



9-4-1974

Staff Scrapbook, July 18- Sept. 4, 1974

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W/24
Substitute
Articles
Drawn Up

CHARGES, From A1

using government agencies and he had helped obstruct justice by participating in the Watergate cover-up.

"My feeling is that there is a potential vulnerability on those two issues, and I'm trying to determine the magnitude," said Railsback. "I want to be very specific, to let the President respond to the charges."

Railsback himself was deeply involved in the revisions. He directed one aide to prepare his own version of an impeachment article relating to the Watergate cover-up.

Congressmen involved in the negotiations between Democrats and the Republicans who are leaning toward impeachment said that it has yet to be determined who will offer the substitute articles and in what form.

But one of the Republicans said he expected that revised articles now being drawn by Democratic leaders of the committee would meet GOP demands for greater specificity in the impeachment charges.

In private discussions some of the Republicans who are believed prepared to vote for impeachment questioned the language of four proposed articles prepared by the Judiciary Committee staff under the direction of special counsel John Doar.

"The tone of the first article (relating to the Watergate cover-up) makes it appear that the President was directing the burglary," said one GOP congressman. "We want the articles to specifically show Mr. Nixon's participation in the cover-up."

Another Republican said the articles were "not artful in their legal draftsmanship."

Democrats started early and worked late in their efforts to satisfy these objections of tone and language. They came up with three revised articles of impeachment.

One article alleges that Mr. Nixon abused his power as President by directing agencies to perform improper acts. It also charges that he failed to carry out his constitutional duty to see that the laws be faithfully enforced. The second count charges him with obstructing justice by participating in the Watergate cover-up. A third says that he showed contempt for Congress by refusing to comply with committee subpoenas.

The four Republicans, who have been in steady consultation with each other for several weeks, are believed to favor only the first two articles.

Railsback said yesterday that he would not support the "contempt of Congress" charge as a separate article of impeachment. Cohen suggested last Saturday that the committee should draw "adverse inferences" from Mr. Nixon's refusal to turn over requested tapes and documents to the committee rather than impeaching him on this specific charge.

But the Democrats decided to present the contempt charge anyway, largely in the hope of attracting the support of Rep. Robert McClory of Illinois, the committee's second-ranking Republican. McClory, who is considered unlikely to vote for the Watergate cover-up charge, has said repeatedly that he is "disturbed" over Mr. Nixon's defiance of the committee subpoenas.

One Democratic member who helped in revising the impeachment articles pointed out that at least two other counts will be offered to the committee. One is the charge that Mr. Nixon engaged in "willful tax fraud," as alleged by the Doar staff, and the other is the Cambodian bombing, which probably will be put before the committee by Rep. Robert Drinan (D-Mass.).

Neither count is expected to win committee approval.

While Republicans who are evidently prepared to vote for impeachment were lending their support to substitute articles, opponents of impeachment were seeking to vote on the issues as presented last week by Doar.

Rep. Charles Wiggins (R-Calif.), who agreed that some of the Doar articles were "inartfully and unprofessionally drafted," said he did not consider it his responsibility to improve them.

"If an article is offered by a member which is inartfully drafted, I don't regard it as my personal function to make it more acceptable to the membership," Wiggins said. "I personally am not going to take the lead in trying to correct somebody else's error."

Judiciary: Panel Doesn't Mirror The Full House

By David S. Broder
Washington Post Staff Writer

The 38 men and women on the House Judiciary Committee who now sit in judgment on the President of the United States are, like their colleagues in Congress, highly individual bundles of conscience, political cunning, anxiety and ambition.

The committee is not, however, a perfect cross-section of the House or the country—and the peculiarities of this group are important in the first stage of the impeachment process.

Women, blacks and urban liberals are over-represented among the 21 Democrats, compared to their proportions among the 248 Democrats in the House. Southerners, conservatives and rural constituencies are under-represented.

On the Republican side, just the opposite is the case. The 17 minority members are weighted to the South, Midwest and West—and to the conservative side of the spectrum.

A member's general philosophical or political position is not necessarily a guide to his vote on impeachment—as Rep. Lawrence J. Hogan (R-Md.) demonstrated Tuesday. Hogan, one of the four former FBI agents on the panel, an ardent crusader against abortion and for conservative causes, and a

COMMITTEE, From A1

staunch Nixon supporter throughout his career, came out hard for impeachment.

But the Judiciary Committee's basic polarization between liberal Democrats and conservative Republicans is the reason so much emphasis has focused on the handful of conservative Democrats and moderate Republicans on the committee.

It is such men as Walter Flowers (D-Ala.), James R. Mann (D-S.C.) and Ray Thornton (D-Ark.) who will decide how solid the Democrats are for impeachment.

