

7 Defect From 'Fragile Coalition' on Impeachment

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This was a day for hedging political bets.

To seven members of the House Judiciary Committee, it seemed, given their constituents, that voting for two articles of impeachment was more than enough. "They've gone about as far as they can go," the show tune says of Kansas City, and that was the way the five Republicans and two Southern Democrats felt today.

So, when the clerk called the roll this afternoon for the vote on Article III, dealing with President Nixon's refusal to honor committee subpoenas, "Noes" replaced "Ayes" in the mouths of seven of those who had helped to form what Representative Tom Railsback called "the fragile coalition" on the two earlier votes.

Among the defectors were most of those who had searched their souls about impeachment and then spoken movingly about the compulsion they felt to support it:

Representatives Railsback of Illinois, Hamilton Fish Jr. of New York, William S. Cohen of Maine and Harold V. Froelich of Wisconsin, all Republicans, and Walter Flowers of Alabama and James E. Mann of South Carolina, Democrats.

While many of the constituents of the seven seem prepared to accept their votes, harsh comments have already been heard, particularly in the South.

Mayor Clarence Hinton of Tuscaloosa, Ala., Mr. Flowers's home town, had a one-word reaction: "disgusting."

Jesse Cooksey, the South Carolina Republican chairman said, "This is the worst thing that has ever happened to this country, and they [the committee] should be impeached, not the President."

"They need to show the home folks that they're willing to vote for the President, too," said Representative Charles E. Wiggins Jr., Republican of California, when asked about the defectors' actions.

"Now they're starting to speak to their natural constituencies."

And speak they did, adducing Constitutional arguments to explain their votes, with the exception of Mr. Mann, who passed up the opportunity to drive home to his constituents the fact that he dent.

Mr. Railsback called Article III "overkill." Mr. Flowers commented, "This is just too much." Mr. Froelich, the roly-poly first-termer whose hold on his seat is considered tenuous at best, accused his colleagues of trying "to impeach a President for defending what he believes to be his duty under the Constitution."

With the seven vanished the bipartisanship and the thumping majorities that had marked the passage of Articles I and II. Article III passed, but only by four votes, 21 to 17.

As the day wore on, and the weary committee lurched into a discussion of still other proposed articles, even the slim majority of 21 began to drain slowly away.

By the time the 36 men and two women were polled on a proposed Article IV relating to the Cambodian bombing, only 12 "Ayes" were

heard. Even Representative John F. Seiberling, an Ohio Democrat, joined the dissenters, although his district contains Kent State University, where four students were killed in an antiwar demonstration.

The zip had suddenly fled from the impeachment advocates' arguments.

For days, the pro-Nixon Republicans had been demanding hard proof of specific offenses — or, to use the phrase that gained a certain currency, demanding to see "the smoking pistol" that was used in the "crime."

Mr. Fish had an answer for them.

"For those who are looking for the smoking pistol," said the rangy aristocrat, the fourth of his name to sit in Congress, "I am afraid they are not going to find it because the room is too full of smoke."

Only 18 seats, in the right rear of the hearing room, have been allowed to the public, with each spectator permitted to remain in the room for about 20 minutes.

Relatively few people have been eager to stand in line on the sidewalk outside the west entrance of the Rayburn Office Building in the 90-degree temperature. At 2:15 this afternoon, only 53 persons were waiting.

The first man in line had been there since 9:30 this morning.

Mr. Mann, whose soft-spoken eloquence during the committee's deliberations stirred his foes as well as his allies, gave a debating lesson last night to the committee's youngest member, Representative Trent Lott, Republican

of Mississippi, who is 32 years old.

Mr. Mann had referred to Dr. Daniel Ellsberg as an underdog, and Mr. Lott, who followed him, wondered aloud, "Who is the underdog now?" Mr. Mann roused himself like a sleepy lion and leaned into the microphone.

Mann: I would like to answer that.

Lott: All right, sir. I yield.

Mann: I am fully aware that many of the American people consider that the President is being attacked and abused by sinister forces in this country, by the left-wing press or by the Democrats, and I can assure this not to me his [Mr. Nixon's] party or position. He is subject to the rule of law and to justice, and in my role, under my oath, he will get it, be he President or be he pauper.

Mr. Lott flushed slightly and pressed on.