

Rodino Unit Issues Report Describing Case Against Nixon

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WASHINGTON, Aug. 22—The final impeachment report of the House Judiciary Committee was published today, providing for history the official record on which Richard M. Nixon, had he not resigned, would have been brought to trial in the Senate and probably removed from the Presidency.

The 528-page document gives in detail the "clear and convincing evidence" on which the committee concluded that Mr. Nixon had obstructed justice in the Watergate case, had abused his Presidential powers for his personal and political benefit and had defied Congressional demands for information.

Standards of Conduct

It describes the standards of Presidential conduct on which Mr. Nixon was judged and was found to have abused.

And it sets precedents for impeachment proceedings by future Congresses.

The document also contains personal statements of views by all the Judiciary Committee members except the chairman, Representative Peter W. Rodino Jr., Democrat of New Jersey.

The Republicans who voted against impeachment but who supported Mr. Nixon's removal from office after he produced new evidence early this month declared in a signed statement that Mr. Nixon had not been

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"hounded from office" by his critics.

Rather, the Republicans stated, the former President had "imprisoned the truth about his role in the Watergate cover-up so long and so tightly within the solitude of his Oval Office that it could not be unleashed without destroying his Presidency."

Had the House decided to proceed with an impeachment vote, the report would have provided the basis for the floor debate.

With Mr. Nixon's resignation two weeks ago, and the consequent termination of the impeachment proceedings, the report has limited current value.

There are no important new items of information in the voluminous report. Most of the

material, and the conclusions drawn from it, were displayed and debated in the Judiciary Committee's deliberations that led, by July 30, to the adoption of three articles of impeachment.

Moreover, the final version did not differ markedly from a draft that was obtained by The New York Times last week.

Nonetheless, the final report is certain to have major historical significance.

Representative Jerome R. Waldie, a California Democrat, said that the report would provide for "all in the future the full extent of Mr. Nixon's abuse of America a full record of the 'nightmare' he visited upon us."

The House voted, 412 to 3, on Tuesday to accept the report and to commend the committee for its work.

The first half of the report is a step-by-step listing of the evidence supporting the articles of impeachment and the conclusions the committee's bipartisan majority drew from the evidence.

The second half contains the individual views of the committee members.

Article I alleges that Mr. Nixon participated in a criminal conspiracy to cover up the Watergate burglary. The committee approved the article by a vote of 27 to 11.

Opponents Shift Little

However, after the vote and four days before he resigned, Mr. Nixon released new evidence—transcripts of conversations he had with aides on June 23, 1972—that persuaded the 11 Republicans who had voted against the article that the President should be impeached.

The Republicans, in a 139-page section of "minority views" that is part of the report, praised Mr. Nixon's "accomplishments" but gave the following explanation for their decision to support impeachment:

"We know that it has been said, and perhaps some will continue to say, that Richard Nixon was 'hounded from office' by his political opponents and media critics. We feel constrained to point out, however, that it was Richard Nixon who impeded the F.B.I.'s investigation of the Watergate affair by wrongfully attempting to implicate the Central Intelligence

Agency; it was Richard Nixon who created and preserved the evidence of that transgression and who, knowing that it had been subpoenaed by this committee and the special prosecutor, concealed its terrible import, even from his own counsel, until he could do so no

A summary of the House Judiciary Committee report to the House on the impeachment of President Nixon, including extensive textual excerpts, will be published Monday by The New York Times.

longer. And it was a unanimous Supreme Court of the United States, which in an opinion authorized by the Chief Justice whom he appointed, ordered Richard Nixon to surrender that evidence to the special prosecutor, to further the ends of justice.

'Tragedy Had Many Facets'

"The tragedy that finally engulfed Richard Nixon had many facets. One was the very self-inflicted nature of the harm. It is striking that such an able, experienced and perceptive man, whose ability to grasp the global implications of events little noticed by others may well have been unsurpassed by any of his predecessors, should fail to comprehend the damage that accrued daily to himself, his Administration and to the nation, as day after day, month after month, he imprisoned the truth about his role in the Watergate cover-up so long and so tightly within the solitude of his Oval Office that it could not be unleashed without destroying his Presidency."

The majority report, prepared under the direction of the special impeachment counsel, John M. Doar, gave a chronological description of the Watergate break-in and its cover-up.

It then cited 36 specific instances of Mr. Nixon's action or failure to act that, it said, formed "a pattern of undisputed acts" that "cannot otherwise be rationally explained" except by a conclusion that Mr. Nixon was part of a conspiracy to obstruct justice.