And it is such men as Robert McClory (R-Ill.), Henry P. Smith III (R-N.Y.), Tom Railsback (R-Ill.), Hamilton Fish Jr., (R-N.Y.), M. Caldwell Butler (R-Va.) and William S. Cohen (R-Maine) who will determine whether Republicans rally with any strength around the President.

There are two other notable characteristics of the Judiciary members that could affect their votes.

Few of them are vulnerable to short-term political retaliation in 1974. And most of them are young enough and junior enough to be thinking of long-term careers.

Only two members are retiring voluntarily from politics this year. Smith, the 62-year-old New York Republican, has indicated he would welcome an appointment to the United Nations. Rep. Harold D. Donohue (D-Mass.), a bachelor at 73, is looking forward to retirement in Worcester.

Hogan is running for governor of Maryland and hoping to fare better than Rep. Jerome R. Waldie (D-Calif.), also a committee member and one of the early impeachment advocates, who was knocked out of the California governorship race in last month's primary.

Rep. Wayne Owens (D-Utah) is a candidate for the Senate, and his political problem is almost a mirror image of Hogan's.

Hogan has to figure out how to win in a state with a 3-to-1 Democratic registration edge. Owens, who is also expected to support impeachment, has to sell his stand in a state where Mr. Nixon has always enjoyed strong support.

The other committee members are all running for re-election and face only the immediate challenge of explaining their position to constituents who have supported them in the past—a relatively easier task.

On most scorecards, fewer than a half-dozen of the members of Judiciary look to be dangerously vulnerable to defeat this year—no matter which way they vote.

Reps. Robert F. Drinan (D-Mass.), the Jesuit priest who was the first impeachment advocate in Congress, and Rep. Edward Mezvinsky (D-Iowa), a freshman critic of the President, both had very close races in 1972, but neither is likely to be damaged by an impeachment vote.

On the Republican side, the four most vulnerable members are the two New Jersey congressmen, Charles W. Sandman Jr., and Joseph J. Maraziti, both weakened by redistricting, Rep. Harold V. Froehlich (R-Wis.) and Rep. Wiley Mayne (R-Iowa), both of whom barely won in 1972 with help from Mr. Nixon's coattails.

Of those four, only Froehlich is considered a possible impeachment vote. Another statistically marginal Republican, Rep. Cohen of Maine, is regarded as a likely impeachment vote, but Cohen has solidified himself in his district enough in the past two years to face no imminent danger.

Even without the immediate pressure of possible election defeat, however, Judiciary Committee members involved in a political-judicial process like impeachment are certain to reflect the political character of their districts.

Thus, the predictably heavy support among committee Democrats is a direct byproduct of the fact that their ranks include three of the 16 blacks in the House (Reps. John Conyers Jr., of Detroit, Charles B. Rangel of Harlem and Barbara Jordan of Houston), plus another half-dozen, including chairman Peter W. Rodino Jr., (D-N.J.), whose big-city districts include substantial minority populations.

It is also a byproduct of the fact that the Judiciary Committee through the years had been a favorite place for service by lawyers interested in liberal causes, like Rep. Don Edwards (D-Calif.), a former national chairman of Americans for Democratic Action, and Rep. Robert W. Kastenmeier (D-Wis.), who represents Madison and the University of Wisconsin.

On the other hand, most of the Republicans on the committee—from the ranking minority member, Rep. Edward Hutchinson of Michigan, to Rep. Delbert L. Latta of Ohio, at the bottom of the table—come from the kind of rural and small town districts that represent bedrock conservative Republicanism.

Rep. Charles E. Wiggins (R-Calif.), who has emerged

as the President's chief defender, is, appropriately, the congressman from the same Whittier, Calif., district that sent Richard Nixon to the House a quarter-century ago.

