

NYTimes AUG 5 1974

How a Fragile Centrist Bloc Emerged As House Panel Weighed Impeachment

Special to The New York Times

WASHINGTON, Aug. 4—The verdict of the House Judiciary Committee came, in the end, from the President's own men. Seven Republicans, three conservative Democrats. In all, 10 natural allies of President Nixon whose votes, shaped in anguish and cast in sorrow, were the critical mass of an explosive moment in history.

That moment came to pass, visibly, stunningly, in the televised decision of the Judiciary Committee to lodge the first formal charges against a President in more than a century. Yet the real drama of impeachment, the test of wits and struggles of conscience that produced the decisive votes, occurred largely in private.

It was a drama at once constitutional, political and per-

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sonal. It involved the reluctant conclusion months ago by the committee chairman, Representative Peter W. Rodino Jr., that the White House tapes and other evidence traced a pattern of misconduct by the President whose signed portrait graced the chairman's office wall.

It turned on a strategy designed to provide time for John M. Doar, the special counsel, to assemble the evidence that might convince key Republicans and Southern Democrats—the crucial, uncommitted center of the divided committee—

that a vote for impeachment was worth the peril to their own political careers.

It concluded a massive, procedural sleight of hand through which Mr. Doar was able to lay before the committee, without objection from the President's lawyers or Mr. Nixon's defenders on the committee, the central elements of evidence on which the judgment would ultimately be based.

And the climax was caused in part by an uncharacteristic attempt by the senior Republican, Representative Edward Hutchinson of Michigan, to put pressure on the committee minority to make a united defense of the President. The gambit backfired, driving four Republicans into a bipartisan

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caucus—called, self-effacingly, "the Unholy Alliance"—where the first two articles of impeachment were drafted.

The alliance of the center in favor of impeachment almost collapsed twice, over a procedural disagreement and a tactical lapse, in the closing days of the committee deliberations.

Critical Votes at Center

But when the inquiry ended last Tuesday only 10 bitter-end Republicans out of the 38 committee members had opposed adoption of the resolution that urged, in the stark language of parliamentary law, "that Richard M. Nixon, President of the United States, is impeached for high crimes and misdemeanors." And the votes of the 10 critical men at the center echoed fatefully through Congress.

Walter Flowers, Democrat of

Alabama: "Aye." James R. Mann, Democrat of South Carolina: "Aye." Ray Thornton, Democrat of Arkansas: "Aye." Robert McClory, Republican of Illinois: "Aye." Tom Railsback, Republican of Illinois: "Aye." Hamilton Fish Jr., Republican of New York: "Aye." Lawrence J. Hogan, Republican of Maryland: "Aye." M. Caldwell Butler, Republican of Virginia: "Aye." William S. Cohen, Republican of Maine: "Aye." Harold V. Froehlich, Republican of Wisconsin: "Aye."

How the 10 came to their separate judgments to enact two or more articles of impeachment and then coalesced to shape the wording of the indictment formed the central act of the drama. Based on interviews with each of them — and with other committee members and aides, some on condition that they not be identified — here is how it happened:

The Search

Representative Rodino vacillated. He was overwhelmed. In his first year as chairman of the House Judiciary Committee, the Democrat from Newark — an amateur poet, an immigrant's son, an unknown quantity up from the Congressional back benches — suddenly was thrust in the path of onrushing history by two White House calamities.

On Oct. 10, 1973, Spiro T. Agnew resigned from the Vice-Presidency in disgrace. The President nominated Gerald R. Ford to be Mr. Agnew's successor and the Judiciary Committee was preparing for the first Vice-Presidential confirmation hearings in history. But on Oct. 20, President Nixon ordered the dismissal of Archibald Cox, the special Watergate prosecutor, and within three days, amid a firestorm of public and Congressional outrage, Mr. Rodino was directed to begin an inquiry into the impeachment of the President as well.

