

Panel Moves Toward
Charging That Nixon
Did Not Uphold Law

NYTimes
SECOND ARTICLE

JUL 30 1974

A Bipartisan Majority
Defeats Attempts To
Narrow Scope

SFChronicle

By JAMES M. NAUGHTON
Special to The New York Times

WASHINGTON, July 29 —

The House Judiciary Committee neared completion tonight of a second article of impeachment charging that President Nixon had failed "repeatedly" to carry out his oath and duty to uphold the nation's laws.

A substantial bipartisan majority, signaling the certain approval of the second article, defeated a series of attempts by impeachment opponents to narrow the scope and eliminate some of the central elements of the charge against the President.

During daylong debate that went to the heart of the Presi-

Excerpts from committee's
debate, Pages 18 and 19.

dent's obligation under the Constitution, the 27 committee members who voted Saturday to recommend Mr. Nixon's impeachment for his role in the Watergate case were joined, for the first time, by Representative Robert McClory of Illinois, the second-ranking Republican.

'Crux of Responsibilities'

"This really gets at the crux of our responsibilities" in the impeachment process, Mr. McClory declared in distinguishing the second article from the first, which he opposed.

"We are calling the President's attention to the fact that he took an oath of office," he added, "and that he had in his oath of office a solemn obligation to see to the faithful execution of the laws."

The article offered in amended form by Representative William L. Hungate, accused Mr. Nixon of conduct, dating back to the Democrat of Missouri, first year of his Administration, that allegedly violated the rights of citizens to privacy, interfered with the proper administration of Justice and misused various agencies of the Government.

The omnibus charge focused specifically on the following allegations against the President:

¶Attempts to use the Internal Revenue Service to initiate tax audits or obtain confidential tax data for political purposes.

¶Use of a "national security" cover for a series of secret wiretaps against Government officials, newsmen and the President's brother, F. Donald Nixon.

¶Establishing the White House special investigations unit, later dubbed the "plumbers," for "covert and unlawful activities" that included the 1971 burglary of the office of a psychiatrist in search of information to defame Daniel Ellsberg for his part in publication of the Pentagon papers, a secret history of the Vietnam war.

¶"Failing to act" on the knowledge that close subordinates had sought to impede justice in the Watergate case and related matters.

"Knowingly" misusing the power vested in his office to interfere with activities of the Federal Bureau of Investigation, the Central Intelligence Agency, the Department of Justice and the Watergate special prosecutor.

Representative Charles E. Wiggins, a California Republican who has emerged as the

Continued on Page 20, Column 1

Continued From Page 1, Col. 8

unofficial mentor of the impeachment opponents, contended that the second article represented "a step toward a parliamentary system of government" by trying to hold Mr. Nixon to account, after the fact, for subjective "notions of morality and propriety."

Mr. Wiggins, backed by other defenders of the President charged that by focusing on Mr. Nixon's oath of office rather than on evidence of criminal wrongdoing, the second article "fails to state an impeachable offense under the Constitution."

But impeachment advocates charged in return that Mr. Nixon had demonstrated a pattern of "consistent disregard of the law," in the words of Representative Hungate, who offered the article as a substitute for a draft presented last week by Representative Harold D. Donohue, Democrat of Massachusetts.

One by one, Mr. Wiggins's attempts to narrow the scope of the article and to strike from it most of its subsections fell in the face of the declaration by Mr. McClory that Congress had a duty to serve as something more than "a district courthouse to hold the President accountable for statutory violations of the criminal law."

On roll-call votes with lopsided margins as large as 28 to 10—a majority larger by one than that which adopted the first (obstruction of justice) article—the panel's 21 Democrats and 7 of the 17 Republicans rejected limiting motions, adopted refinements in the rhetoric of the draft and swept, almost laconically, toward adoption of the article.

Danielson Argument

The most forceful argument in behalf of the charge against Mr. Nixon was made, at the outset, by Representative George E. Danielson, Democrat of California.

Responding to Mr. Wiggins's contention that the article was out of order, Mr. Danielson said emphatically that it was not only in order but was "the most important article that this committee may pass out."

Now swiveling to face Mr. Wiggins, now staring into the television cameras, Mr. Daniel-

son declared:

"The offenses charged against the President in this article are uniquely Presidential offenses. No one else can commit them. You or I, the most lowly citizen, can obstruct justice. You or I, the most lowly citizen, can violate any of the statutes in our criminal code.