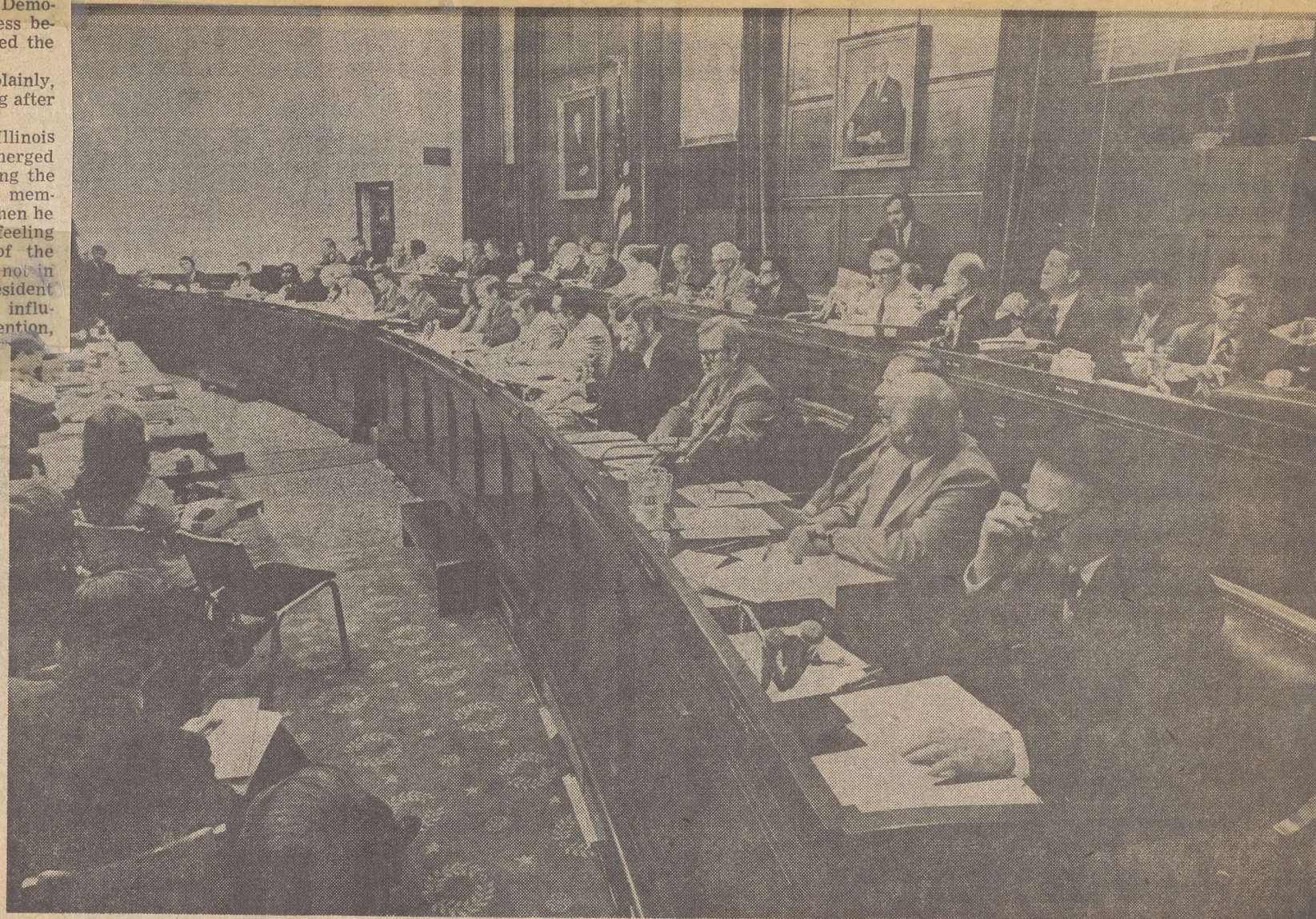
The polarization of the committee is indicated, in another way, by the fact that virtually all its Democrats were financed in 1972 with the help of organized labor, while most of the Republicans drew campaign assistance from business and medical political funds.

In his 1972 sweep, Mr. Nixon carried 29 of the 38 districts represented by Judiciary Committee members. But these members—and particularly the Republicans—show few signs of looking back to that election for their guidance.

The striking characteristic of the committee is the briefness of many of its members' tenure. Only seven of the 17 Republicans and nine of the 21 Democrats were in Congress before Mr. Nixon entered the White House.

Most of them, plainly, hope to be around long after he is gone.

Railsback, the Illinois moderate who has emerged as the key figure among the uncommitted GOP members, reflected that when he said yesterday, "My feeling is that the future of the (Republican) Party is not in the White House. President Nixon may have some influence on the 1976 convention,



By James K. W. Atherton—The Washington Post

The House Judiciary Committee opens its doors and its debate Wednesday night on the question of reporting out a resolution of impeachment.

but after that . . . there have to be new people."