Conclusions on Article I

In discussing Article I, the majority report concluded:

"President Nixon's actions resulted in manifest injury to the confidence of the nation and great prejudice to the cause of law and justice, and was subversive of constitutional government. His actions were contrary to his trust as President and unmindful of the solemn duties of his high office. It was this serious violation of Richard M. Nixon's constitutional obligations as President, and not the fact that violations of Federal criminal statutes occurred, that lies at the heart of article I."

The second article, alleging abuse of Presidential power and violation of the Presidential oath to execute the nation's laws, was approved by a vote of 28 to 10.

After noting allegations that Mr. Nixon had attempted to

use the Internal Revenue Service, the Federal Bureau of Investigation and other agencies for his own benefit, the majority report concluded:

[Mr. Nixon] has repeatedly used his authority as President to violate the Constitution and the law of the land. In so doing, he violated the obligation that every citizen has to live under the law. But he did more, for it is the duty of the President not merely to live

by the law but to see that law faithfully applied. Richard M. Nixon repeatedly and willfully failed to perform that duty. He failed to perform it by authorizing and directing actions that violated the rights of citizens and that interfered with the functioning of executive agencies. And he failed to perform it by condoning and ratifying, rather than acting to stop, actions by his subordinates interfering with the enforcement of the laws."

'Minority Views'

The 10 Republicans who opposed the article maintained their opposition in their "minority views." They said that they did "deplore in strongest terms the aspects of Presidential wrongdoing to which the article is addressed."

But they contended that the article was vaguely worded and was a "catch-all repository for miscellaneous and unrelated Presidential offenses."

"It is a far-reaching and dangerous proposition that conduct which is in violation of no known law but which is considered by a temporary majority of Congress to be 'improper' because undertaken for 'political' purposes can constitute grounds for impeachment," the minority concluded.

Article III called for Mr. Nixon's impeachment for having refused to comply with the Judiciary Committee's subpoenas for the tape recordings of 147 conversations and other documents.

It was adopted by a vote of 21 to 17.

The bipartisan majority declared, "unless the defiance of the committee's subpoenas is

considered grounds for impeachment, it is difficult to conceive of any President acknowledging that he is obligated to supply the relevant evidence necessary for Congress to exercise its constitutional responsibility in an impeachment proceeding. If this were to occur, the impeachment power would be drained of its vitality."

The minority declared that, standing alone, the defiance of subpoenas would not warrant impeachment and that, furthermore, there was an "element of unfairness" in impeaching a President for not providing evidence against himself.

Praise for Presidency

Several of the Republicans, in their individual views, broadly praised the Nixon Presidency. Representative Edward Hutchinson of Michigan, the panel's ranking Republican, offered the following conclusion:

"History will deal more kindly with Richard Nixon than did his contemporaries. As the Watergate affair moves into the past it may be seen for what a little thing a President was

forced to resign from office when compared with the accomplishments of his Administration. A legal case of obstruction of justice was made against him. But instructions by other Presidents have undoubtedly altered the course of other investigations without controversy. The abuses of power charged against the President were probably no greater than have occurred in some other administrations. What to one man seems an abuse of power appears to another to be strong executive discretion."

Representative David W. Dennis, an Indiana Republican, said that the committee "must follow the facts, and we must vindicate the law." But he declared that Mr. Nixon had "served his country and all of humanity well as probably the foremost international statesman and the most able architect of world order who has occupied the Presidency during our time."

Democrats Highly Critical

On the other hand, many of the committee's Democrats offered views highly critical of aspects of Mr. Nixon's conduct of office that were not included in the three impeachment articles.

Eleven Democrats signed a statement that "the evidence is overwhelming that Richard Nixon has used the office of the President to gain political advantage, to retaliate against those who disagreed with him and to acquire personal wealth."

Ten Democrats argued that the secret bombing of Cambodia was "one of the most serious" offenses committed by Mr. Nixon and should have been part of the impeachment recommendation.

Nine committee members of both parties who had voted against including the Cambodia bombing in the impeachment articles said that they "certainly did not intend our vote

to indicate approval of such conduct."

Representative Don Edwards, a California Democrat, noted the contention by Mr. Nixon and some of his supporters that national security considerations justified actions that might otherwise have been outside the law. Mr. Edwards then stated:

"Congress, the press and indeed all of the American people must be vigilant to the perils of the subversive notion that any public official, the President or a policeman, possesses a kind of inherent power to set aside the Constitution whenever he thinks the public interest, or 'national security' warrants it. That notion is the essential postulate of tyranny."