"But only the President can violate the oath of office of the President. Only the President can abuse the powers of the office of President."

Even Representative Wiley Mayne, an Iowa Republican who opposed the first article and made clear that he would oppose the second, expressed opposition to a motion by Mr. Wiggins to strike language making Mr. Nixon personally responsible for political overtures from the White House to the Internal Revenue Service.

'Outrageous Attempts'

"I certainly do not want to do anything to dilute or limit, in any way, whatever responsibility the President may have for the very outrageous attempts to use the Internal Revenue Service for political purposes," Mr. Mayne asserted, seemingly speaking as much to his conservative rural constituency in Iowa as to Mr. Wiggins.

"There is nothing in this record which is to me more disappointing or more cause for concern of the continuation of free government than the way in which this Internal Revenue Service was attempted to be used for this base purpose," he added.

Mr. Mayne told reporters later, nonetheless, that he could not vote for the four other primary sections of the article because they pertained, in his view, to a legitimate concern

by Mr. Nixon—through the wiretaps, the creation of the plumbers unit and attempts to plug leaks of security secrets—for the national defense.

"You can bet your bottom dollar I'm not going to impeach the President for trying to defend the United States," Mr. Mayne said.

The same theme was later echoed by other supporters of Mr. Nixon as the committee, seeking to avoid the formlessness of much of its past impeachment debate, debated at length the import of evidence assembled in the nine months since the inquiry began.

Mr. Nixon would have been derelict had he not taken steps, even in secret, to stem the tide of leaks of national security secrets that began in 1969, the impeachment opponents said. Representative Joseph J. Maraziti, Republican of New Jersey, brought a smile to Mr. Wiggins's face when he said "I would vote to impeach him," if Mr. Nixon had not acted against the leaks.

Similarly, Representative Carlos J. Moorhead, Republican of California, declared that the weakest ground of all for impeachment would be Mr. Nixon's "attempt to save the lives of our troops and the safety of our nation."

But proponents of the second article countered that the President's steps against leaks, however well meant at the outset, had been in contravention of existing wiretapping laws and had degenerated into the use of surveillance authority to obtain political intelligence for the 1972 Presidential campaign.

Secret Police 'Reality'

"The Nixon White House

made secret police a reality in America," said Representative Joshua Eilberg, Democrat of Pennsylvania.

Representative Barbara Jordan, the Texas Democrat whose rare speeches are in the clipped harsh terms of unambiguous self-assurance, said that a "climate of leaks" used to justify the steps Mr. Nixon had taken did not "justify violations of the Fourth Amendment" guarantee against unlawful searches and seizures.

The deliberations were, in effect, a rehearsal for the debate on the floor of the House of Representatives that had already been assured by the adoption Saturday of the first article of impeachment.

They were, moreover, a prelude to the consideration tomorrow of a third article that is regarded as likely to be adopted and of several more whose future is less certain.

Mr. McClory circulated this evening the draft of a third article, alleging that Mr. Nixon, in defying eight Judiciary Committee subpoenas for White House tape recordings and other evidence, had "acted in derogation of the power of impeachment, vested solely in the House of Representatives."

Emoluments' Article

Representative Edward Mezvinsky, Democrat of Iowa, said in an interview that he was within striking distance of a bare committee majority in favor of a fourth article of impeachment. It would accuse Mr. Nixon of violating the Constitution's specific ban on "emoluments" in excess of his salary by accepting Government-paid improvements on his California and Florida homes, and of acting contrary to his public trust by underpaying Federal income taxes while in the White House.

Another Democrat, Representative John Conyers Jr. of Michigan, planned to offer several additional specific articles, including one alleging bribery for the President's decision to raise Federal milk price supports following pledges of up to \$2-million in 1972 re-election campaign funds from dairy farmer organizations.

Committee leaders hoped to complete action on the bill of impeachment by late tomorrow, probably without the adoption of more than three or four articles.



The New York Times/Mike Lien

Democrats on the House Judiciary Committee conferring on amending the second article of impeachment. From left: Walter Flowers, Robert W. Kastenmeier, Paul S. Sarbanes and Peter W. Rodino Jr., committee chairman. Jerome R. Waldie is seated.