"Some people think that if a Larry Hogan or a Bill Cohen votes for impeachment,

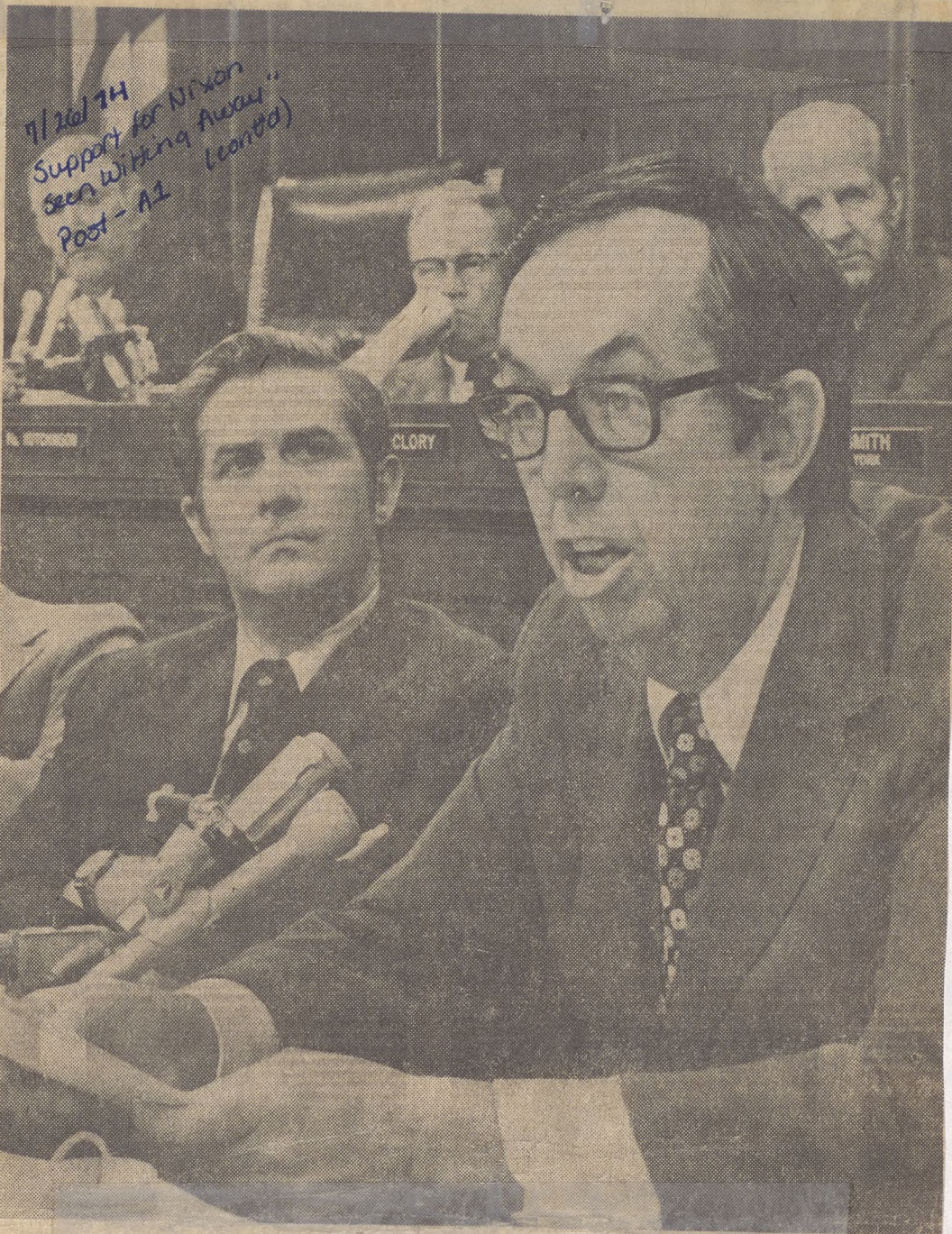
it's the death knell for them in the party," Railsback said. "I don't believe that. The threat of retaliation won't work."

Railsback said that in his own western Illinois district, "my people are against impeachment by a rather large margin." But he noted that

"almost all the pressure to vote against impeachment is coming from the senior regular party officials . . . I find an entirely different feeling

on the part of the younger people."

"We owe the old-timers a lot," Railsback said, "but they are not the future."



By James K. W. Atherton—The Washington Post

Rep. M. Caldwell Butler (R-Va.) makes his statement. At left is Lawrence J. Hogan (R-Md.)

Washington Post July 26, 1974

Support for Nixon Seen Wilting Away

By Richard L. Lyons
and William Chapman
Washington Post Staff Writers

Support for President Nixon appeared to be wilting away yesterday as several uncommitted members of the House Judiciary Committee indicated they may vote for impeachment.

The most striking shift was by Rep. M. Caldwell Butler (R-Va.), who announced his intention to vote to impeach the President with the statement: "I cannot condone what I have heard, I cannot excuse it, and I cannot stand still for it."

Rep. Ray Thornton (D-Ark.) was the second undecided member to announce for impeachment.

The former Arkansas attorney general said last night there was "no mistake" from the evidence that the President "was aware and generally attempted to conceal the evidence" of Watergate. Thornton said that while some of the offenses attributed to the President have happened before, "I know of no time when it was systematized or carried on in such an organized way." He said the President should be impeached for abuse of power and obstruction of justice.

