succeeded in buying their silence.”

And Representative M. Caldwell Butler, a Virginia Republican who had refused repeatedly, until today, even to suggest his perception of the evidence, delivered his own indictment of Mr. Nixon.

Expressing gratitude for “many kindnesses and courtesies” extended by the President—not least of them support for Mr. Butler's Congressional candidacy two years ago—Mr. Butler nonetheless said that the “distasteful” proceedings had led him to conclude that “power appears to have corrupted.”

“It is a sad chapter in American history,” he continued. “But I cannot condone what I have heard. I cannot excuse it. And I cannot and will not stand still for it.”

Eventually, as the debate went on into the night, beyond another spurious bomb threat and interruptions for more mundane votes on the House floor, six members of the President's party joined Mr. Butler in either firm commitments or almost ineluctable inclinations to endorse impeachment.

They were Representatives Robert McClory and Tom Railsback of Illinois, William S. Cohen of Maine, Mr. Fish of upstate New York, Mr. Hogan of Maryland and, in a surprise to most of the committee, Harold V. Fraehlich of Wisconsin, who cited a list of elements of the alleged Watergate cover-up over which he was “concerned.”

The debate, while long and general in scope, was a prelude to the expected proposal

of a motion tomorrow by Representative Delbert L. Latta, Republican of Ohio, to suspend judgment until it can be determined if Mr. Nixon will supply the committee with taped evidence that the Supreme Court ruled yesterday must be yielded to the Watergate special prosecution.

The motion is expected to lose.



The New York Times/George Tames
Barbara Jordan of Texas checking her notes at impeachment session. At rear are Jerome R. Waldie, left, and Don Edwards of California. All are Democrats.

Shape of Deliberations

The opening 15-minute commentaries of each of the 38 committee members gave no more than the broad shape of the deliberations on the specific draft articles of impeachment that the committee will try to complete by early next week.

“You cannot impeach the President on the basis of half a case or many partial cases put together,” said Representative Trent Lott, Republican of Mississippi.

Representative John F. Seiberling, Democrat of Ohio, retorted that as a lawyer who had once tried antitrust cases, “I know of corporation executives who have pleaded guilty and gone to jail when the evidence of their complicity in a conspiracy was only a fraction of the evidence we have here.”

Representative Charles E. Wiggins, a Republican who represents roughly the same California district in which Mr. Nixon's political career began 28 years ago, made an extended assault on the quality of the evidence—particularly as it pertained to the President's alleged misuse of the Internal Revenue Service and the Central Intelligence Agency.

Staring at John M. Doar, the committee's special counsel and an advocate of impeachment, Mr. Wiggins challenged whether charges against the President could stand up in a Senate trial.

“It must trouble you, I am sure,” he said, that out of 38 thick volumes of “material” offered at hearings, “my guess, Mr. Doar, is you can put all of the admissible evidence in half of one book.”

“Simple theories, of course, are inadequate,” Mr. Wiggins said moments later. “That is not evidence. A supposition, however persuasive, is not evidence. A bare possibility that something might have happened is not evidence.”

Mr. Doar remained silent. He listened to the debate, now hunched over the counsel table, now clenching a pencil between his teeth. But later in the day, Mr. Cohen responded to Mr. Wiggins's argument that adverse inferences and circumstantial evidence were not enough.

Fears for System

“Conspiracies are not born in the sunlight of direct observation,” Mr. Cohen said. “They are hatched in dark recesses, amid whispers and code words and verbal signals. The footprints of guilt must often be traced with the searchlight of probability.”

And, after recounting, as had Mr. Wiggins, various elements of evidence that might support his conclusion, Mr. Cohen drew this Maine mood analogy:

“If you went to sleep with the ground outside here, and woke up with fresh snow on the ground, certainly you would reasonably conclude that snow had fallen during the night even if you did not see it,” he said. “So let us not labor under the misapprehension that because some of the evidence available to us is circumstantial it is therefore inadequate.”

Mr. Dennis, ascribing to the President “presumptively legal” motives in ordering the

wiretapping of Government officials and newsmen in 1969 and in the creation of the clandestine “plumbers” intelligence unit at the White House in 1971, contended that impeachment would “tear asunder” the Republican half of the two-party system.

He called impeachment “radical surgery on the tip of the cancer which needs therapy at the roots” and said that it would be better to leave Mr. Nixon in office and concentrate instead on moral and governmental reform.

Mr. Dennis summed up by saying:

“There will be another election in 1976, and we can enter our 200th year better by preserving our rights until that time, and not trying to purge our sins by the persecution of an imperfect President who probably represents us, both in strength and his weakness, all too well.”

By contrast, Representative Joshua Eilberg, Democrat of Pennsylvania, said softly that if Mr. Nixon were to “get away with this ridiculous and arrogant argument” that he alone knew which of his White House tapes bore evidence, “the power of impeachment may just as well be cut out of the Constitution.”

Similarly, but with an Alabama accent, Representative Walter Flowers, another Democrat, addressed himself to the risk that in not impeaching, the House might “ingrain forever in the very fabric of our Constitution a standard of conduct in our highest office that in the least is deplorable and at worst is impeachable.”

Representative Paul S. Sarbanes, a Maryland Democrat, recited instances in which, he contended, the President had deceived the courts, Congress and the public and thus violated the underlying promise of democratic government, a "necessity for standards of honesty and for truth and for integrity."

Tone of Deliberations

On each side of the central issue, arguments were couched in the language of the Constitution. But the tone of the opening deliberations may best have been struck by Mr. Hogan.

Recalling his surprise announcement, two days ago, that he would, as a conservative Republican, vote for articles of impeachment, he said that many colleagues and constituents had ascribed his decision to potential political advantage in his reform campaign for Governor of Maryland.

His red-rimmed eyes conveying emotion, Mr. Hogan said that "for anyone to think that this decision could be made on a political basis with so much at stake is something that I personally resent."

Moments later, he described what, in his view, was at stake. Referring to the President's discovery on March 21 of last year that money had been paid to Watergate burglars and that more was being demanded, Mr. Hogan, his voice rising, said:

"The thing that is so appalling to me is that the President, when this whole idea was suggested to him, didn't in righteous indignation rise up and say—'Get out of here. You are in the office of the President of the United States. How can you talk about blackmail and bribery and keeping witnesses silent? This is the Presidency of the United States'—and thrown them out of his office and pick up the phone and call the Department of Justice and tell them there is obstruction of justice going on."

Judging from the White House tapes, Mr. Hogan added, "my President didn't do that."