At the urging of senior House-Democrats, Mr. Rodino searched for a special counsel on impeachment, someone with unusual credentials: a lawyer of national repute, old enough to be mature but young enough to withstand a rigorous schedule, familiar with Washington and, above all, a Republican — to reassure Congress and the nation that the inquiry would be even-handed.

Names cascaded into the chairman's office from friends, law school deans, members of Congress. There were persistent references, often without the easily forgotten name, to "a guy in Justice in the sixties."

Summons 'Guy in Justice'

In November, Mr. Rodino summoned the "guy in Justice" from Brooklyn, where he directed the Bedford-Stuyvesant Development and Services Corporation, for a three-hour interview on Capitol Hill. John M.

Doar was just what the chairman wanted. He had joined the Civil Rights Division of the Justice Department under President Eisenhower and risen, in the Kennedy and Johnson administrations, to the leadership of the assault on racial discrimination.

He was almost sleepily placid; he knew little about Watergate and nothing about impeachment; he was 52 years old; he professed no animosity toward Mr. Nixon, and he was, nominally, a Republican.

But Mr. Doar was the first candidate to be interviewed, and Mr. Rodino temporized and searched. He wavered, now wondering about the president of a sectarian university, now leaning toward a Federal prosecutor appointed by Mr. Nixon, and even fastening for a time, in an irony that would later haunt Republican opponents of impeachment, on Albert E. Jenner Jr.

Eventually the committee's Republican minority, anxious to obtain their own counsel of national stature, would hire Mr. Jenner, a Chicago trial lawyer and fixture in the American Bar Association hierarchy, without knowing how close he had come to being the Democrats' counsel—and Mr. Jenner, a devoted civil libertarian, would join in advocating impeachment.

On Dec. 17, when Mr. Doar's name appeared in The New York Times as a leading prospect—planted, it turned out, with four other names by a Rodino associate who hoped to prod the chairman into some decision — Mr. Rodino summoned Mr. Doar again: "This time he got the job and the only promise he extracted: He would be able to take off Christmas Day.

The selection of John Doar, a Rodino confidant said last week, "was the most important decision of the whole inquiry."

The Evidence

Two days after Christmas, Mr. Doar arrived at his new office on the second floor of the rickety old Congressional Hotel, now a House office annex, and could not enter. He had no key. He sat on the floor until someone arrived to let him in. He would, in time, have all the locks changed and many more added in an effort to keep secret the evidence that accumulated on the conduct of the President, so much evidence, trivial or urgent that the architect of the Capitol would install bracing beams to prevent the second floor from sagging.

Mr. Doar plodded. He insisted, to the dismay of impatient pro-impeachment Democrats, on personally examining every scrap of evidence: Watergate grand jury testimony, thousands of pages of Senate Watergate committee files and the 19 recorded White House conversations that the President initially surrendered to the courts in an unavailing effort to stem the tide of public opinion.

Why Mr. Nixon surrendered the first tapes, then refused to yield more, then issued edited transcripts, then defied court and Congressional subpoenas and finally risked the order of the Supreme Court that said he must comply with the Watergate prosecutor's tape demands remains a mystery to both his defenders and accusers in Congress.

"The White House has erred in dribbling out its story over the months and, frankly, having it pulled from them," Representative Charles E. Wiggins, the California Republican who marshaled the defense of the President on the committee, said last week. Each time he urged Mr. Nixon's defense lawyers to take one step or another in support of the President, Mr. Wiggins added, the answer was the same: "Well, we don't make decisions on this question. It's a Presidential judgment."

Whatever the explanation for the erratic White House de-

fense strategy, it apparently affected Mr. Doar, and later the committee majority, in two central ways.

Release Called Mistake

First, in succumbing to public pressure to yield the first tapes last winter, Mr. Nixon provided material that Mr. Doar and others saw as clues to a broad pattern of alleged misconduct.

"The release of those tapes was a major mistake," according to Representative Don Edwards, Democrat of California, a one-time agent of the Federal Bureau of Investigation. "The hardest kind of case to make is one of conspiracy. We never could have done it in the Watergate case without those tapes."