Chairman Peter W. Rodino (D-N.J.) closed 10 hours of general debate last night with the expected statement that he will vote for impeachment. He said he had applied the tests he felt the committee must apply and "I find the President must be found wanting." Rep. Edward Hutchinson (R-Mich.), senior committee Republican, announced as expected he will oppose impeachment.

The committee is to begin voting this morning on two articles of impeachment for recommendation to the House.

It has been assumed for months that the committee would approve an im-

peachment resolution, but the margin appeared to be growing wider yesterday. Several Republicans and Southern Democrats spelled out the evidence that most troubled them and indicated—without saying specifically—that they would wind up in the pro-impeachment camp.

An informal head count last night showed 20 solid votes for impeachment and nine against. The nine other members have not announced their position positively, but most are expected to favor impeachment on at least one ground.

It appeared that on at least one article the vote could be as high as 27 to 11 to recommend impeachment.

The middle-ground members seemed to be most concerned about evidence showing an alleged abuse of power by the President, specifically the misuse of agencies such as the CIA, FBI and Internal Revenue Service for political purposes.

These charges are contained in the second article of impeachment proposed by the Democratic majority and designed to appeal to as many undecided members as possible. The first article, which is to be considered by the committee first today, accuses the President of obstruction of justice in the Watergate cover-up.

The articles were still being refined by Democratic drafters last night, but sponsors said any changes would be minor. A likely addition is a charge that evidence on the break-in of Daniel Ellsberg's psychiatrist's office was concealed by the President.

When it comes to the actual voting, the wording of the article will become crucial. A member who wants to vote for impeachment on a single ground may find the entire article containing the charge he agrees with too broad.

See IMPEACH, A12, Col. 1 *cont'd*

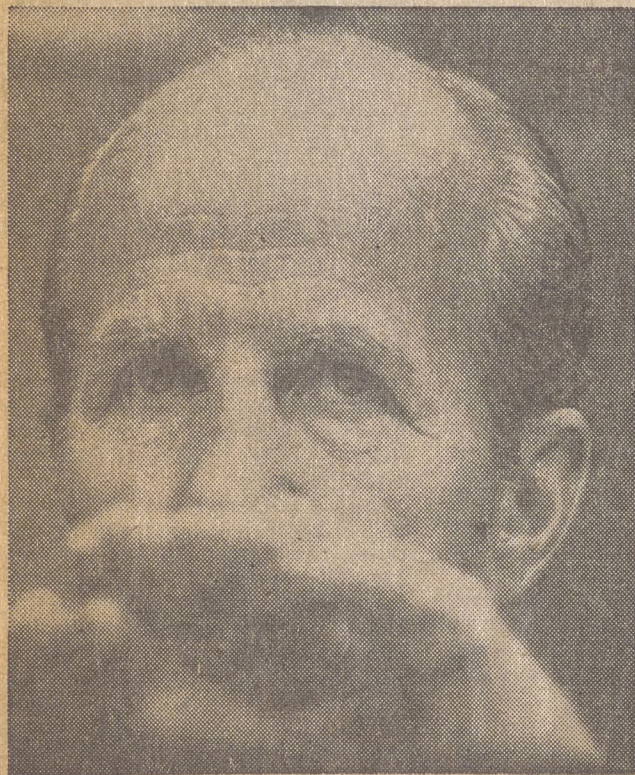
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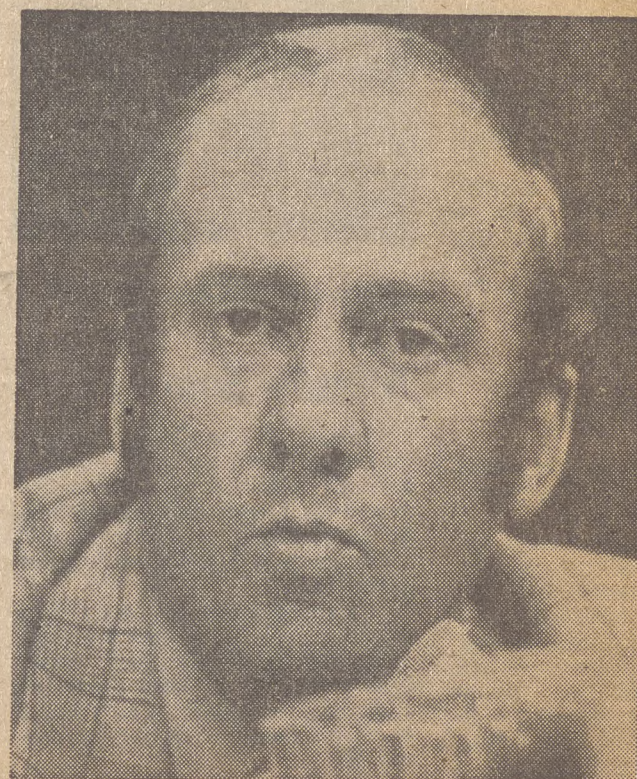
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REP. ROBERT McCLORY

