

# Congressmen and Lawyers Meet and Cast

JULY 27, 1974

## and Recast Articles of Impeachment

### In the Final Stage, Mann Emerges as Key Figure

By DAVID E. ROSENBAUM  
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WASHINGTON, July 26—The House Judiciary Committee's impeachment debate began 54 minutes late this morning and 40 minutes late this afternoon, but the members had not overslept, and they were not enjoying long lunches.

Rather, two groups of weary Congressmen and staff lawyers were meeting in hideaway offices — sometimes separately, sometimes together — for the 10th or 12th or 15th time in the last three days, casting and recasting articles of impeachment that they all could support.

As is so often the case in Congress, the serious negotiating and compromising were going on behind the scenes, outside the public forum.

"Abstractly, they all know what they want," a key staff member, red-eyed with lack of sleep, remarked during a lunch break when he had nothing but a paper cup of black coffee. "But, when they get it in writing, they get uptight."

The first group of drafters consists of liberal Democrats, committed from the beginning to the impeachment of President Nixon but convinced that a large bipartisan majority on the committee is needed to gain a majority in the full House.

#### If Right Articles Result

The second group is composed of Republicans and Southern Democrats who, after agonizing for months, have decided to vote for impeachment if the right articles can be cast.

As the negotiations have reached their final stages, Representative James R. Mann, a 54-year-old conservative Democrat from South Carolina, has emerged as the key figure in the drafting process.

In recent days, he has been the one with the pencil and the note paper who has turned the offers and compromises of diverse committee members into articles of impeachment that were broadly acceptable.

Why Jim Mann? How did this courtly, relatively junior Congressman, who had never before assumed a leadership role in his three terms in Congress, become the principal architect of impeachment language?

"No other drafter appeared," Mr. Mann replied when he was asked these questions this afternoon. But his colleagues said that he was too modest.

"He's awfully good at it. I've got a lot of faith in him," remarked Representative Walter Flowers, an Alabama Democrat.

#### Termed 'Trustworthy'

Representative Don Edwards,

a liberal Democrat from California, was more specific.

"He's a conservative Southern Democrat," Mr. Edwards said of Mr. Mann. "He comes from an area where Nixon has always shown great strength. He's still part of the mainstream of our party. He's a superb lawyer. But, most of all, he's trustworthy. He has a kind of entree into the Republicans and the conservative Democrats that [Jerome R.] Waldie or [Rosert F.] Drinan or I could never establish in a lifetime. He can go to them and say, 'I have the same same problem as you in my district. I can support this. So can you.'"

John F. Seiberling, an Ohio Democrat, said that he was one of the many committee members who sat spellbound during Mr. Mann's opening statement yesterday.

Mr. Seiberling quoted verbatim one of Mr. Mann's lines, that the American system of government had "been defended on battlefields, and statesmen have ended their careers on behalf of a system."

Mr. Seiberling went on to note that 80 per cent of the voters in Mr. Mann's district voted for President Nixon two years ago, and the Ohio Congressman concluded, "He's a solid person, a very courageous person."

#### Choosing Right Words

The impeachment inquiry staff had been drafting potential impeachment articles for several weeks, but it was not until Wednesday that the committee members began the serious task of choosing words that were acceptable to the Southerners and Republicans and still harsh enough to meet the demands of the liberal Democrats.

For most of the day on Wednesday, Mr. Mann, Mr. Flowers and Representative Ray Thornton of Arkansas, the third conservative Southern Democrat, met with four Republicans who were leaning toward an impeachment vote — Tom Railsback of Illinois, M. Caldwell Butler of Virginia, Hamilton Fish Jr. of upstate New York and William S. Cohen of Maine.

As they were meeting in Mr. Railsback's office, putting their thoughts into words, the committee chairman, Representative Peter W. Rodino Jr. of New Jersey, and four other Democrats were ensconced in a small subcommittee office on the second floor of the Rayburn House Office Building.

Representative Jack Brooks of Texas sat next to the telephone, getting reports from the group in Mr. Railsback's office and passing on their ideas to

Mr. Rodino and Representatives Edwards, John Conyers Jr. of Michigan and Paul S. Sarbanes of Maryland.