Second, in defying committee subpoenas for 147 more taped conversations and in publishing expurgated transcripts of some discussions that could be, and were, compared unfavorably with the full content of the few tapes the committee had, Mr. Nixon apparently abetted growing suspicion that he was withholding the evidence that might destroy him.

"I just think he's hurting himself," Mr. Railsback kept saying of the President's attitude toward the tapes. Mr. McClory pleaded privately with the White House to cooperate and, spurned, eventually drafted Article III of the bill of impeachment, accusing Mr. Nixon of trying to impede the constitutional inquiry into his conduct.

By late March, Mr. Doar concluded that there was evidence enough to build a case, largely circumstantial but in his view no less persuasive, for the impeachment of the President. He briefed Mr. Rodino on the evidence in long evening chats in the chairman's office. He took Mr. Rodino to the inquiry offices, clamped earphones on the chairman's head, and played the tapes.

"Oh, My God," Mr. Rodino would say in his raspy voice as he listened to the recordings.

The Strategy

Once Mr. Rodino became convinced—and dismayed, according to those around him—that impeachment should go forward, the question was how. He talked at length with Mr. Doar about the natural reluctance of members of Congress to use the awesome power of impeachment and of the need for a broad-base, bipartisan recommendation from the committee if the full House were to agree to a Senate trial of the President and a trial were to be conclusive and not lead, as happened with Andrew Johnson 106 years earlier, to a narrow acquittal that crippled the President but left him in place. “The decision,” Mr. Rodino kept telling Mr. Doar, “has to come out of the middle of the committee.”

There were two elements to the strategy that emerged—one political, one evidentiary—but they both aimed at the same objective, to buy time for Mr. Doar to construct and present a case that would, in the end, be clear and convincing

to the conservative Democrats and the Republicans on whose judgment the outcome would hinge.

The political phase of the strategy was brutally simple. It was to preserve a bipartisan approach and obtain an image of fairness by holding in check those in the committee's majority who were prepared, some eager, to presume the worst about Mr. Nixon's conduct. At closed party caucuses, Mr. Rodino kept warning the Democrats that the proceedings must be fair—that the committee's decision was one that the public in turn would judge and that the nation at large might not accept the verdict if Democrats were seen to have jumped to a partisan finding.

Some Democrats Object

The Democrats were, for the most part, remarkably passive, though some resented Mr. Rodino's exhortations. Representative John Conyers Jr., Democrat of Michigan, objected bitterly, in a series of periodic news conferences, that Mr. Doar seemed to be too deliberate, too slow and too reliant on the investigations of others. Another Democrat grouched privately that the chairman seemed overly willing to “carry these guys”—the conservative Southerners—“on a velvet pillow.”

The fruits of Mr. Rodino's part in the strategy may have been described best, however, by Mr. Railsback, a senior member of the Republican social hierarchy in the House.

“Rodino deserves a lot of credit for ‘keeping the bid on,’” he said, smiling to acknowledge his adoption of a phrase from the White House transcripts. “He could have blown it all if he hadn't suggested restraint by certain Democrats.”

The second element of the leadership strategy, the one left to Mr. Doar to devise, was far more complicated. It centered on the nature of the case.

A Pattern Discerned

Mr. Doar and Mr. Jenner, along with most members of the committee, had reached a consensus early in the inquiry that a President might be impeached and removed from office on proof of serious wrongdoing that was damaging to the nation or to the Presidency, even if the misconduct was not, in the strict sense of the law, criminal.

Moreover, the committee lawyers believed that, while many of the items of evidence seemed inconclusive if examined singly and without reference to other elements of the case, taken together and viewed with a broad perspective they formed a cumulative pattern of misconduct.

But James D. St. Clair, the President's chief defense lawyer, and a number of the com-

mittee Republicans contended that Mr. Nixon was liable to impeachment only on hard, direct, incontrovertible proof that the President had personally committed severe violations of criminal law.