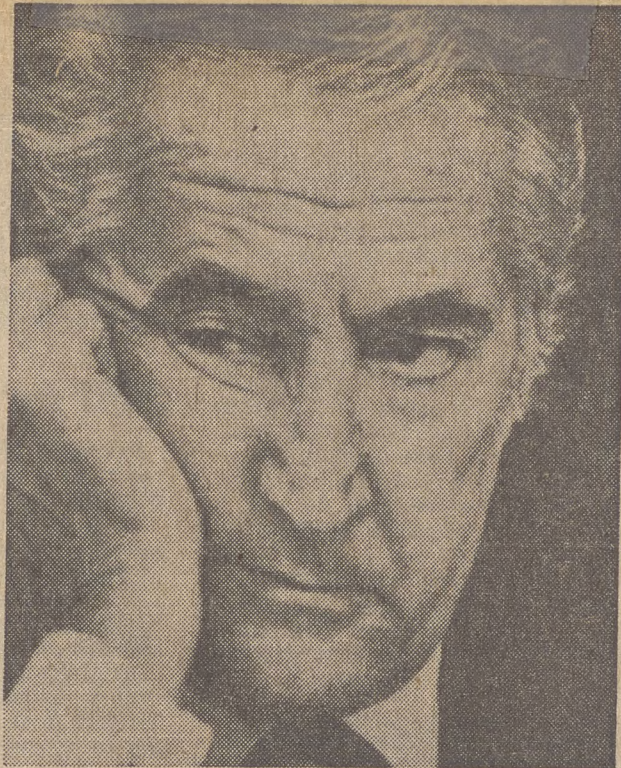


REP. JAMES MANN



REP. THOMAS RAILSBACK

MEMBERS OF THE HOUSE JUDICIARY COMMITTEE AT TODAY'S HEARING



Photos by Associated Press and Joseph Silverman Star-Staff News Photographer

CHAIRMAN RODINO

Panel Nears Imp eachment Vote

Members Reject Delay, 27-11

By Martha Angle
and Walter Taylor

Star-News Staff Writers

The House Judiciary Committee, brushing aside one last plea for delay, today moved inexorably towards the first impeachment vote against an American president in more than a century.

The first proposed article before the committee focused on charges that President Nixon engaged in a pattern of conduct

amounting to obstruction of justice in the Watergate scandal in violation of his constitutional oath of office.

The start of today's climactic proceeding was delayed while a small group of committee members and staff aides hammered out a revised, tightened version of the charges.

The substitute, offered by Rep. Paul Sarbanes, D-Md., was shorter and more carefully worded than the article initially

proposed two days ago by Rep. Harold Donohue, D-Mass. It was essentially unchanged in substance.

A VOTE on Article I could come as early as tonight, according to committee sources. The panel will then turn to a second proposed article encompassing allegations that President Nixon abused the powers of his office in a manner warranting his impeachment.

See IMPEACHMENT, A-6

Continued from Page A-1

As today's session got underway, Rep. Robert McClory, R-Ill., sought to persuade the committee to give President Nixon 10 days to turn over to the panel 64 tapes which the Supreme Court has ordered him to make available to the Watergate special prosecutor.

McClory tied his motion for delay to receiving assurances from the President by noon tomorrow that he would provide the tapes to the committee. Nonetheless, the motion drew only lukewarm support and was defeated by a bipartisan 27-11 vote.

"Our first request to the President for tapes was made on Feb. 25, a full six months ago," noted Rep. John F. Seiberling, D-Ohio.

"The President could have walked in here any time — and in fact could still do so — to give us these tapes. I see no reason why we should give further opportunity to delay to a president who has taken every chance to drag out this process," Seiberling said.

McCLORY conceded he has "a strong feeling" that Nixon has no intention of providing additional tapes

to the committee, but said the last-ditch request should be made anyway before the committee votes on the basis of admittedly incomplete evidence.

Only one Democrat — Rep. James Mann of South Carolina — voted for the delay. The other "aye" votes came from Reps. Edward Hutchinson, R-Mich.; Henry Smith III, R-N.Y.; David Dennis, R-Ind.; Harold Froelich, R-Wis.; Carlos Moorhead, R-Calif.; Lawrence J. Hogan, R-Md.; M. Caldwell Butler, R-Va.; Joseph J. Maraziti, R-N.J.; Delbert L. Latta, R-Ohio; and McClory.

Some of Nixon's supporters voted against the delay. They were Republicans Charles Sandman of New Jersey, Charles Wiggins of California, Wiley Mayne of Iowa and Trent Lott of Mississippi.