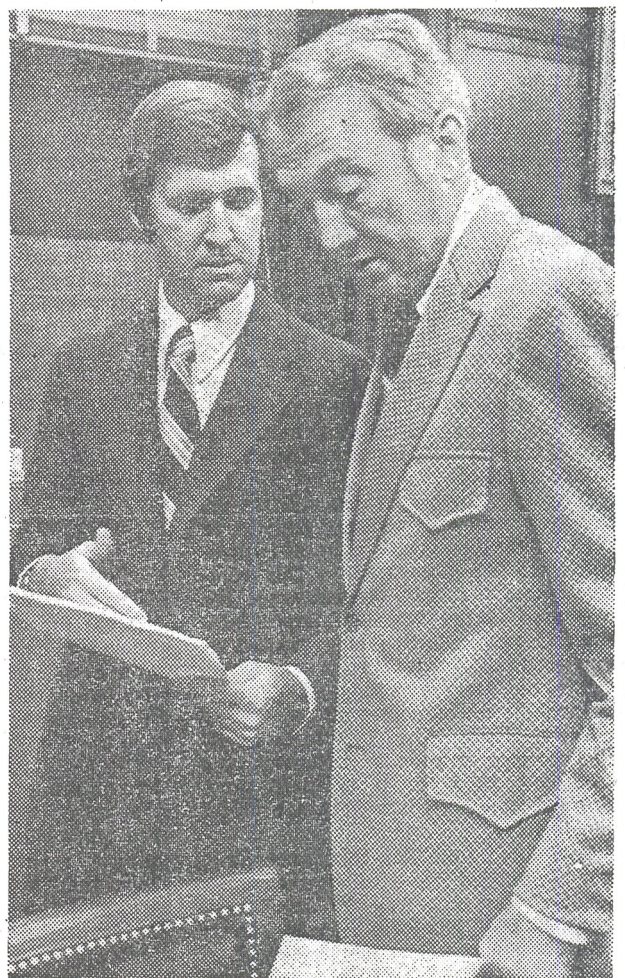
"Our group was prepared to accommodate them as much as possible as long as we didn't underestimate the seriousness of the charges against the President," one of the men who was with Mr. Rodino said today.

Both groups were working under a 7:30 P.M. deadline—the time when the televised debate was to be introduced.

Minutes before Mr. Rodino banged his gavel to start the proceedings, a hastily written draft, prepared principally by Mr. Mann at the meeting in Mr. Railsback's office, was handed to a secretary to be typed.

The first copies off the copying machine were handed to the committee members as the debate was beginning, and the draft was put in the form of a motion by representative Harold D. Donohue of Massachusetts, the second hanking Democrat on the panel.

Mr. Donohue, according to a staff member, had not even read the complete articles when he introduced them.



The New York Times/Mike Lien  
James R. Mann of South Carolina, right, listens to William S. Cohen of Maine. Mr. Mann has emerged as the key figure in the drafting of articles of impeachment.

The basic form of the Donohue proposal was satisfactory to both groups. It contained two articles of impeachment, one accusing the President of complicity in the Watergate cover-up, the other citing him for an assortment of abuses of power.

#### No One Was Pleased

But the actual words of the proposal pleased no one.

On Wednesday night, the two groups met again. And they met yesterday morning and during the lunch and dinner breaks and, after the debate was recessed, until after midnight last night.

Representatives Lawrence J. Hogan of Maryland and Harold V. Froehlich of Wisconsin, two Republicans who are prepared to vote for impeachment, joined the Railsback group at times. Mr. Mann had dinner with them, Mr. Railsback and Mr. Butler at the Capitol Hill Club last night.

Representative Edward Mezvinsky, a Democrat from Iowa who believes strongly that the President's financial irregularities should become part of an impeachment article, joined the liberal Democratic group for a while.

John M. Doer, the special counsel who had been shuttling back and forth between

the groups, worked until 3 o'clock this morning and was back before 7 o'clock. Mr. Railsback was in his office this morning at 6:45.

"We're all emotionally drained and physically drained, too," Mr. Railsback said. "But we are doing it because we think we have a duty to do it."

This morning, the two groups met as one, all gathered around Mr. Rodino in a small office just off the main hearing room.