At first, Mr. Doar tried to convince Mr. Rodino that the White House had no more right to take part in impeachment hearings than a suspect under investigation by a regular grand jury.

The suggestion that Mr. St. Clair be barred from the inquiry met with stiff opposition from the committee centrists, and from Democratic liberals such as Representative Robert W. Kastenmeier of Wisconsin and Mr. Edwards of California, who argued that the public would never understand or tolerate what would seem to be a breach of elementary fairness.

St. Clair Admitted

Mr. Rodino agreed. He overruled Mr. Doar and admitted Mr. St. Clair. How, then, was Mr. Doar, without betraying either his desire or his promise to be evenhanded, to introduce the evidence that might show a pattern of wrongdoing? Would not a constant stream of objections to one element after another of Mr. Doar's emerging case come from Mr. St. Clair or from some panel members—those members who, as one minority staff member described them last week, were “predisposed to consider one fact in isolation, to say, ‘That doesn't prove anything.’”

The answer was mass, simplicity and balance. Mr. Doar and his staff merely presented to the committee virtually every piece of evidence they had—38 thick looseleaf volumes, 7,200 pages in all—and reduced each item to a sparse, unargumentative statement of information. The approach had the added virtue of impartiality. It was an associate of Mr. Doar's said later, “ingenious.”

The Case

It took Mr. Doar until May 9 to collate the material and, never quite satisfied with the briefing books, he kept producing them barely a step ahead of the hearings.

"We begin at the beginning," he told the committee—and Mr. St. Clair, at a nearby counsel table — that first day of the closed hearings. And he did, with a background paper that started, "On Jan. 20, 1969, Richard Nixon was inaugurated as the 37th President of the United States."

As the hearings went on, Tuesday through Thursday for 10 weeks, one after another of the members said that, had the sessions been open and televised, the nation would have been bored to death. All day the inquiry staff read the "statements of information" and cited the attached evidence, much of it by then public knowledge, from which the factual findings were drawn. When Mr. Doar read the material his monotone drove some on the panel to distraction, they said, and once, on May 21, Mr. St. Clair dozed off briefly.

Reactions to Tapes

Only when the committee listened to a White House tape and the members emerged to recount varying, sometimes conflicting, versions of its contents was there much excitement. Some Democrats expressed disappointment that there were no new "bombshells." Some Republicans, hoping for a decisive single piece of evidence to ease the burden of judgment, kept noting the absence of a "smoking gun."

But the rudiments of the case apparently were there, like pieces of popcorn that form a decorative Christmas tree chain only when someone strings a thread through them.

When the Watergate ma-

terial had all been presented, the standard assessment was that it had been inconclusive. Mr. Wiggins dismissed even the Watergate tapes, saying that there had been nothing "implicating the President in spitting on the street, even."

Only a few members saw a pattern as it emerged. "This building they've been constructing, a brick at a time, is completed," said Representative William L. Hungate, Democrat of Missouri, "and it's not a cathedral."

Evidence Studied

Mr. Cohen took his volumes of evidence home, read and re-read them, cross-referenced them to Senate Watergate committee volumes and even to some segments of "All the President's Men," the Watergate book by Bob Woodward and Carl Bernstein of The Washington Post.

Representative Paul S. Sarbanes, Democrat of Maryland, kept track of the activities of close White House and 1972 campaign associates of Mr. Nixon who have been convicted or indicted of crimes, and developed this simile: "You go into a grocery store and see a whole section of nice-looking tomatoes. You pick one up and it's rotten on the bottom. You figure, all right, it's possible to have one rotten tomato. You pick up another tomato and it's rotten."

After eight or 10 rotten tomatoes you wonder about the whole grocery store."

But the key group at the center, while displeased with what it had seen of Mr. Nixon's conduct, was uncertain by the end of June whether there was anything to warrant impeachment.

In early July, Mr. Doar ran a thread through the popcorn.



The New York Times
Robert McClory of Illinois, right, was another Republican who voted for impeachment. Edward Hutchinson of Michigan, left, was a Republican who didn't.