With the McClory motion disposed of, the committee members turned their attention to debate and possible modification of the obstruction of justice impeachment article laid down by Sarbanes.

Participants in the back-room drafting session included Chairman Peter Rodino, D-N.J., Sarbanes; Rep. Don Edwards, D-Calif.; Rep. James Mann,

D-S.C.; Rep. Jack Brooks, D-Texas; and at least one Republican staff lawyer, according to one of those present.

As the committee took up the impeachment articles, all 21 Democrats and 7 Republicans on the panel appeared committed to or leaning toward a vote recommending congressional indictment of the President for constitutional "high crimes and misdemeanors."

Rodino, who shepherded the panel through a seven-month investigation of Nixon's fitness to remain in office, officially checked out of the camp of the non-committed last night, telling a national television audience that he would urge adoption of impeachment articles.

"I HAVE searched within my heart and my conscience and searched out the facts," he said. "I find that the President must be found wanting."

Much more damaging than Rodino's declaration to Nixon's chances of winning exoneration, not only in the committee but also in the full House, were strong indications that all three Southern Democrats and a significant number of Republicans on the panel are prepared to support impeachment.

Nixon's most serious loss, in terms of votes it could influence in the House, was Butler, a conservative Virginia Republican.

"THERE ARE frightening implications for the future of our country if we do not impeach the President," he told millions of television viewers

As general debate on impeachment drew to a close, Butler stated his intention to support both of the general charges against the President that are under consideration by the committee — obstruction of justice and abuse of power.

"If we fail to impeach, we have condoned and left unpunished a course of conduct totally inconsistent with the reasonable expectations of the American people . . . a presidential course of conduct designed to interfere with and obstruct the process which he is sworn to uphold . . . and an abuse of power totally without justification."

"Watergate is our shame," he said to his Republican colleagues. "It is our responsibility to do what we can to clear it up."

Meanwhile, Democrats on the panel, ticking off alleged presidential misdeeds, aligned themselves solidly behind an impeachment push.

Said Rep. John Conyers Jr., D-Mich.: "The President took the power of his office and under the guise of protecting and executing the laws that he swore to uphold, he abused them and in so doing he has jeopardized the strength and integrity of the Constitution and the laws of the land and the protections that they ought to afford all of the people."

Charles McDowell

Caldwell Butler's Instant Fame

WASHINGTON — Congressman M. Caldwell Butler, the Republican freshman from Roanoke, has his picture in Time, Newsweek and U.S. News this week. It is difficult to bring off a triple like that without doing something sensational on the national scene, like at least getting indicted. Butler did it merely by remaining "undecided" about the impeachment of President Nixon.

He is one of the five, six or maybe it's eight Republicans on the House Judiciary Committee who obviously are giving serious thought to voting for impeachment. The count varies with different observers, and Lawrence Hogan, a Nixon man from Maryland, threw some of the counts off the other day by coming out publicly for impeachment before there was a consensus that he had become undecided.

Anyhow, any Republican vote for impeachment in the committee would have much more impact on the whole House than a



McDowell

Democratic vote, assumptions about partisan bias being what they are. It is conceivable that a vote for impeachment by a Southern conservative Republican like Caldwell Butler would have the most impact of all.

The Virginian attracts attention, too, by the way he handles the pressures of his position. He continues to be a droll, somewhat courtly but comfortably plain freshman from Roanoke. He has impressed his colleagues as a keen and conscientious lawyer but one who manages not to dazzle himself. If he has any pretensions they fall into the category of good-old-boyisms, which tend not to grate.

All the publicity astonishes him and he is interested in it, but he had no trouble telling a television network that he is too busy to be a famous American on the news tonight.

The Washington Post and the Star-News have discovered Butler fairly recently and written a lot about him. The New York Times tracks him almost as closely as the Roanoke Times. Butler was not greatly unsettled to learn the other afternoon, when he returned to his office after a long committee session, that he had had 20 calls from the press and the BBC was on hold from London.

BUTLER HAS BEEN RECEIVING up to 200 letters a day recently. More than 150 of them typically have come from outside Virginia. After a wave of pro-Nixon mail, most of it now is calling for impeachment. The policy in the office has been to concentrate on the Virginia mail, giving specific replies to specific questions — except to the question of how he is going to vote. This week Butler proclaimed a sort of deliberative period and began simply acknowledging letters and telling writers he would try to explain his vote to them after he casts it.

Some of the letters from Nixon supporters have been very strong, even abusive. How could a good Republican and decent American even consider voting with those liberal devils against our great President, and does he realize such a betrayal would forfeit the writer's support forever? That sort of thing.

"I've been just telling them that they've got to do what they've got to do, and I've got to do what I've got to do," Butler said.

