

Mood in Congress: Great Sigh of Relief

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The prevailing view in Congress yesterday was to do nothing further to punish or to help Richard M. Nixon, but rather to heave a great sigh of relief that the ordeal was over and let him go in peace. The next step is up to Watergate Special Prosecutor Leon Jaworski.

The congressional feeling was not unanimous. Some critics were angry that the former President made no confession of guilt in his resignation speech. Some, such as Senate Majority Leader Mike Mansfield (D-Mont.), who had wanted formal impeachment proceedings to continue, urged that the special prosecutor and the courts lay out for the public the full story of Watergate.

But all talk had died away about either impeaching Mr. Nixon or trying to give him immunity from prosecution.

Lawyers in Congress con-

tended all along that Congress had no constitutional power to grant immunity. And a proposal for a "sense of Congress" resolution stating a desire that he not be prosecuted for any wrongdoing sank from sight yesterday when Sen. Edward W. Brooke (R-Mass.) withdrew his support. Brooke had wanted some statement from Mr. Nixon that he had done wrong in approving the Watergate cover-up.

"I'd rather just drop the whole subject," said Rep. Robert McClory (R-Ill.), second-ranking Republican on the House Judiciary Committee, which recommended impeaching Mr. Nixon on three counts. "If there's anything we don't need now, it's another debate over that. It would be very divisive. The whole country is very grateful today that he has resigned."

Rep. Robert Kastenmier (D-Wis.), a senior member of the House Judiciary Com-

mittee, said that he did not want the former President to be harassed but that, unless Mr. Nixon made a statement accepting guilt, prosecution might be necessary to lay the matter to rest once and for all. Kastenmier said he would be opposed to any form of immunity legislation for fear it might inhibit action by the Watergate special prosecutor.

All House Leaders oppose any further impeachment procedures. But one more official action remains: filing of a House Judiciary Committee report detailing wrong doings.

Chairman Peter W. Rodino (D-N.J.) wants this done in a way that would put the imprimatur of the House on the document without appearing to be a House vote on impeachment. Parliamentarians are searching the precedents to determine whether the House might vote on receiving or accepting the report. Rodino considers the report, still to be drafted, the one document that will lay out for history the whole case against Mr. Nixon.

There was a great feeling of relief, especially among House Republicans who could feel the albatross of Watergate falling from around their necks as they saw Mr. Nixon depart and looked forward to the November congressional elections with Gerald R. Ford, a Mr. Clean good guy, in the White House. Both houses unanimously adopted a resolution wishing their former colleague well as he assumed his new office.

Even Rep. Jack Brooks (D-Tex.), one of Mr. Nixon's sharpest critics, made no great uproar over the absence of any confession. "You can't expect a man to walk voluntarily to the gallows," said Brooks.

Mansfield told reporters it was important that all the facts of Watergate be laid out for the public, and said he expected they would be, "through trials and tapes" and other means. He said he expected no congressional action on immunity.

Senate Minority Leader Hugh Scott (R-Pa.) said he hoped there would be no prosecution of Mr. Nixon. "I would think a pound of flesh is enough . . . without demanding the blood that goes with it," he told reporters.

With Congress reluctant to touch the divisive subject of immunity, the decision whether to prosecute the former President rested with Jaworski who will continue in office.

An aide indicated that the

special prosecutor had not ruled out the possibility of prosecution, but he could not predict when a decision might be made. Attorney General William Saxbe said Tuesday that the decision belongs solely to the special prosecutor.

Sources close to the special prosecutor's office speculated that Jaworski might wait several weeks to see whether some of the Watergate defendants decide to plead guilty, and whether Mr. Nixon ends up in court as a subpoenaed witness. Most lawyers believe there is no way for any grant of immunity to relieve Mr. Nixon of the responsibility to testify in court.

It would be equally difficult to devise a constitutional means to grant a single individual immunity from civil action against him.

Ultimately, the broadest protection for the former chief executive would be a pardon from President Ford. Under an 1867 Supreme Court decision, that pardon could be issued in advance of any prosecution.

Mr. Ford, at his vice presidential confirmation hearings last November, was asked about the possibility of a presidential pardon if Mr. Nixon were ousted. "I do not think the public would stand for it," he replied.

Before reversing that assessment, President Ford would almost certainly need an overwhelming expression from Congress that Mr. Nixon should not be punished further. For the moment, many legislators have said as much, but few want to subject the notion to formal debate and a vote.