Associated Press
Tom Railsback of Illinois whispers to Peter W. Rodino Jr. of New Jersey. Mr. Railsback, who voted for impeachment, has praised the work of Mr. Rodino.

The Advocate

By late June, the committee Democrats were restive, exhausted and alarmed. Some of them felt awash in a sea of evidence without a rudder. They complained at a party caucus that someone would have to pull the relevant facts together because, as a senior Democrat put it, Mr. Doar and his staff were too "neutral." Mr. Doar assured the Democrats that he would be prepared to become an advocate "at the appropriate time," but some doubted that he could succeed.

They began bickering in caucuses and, to Mr. Rodino's alarm, questioning the chairman's judgment by voting with the Republicans on some procedural questions.

On June 26 after Democrats divided on three procedural

votes in succession at a meeting to determine who would be summoned to the hearings as witnesses, Mr. Rodino recessed the meeting and took the Democrats into a nearby office. "I want to know who's with me and who's against me," he said, glaring at his colleagues. "I want to know now, before we go out there." When the Democrats returned to the meeting they stuck with the chairman.

'Seminars' Held

On July 6, when committee members returned from a quick Independence Day respite in their Congressional districts, Mr. Doar's senior assistants—Richard L. Cates, Bernard W. Nussbaum, Evan A. Davis, Richard H. Gill—began conducting "seminars" for Democrats to suggest various theo-

ries of evidence that could be drawn from the voluminous material.

Mr. Cates, a prosperous Wisconsin trial lawyer, gave passionate lectures, more like a prosecutor's final summation before a trial jury, tying one link in a chain of direct and circumstantial evidence to another and suggesting inferences that could properly be drawn from the whole. "I've had 23 years just doing this one thing," he would explain. "When I read facts it is not hard to put them in a way that ties them together. That's my life, taking information that is relevant and making it understandable."

What emerged from the seminars was the alleged pattern of misconduct that Mr. Doar outlined in a 306-page "Summary of Information" he presented to the full committee, along with four suggested articles of impeachment, on July 19—the day he became an advocate. In brief, the case that Mr. Doar constructed was as follows:

¶Mr. Nixon "made it his policy" to cover up the roots of the Watergate burglary and thus obstructed justice.

¶Agents of the President, including the White House "plumbers" unit, committed and planned burglaries and unlawful eavesdropping as part of a "pattern of massive and persistent abuse of power for political purposes."

¶In defying Judiciary Committee subpoenas, Mr. Nixon engaged in contempt of Congress and, more significant, "justified" an assumption that if the White House tapes and other withheld evidence had been favorable to Mr. Nixon they would have been produced.

¶By underpaying Federal income taxes during his first four years in the White House, Mr. Nixon committed "Willful" tax evasion and failed to adhere to an oath to uphold the nation's laws.

Rodino-Doar Meeting

On that day, just before Mr. Doar was to begin his final summation to the committee, Mr. Rodino pulled the special counsel into a small, cubbyhole office Mr. Rodino had a few paces away from the Judi-

ciary Committee hearing room. The chairman wanted a fiery advocate and Mr. Doar was more like a dormant volcano.

Mr. Rodino set about antagonizing his counsel deliberately. He told Mr. Doar the 306-page document was "not good enough," that the committee did not need just another summary of the evidence but needed to be told why it was important and why the case was documentable.

Finally, as Mr. Doar's face reddened and his temper rose, Mr. Rodino, feigning disgust, walked out.

Boiling, Mr. Doar followed into the hearing room. One Republican member said later that day that Mr. Doar had "a gritting set to his jaw" and his change of demeanor was "dramatic."

Mr. Doar said he had "not the slightest bias" about Mr. Nixon but that he could not be indifferent to an attempt by any President to play "a central part in the planning and executing of this terrible deed of subverting the Constitution."