Scribbled drafts of Article I were handed to secretaries to be typed and then, when copies were brought back into the room, they were penciled up again and sent back for retyping.

It was noon before Mr. Sarbanes was ready to offer publicly what the drafters had decided privately was a viable impeachment article.

The changes that were made to the first article — the one that was debated — were relatively minor. But the second article, the one alleging broad abuses of Presidential authority continued to cause serious difficulties.

Several of the Republican and Southern Democrats objected strenuously to the allegation in that article that the

President had promised executive clemency, believing that the charge was not substantiated by the evidence.

Others, Mr. Mann among them, were said to object to including the President's refusal to honor committee subpoenas in the abuse of power charge.

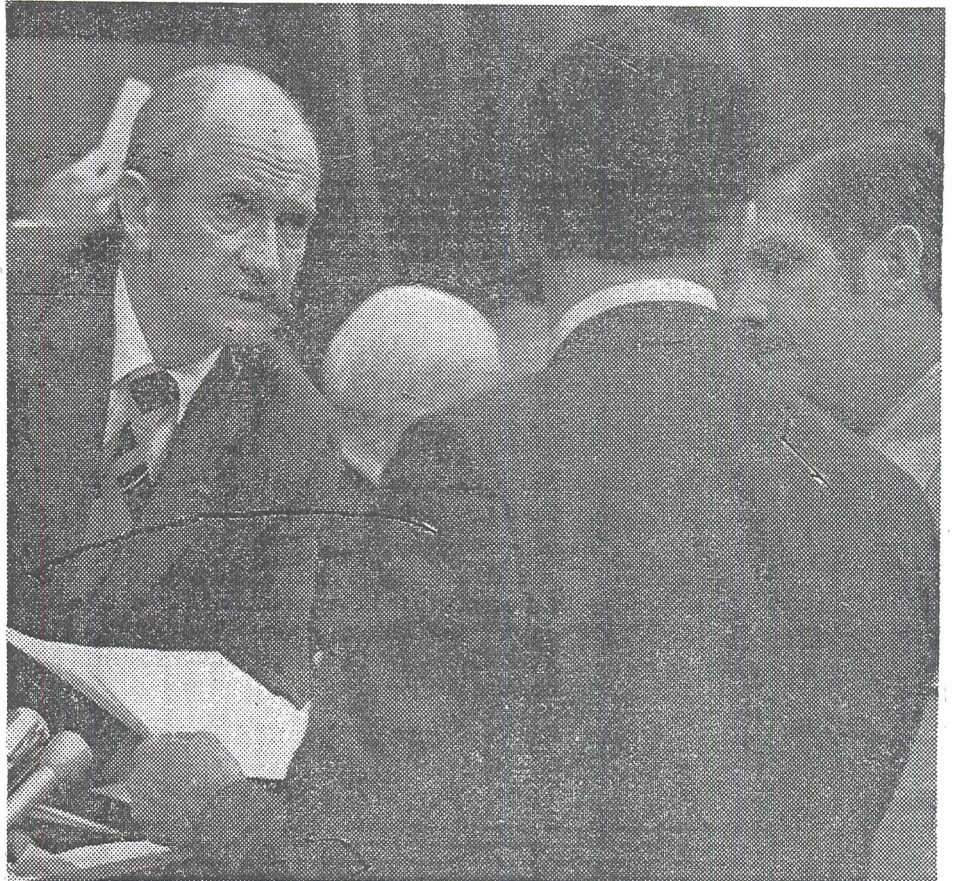
There was some support for a drive led by Representative Ribert McClory, Republican of Illinois, to list that charge in a separate article.

Other members with fragile political problems, however, wanted to keep the articles at a minimum.

"They don't want to be on television impeaching the President on Friday night and Saturday night and again Sunday night and Monday night," a Democrat joked.

Finally, there were a few members from staunchly conservative districts who want to vote for impeachment but who wanted to avoid mentioning the burglary of the office of Dr. Daniel Ellsberg's former psychiatrist in the articles.

"Where they live," a liberal Democrat said, Dr. Ellsberg "is lynchable."



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Paul S. Sarbanes, back to camera, explains to Jack Brooks of Texas, left, and Lawrence J. Hogan of Maryland the impeachment charge he drafted.