Inferences Drawn

For 90 minutes, he talked extemporaneously about laws and Presidential obligations and about the impeachment evidence. Of course some inferences must be drawn, he said, because of the nature of the Watergate cover-up:

"You find yourself down in the labyrinth of the White House, in that Byzantine empire where yes meant no and go was stop and maybe meant certainly, and it is confusing, perplexing and puzzling and difficult for any group of people to sort out. But that is just the very nature of the crime—that in executing the means everything will be done to confuse and to fool, to misconstrue, so that the purpose of the decision is concealed." He ticked off items of direct evidence too.

And he told the panel he had arrived at his conclusions by this standard: "You don't go forward in serious matters unless you are satisfied in your mind and heart and judgment that, legally and factually reasonable men acting reasonably would find the accused guilty of the crime as charged."

The Center

Armed with Mr. Doar's analysis of the evidence and notes they had made themselves during the hearings, the members in the middle—the group Mr. Rodino had said must make the committee's decision — began coming to grips with what they referred to constantly as their awesome responsibility.

Representative Cohen had seemed for weeks on the edge of a vote to impeach. Alone among the Republicans he was asking biting questions of the impeachment witnesses. Democrats, to his embarrassment, offered to let Mr. Cohen have their five-minute periods to examine witnesses. But the other uncommitted members kept holding back, keeping their intentions unclear.

Then, on July 11, at a caucus of the Republicans, their normally taciturn senior member, Representative Hutchinson, seemed to try to isolate Mr. Cohen as the only potential outcast. The last witness had been heard earlier that day, all the evidence was in, and only the deliberations lay ahead. What Mr. Hutchinson said took on exaggerated meaning.

"Republicans cannot vote for impeachment," he declared.

Then he asked—ominously, it seemed to some of those present—for a show of hands of Republicans who might vote for impeachment.

Representative Railsback objected, with unusual vigor, that he for one was uncertain what he might do. And Representative Wiggins, presumably sensing that the incident could have a counterproductive effect, stepped in to cut off the discussion.

A Turning Point

It was, nonetheless, a turning point of the deliberations. Mr. Railsback, Mr. Cohen and Mr. Fish talked after the caucus about the "disturbing implications" of Mr. Hutchinson's attitude.

Representative Butler, who had missed the caucus, joined the other three Republicans for lunch at the Capitol Hill Club—the watering hole of the Republican Congressional establishment. It was the beginning of what some later would call, in jest, the "Unholy Alliance," others "the Terrible Seven," and onemember, in an allusion to the film in which disparate gunslingers teamed up to save a Mexican town, described as "the Magnificent Seven."

Four days later, on July 15,

Mr. Railsback, who had enjoyed keeping everyone in doubt as to his intentions, told Mr. Cohen over dinner that he too was disturbed by evidence that suggested Mr. Nixon had obstructed the Watergate investigation and had sought to use the Internal Revenue Service to political advantage.

On Sunday, July 21, Mr. Cates went to Mr. Cohen's home in nearby McClean, Va., to brief Mr. Cohen and Mr. Fish, for nearly five hours, on his interpretation of the Watergate evidence. That same day, at his in-laws' home in Western Springs, Ill., Mr. Railsback went over and over Mr. Doar's 306-page summary, underlining, his wife, Pat, said later, "statements that seemed to go against the President." From the thick analysis, Mr. Railsback said the other day, "for the first time I got a full picture of the events, and of the President's participation in them."

Simultaneously, it turned out, other key centrists were coming to similar conclusions.

Discussion With Family

Mr. Fish talked with his family about "what impeachment meant to the country, to the Presidency" and, by indirection, whether to join in it.

Representative Hogan was driving home late Saturday night, July 20, from a speaking engagement and tried to sort out why he had been "disconcerted" during the speech.

"I realized," he recalled, "I had been a victim of the Wiggins trap. I was focusing only on one leaf, not the whole forest. What difference did it make whether [the President] approved hush money? He certainly didn't reject it. It was the whole pattern, and I didn't see it until that night in the car."

Representative Butler arrived, a few days later, at a determination that there was a "cumulative effect" to the evidence, that "the total was clear and convincing to me"—and devastating to Mr. Nixon.

On the Democratic side, Representative Thornton of Arkansas went to a rented room at the Coronet Hotel the night of July 22 and drafted "a list of offenses that seemed to me to be of the kind that could support impeachment charges." Representative Flowers, the Alabamian, and Representative Mann, his fellow Southerner from South Carolina, discov-

ered in conversation that their views on the evidence were the same, and that Mr. Thornton agreed with them.

On July 22, Mr. Flowers ap-

proached Mr. Railsback and said, "Why don't you get your guys, and I'll get my guys, and we'll get together?" Mr. Railsback agreed.

The Drafters

At 8:30 A.M. on July 23, the Unholy Alliance—Republicans Railsback, Cohen, Butler and Fish, Democrats Flowers, Mann and Thornton—gathered, for the first of many times during the week of the impeachment debate, around a conference table in Mr. Railsback's office. There were coffee and rolls—"Toss me Danish." Mr. Cohen asked Mr. Railsback and the pastry sailed the length of the table—and there was unanimity.

"It was a terrible butterfly-in-the-stomach day," Mr. Fish later remembered. "I would have questioned my judgment if everybody else had decided against impeachment."

Instead they wondered aloud. Mr. Flowers talked of whether the punishment—ultimately, removal from office—fit the crime. Later he said, somberly, "This is the sort of thing we can't walk away from." Mr. Railsback raised the possibility of Presidential censure, rather than impeachment, then rejected the notion.

The group discussed those issues they could agree were not grist for impeachment—secret bombing in Cambodia, Mr. Nixon's political donations from corporations and industries—and then agreed they all could support two articles of impeachment, if phrased accurately, carefully, without political hyperbole. Mr. Railsback agreed to draft Article I, alleging obstruction of justice in the Watergate case. Mr. Mann said he would try his hand at Article II, accusing Mr. Nixon of persistent abuses of power.

Political Risks Seen

The political risks were clear. Mr. Flowers leaned toward Mr. Butler at one point, and noting how near the old capital of the

Confederacy was to Washington, he drawled, "You better be careful, Caldwell. Every pick-up in Richmond could be here by nightfall."

Democrats who had been assigned by Mr. Rodino to draft impeachment articles gladly consented to Mr. Mann's suggestion that the draft come instead from the coalition of centrist Republicans and Democrats. The morning of July 24, the day the first formal Presidential impeachment deliberations in 106 years were to begin, the Unholy Alliance met again in Mr. Railsback's office. At 7 P.M., barely 45 minutes before the debate began, they finished a rough, and not totally satisfactory, draft. It was introduced that night by Representative Harold D. Donohue, Democrat of Massachusetts, who had been a fellow Navy officer with Mr. Nixon at a small base in Iowa during World War II.

Throughout the week-long debate, the coalition revised the drafts of Article I and Article II and Mr. Mann shuttled with the various versions between the coalition group and the liberal Democrats working under Representative Jack Brooks of Texas. The two clusters agreed on a substitute Article I. Friday, July 26, it was introduced by Mr. Sarbanes. They agreed on a substitute Article II. Monday, July 27, it was offered by Representative Hungate.

They helped to shape, but did not all sanction, an eventual Article III—Mr. McClory's charge based on the President's defiance of committee subpoenas—and when the week was over it would be the President's men who had drafted the indictment of Mr. Nixon.

The Fragility

The alliance of the centrists and the more liberal Democrats was, as Mr. Railsback warned when some Democrats pushed unsuccessfully in the televised debate for a fourth and a fifth article, a "fragile coalition." Twice, in fact, it had seemed on the edge of cracking.

The procedure the committee would use to decide whether to adopt articles of impeachment proved to be one of the few bitterly contested issues. Mr. Rodino and the liberal Democrats wanted to obtain maximum impact by debating Article I and then voting on it—thus casting the die for the rest of the debate—before proceeding to deliberate over Article II. But Mr. Mann told a Democratic caucus at the beginning of the week of deliberations that he had promised his group of conservatives and Republicans there would be only one set of votes, at the end of the entire debate.

"If I have to vote on an article of impeachment on Friday night on prime-time television, vote on an article of impeachment on Saturday night, and then vote on an article of impeachment on Monday night," Mr. Flowers told the caucus, "by Monday there'll be trainloads of my constituents up here."

Grudgingly, Mr. Rodino agreed at the caucus to go along with the Southern Democrats and Republicans. But it did not turn out that way.

Kastenmeier Amendment

Representative Kastenmeier fumed at the approach. When the committee met late on July 23 to adopt a procedural resolution setting the form of the debate, he introduced an amendment. It proposed what the Unholy Alliance did not want—debate and then an immediate vote on each article in turn. Mr. Rodino was alarmed. But Mr. Kastenmeier, joined by 10 other liberal Democrats, was adamant. He whispered angrily to the others that conservatives and Republicans were having their way on the shape of the

articles and that enough was enough.

Mr. Flowers was furious when the committee voted 21 to 16, for the Kastenmeier plan. "I thought we had lost him for good," Mr. Edwards said.

The second crisis of the fragile coalition came on Friday, during the debate on Article I. Republican opponents of impeachment complained, in unison, that the article was unfair because it did not specify the details of the obstruction-of-justice charge, the dates, names and events on which it was based. None of the proponents were prepared to answer the challenge. Each group had assumed, it developed, that someone—Mr. Doar probably—had prepared a bill of particulars to document the charge. Mr. Doar, however, had not.

"We were flabbergasted," Mr. Cohen recalled. He said Mr. Wiggins and the other opponents of the article "chewed us up" all day Friday, before a nationwide television audience. At a dinner recess, the Unholy Alliance gathered at the Capitol Hill Club, and some members were said to be ready to buckle unless the case could be defended fast. That night, Mr. Railsback stepped in and rattled off a string of supporting items of evidence. The next day, Mr. Doar had a long list of evidentiary citations on the desks of the Article I proponents.

On Saturday, July 27, the fourth day of debate, the President's defenders switched tactics. No longer insisting on specificity, they abandoned a set of motions to strike each of the nine sections of Article I. Mr. Flowers, determined that his constituents know why he had decided to favor impeachment, took up the motions to strike his own language. The parliamentary gambit enabled Mr. Flowers and the other proponents of Article I to give a day-long recitation of the evidence they had lacked so visibly on Friday.

The Vote

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Finally, at 7:03 P.M. that Saturday, the committee's nine-month-long anguish reached a climax. Garner J. Cline, the associate general counsel, called the roll. One after another the seven members of the Unholy Alliance voted to impeach. So, as was expected, did Mr. Hogan. And in a mild surprise, Mr. Froehlich, who had wavered all week, voted to impeach, too. Two days later, on Monday, Mr. McClory would join the centrists

in voting for Article II and, on Tuesday, for Article III. The fragile coalition had held. It was the first vote, on Saturday night, that released the pent-up agony. When the roll-call ended, at 7:05, and Article I had been adopted on a 27-to-11 vote, some on the committee sat at their places, drained. Others went into the cloistered committee offices behind the hearing room and sobbed. Mr. Hutchinson said, "Well..." and shuffled slowly away.

In that historic moment, Kenneth R. Harding, the House sergeant-at-arms, rushed up to Mr. Rodino and said, breathlessly, "A plane has just left National Airport." He paused. A group gathered around Mr. Rodino was mystified. "We had a call," Mr. Harding went on, "that it's a Kamikaze flight that's going to crash into the Rayburn Building." Mr. Rodino ordered the Judiciary Committee's now-historic hearing room cleared and, in a bizarre epilogue, went to his cubbyhole office to look out the window for the Kamikaze plane.

No plane appeared. Mr. Rodino sat, as if at the wake of a friend, speaking of inconsequential things with Mr. Doar. Suddenly he rose without a word and walked from the office. And cried.

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