He had been up early that morning meeting with several others of the "undecided" Republicans before a committee session. Four or five of them have been meeting privately right along and have brought in a committee staff lawyer to help them

Continued on Page 10, Col. 1

Caldwell Butler's Instant Fame

Continued From First Page

assess and theorize about the kind of articles of impeachment that would come close to suiting their views of the available evidence.

Butler said Chief Counsel John Doar's summary presentation of evidence to the full committee had been "impressive." He said James St. Clair's arguments for the President had been helpful, too, but the two presentations in combinations tended to highlight the importance of the White House tape recordings that the President had refused to turn over to the committee.

"Yes, things have sort of been pulled into focus for us," Butler said, "and I can't get away from the idea that if the President had anything to improve his position, he would have surrendered it."

BUTLER HAD ATTENDED the morning meeting of the committee and listened to some general talk about the merits of various drafts of impeachment articles that were circulating among the members. He noticed that a Xerox copy of a column by James J. Kilpatrick also was going the rounds.

Kilpatrick had written: "The President's last-ditch partisans are only deceiving themselves by persisting in the notion that Watergate is no more than a conspiracy among Democrats and newsmen. This evidence is no mirage; this evidence is as real as any avalanche. It overwhelms."

Butler said that was an interesting column and made no comment on its content. Butler talks candidly about the case up to a point, that point being just this side of any flat statement that would take him out of the ranks of the technically undecided. And he insists that more than a technical distinction is involved; he can imagine developments that would change the trend of his thinking now.

As he described that trend to Time magazine without quite being flat about it: "I truly hate the prospect of impeaching the President of the United States. But I'd also hate for the record to condone all that abuse of power that has come to light."

After his early meeting with other "undecideds," a conference with still other committee colleagues, the morning meeting of the committee itself and a trip to the House floor, Butler was looking forward to a moment of peace in his office before a lunch meeting and another session of the committee. He was wondering what he would do with the 15 minutes on national television that he and every other committee member would have at the opening of the formal public debate on impeachment. He was pretty sure he would just ask a few questions, but he was having trouble thinking about questions because the phones were ringing and people were bringing him messages and the state president of the Future Farmers of America was waiting to see him and a reporter was sitting there looking at him.

He found a minute to look at a few crucial matters the staff had laid on his desk. The staff is young and bright and has a sense of humor. The first item for a command decision was a suggestion by the Virginia Peanut Growers Association that Butler might require an increase in his weekly allocation of free promotional peanuts for visiting constituents.

"I don't think I'm up to a decision of that magnitude right now," Butler said, and went off for a quick lunch.



Star-News Photographer Joseph Silverman

Fifi Clay of Covington, Ky., and Sal Scafiei of Baltimore who interrupted the committee's impeachment inquiry today with shouting, are escorted from the hearing.

Rep. Ray Thornton, D-Ark., said: "As I have reviewed the many pages of evidence which have been presented to us, and listened to the witnesses who have appeared before us, I could not help but observe that many of the things that we saw . . . had happened before. . . . But as I have reviewed the evidence and the testimony, it has become evident to me that while these offenses may have existed before, I know of no other time when they have been systematized, or carried on in such an organized and directed way."

Rep. Jerome R. Waldie,

D-Calif., said: "... You cannot look at the evidence in this case and the totality of what confronts us in this case without understanding that unless we fulfill our obligations as these fallible human beings in this genius of a governmental structure; our obligation and our duty is to impeach this president that this country might get about doing its business the way it should do and pursuant to standards that have been set for this country since its beginning."

Rep. Charles B. Rangel, D-N.Y., said: "We don't hear anything about truth, morality, the protection of our Constitution in any of the presidential conversations, whether they be in the tape or whether they be edited transcripts. But, we hope that our nation's White House will never again have to hear all of the sordid crimes that have been committed by the President and other people, and I would uphold my oath of office again and call for the impeachment of a man who has not."

THE HISTORIC impeachment debate also was marked by eloquence in support of the President.

"I know it would be easy to vote for impeachment," said Carlos J. Moorhead, R-Calif., a soft-spoken Nixon defender. "It is hard to be against something that so many people are for, when the press is united for it, when the magazines are, the media of all kinds, and a majority of the American people apparently go in that direction."

"But, I could not vote for impeachment and give up what is so important to me, which is my own conscience of what I believe is right and wrong. And I believe that this thing is wrong."

The committee's senior Republican, Rep. Edward Hutchinson of Michigan, said the evidence has not convinced him that the President should be impeached.

"Let me just say that not only do I not believe that any crimes by the President have been proved beyond a reasonable doubt, but I do not think the proof even approaches the lesser standards of proof which some of my colleagues, I believe, have injudiciously suggested we apply."

THE IMPEACHMENT of a president, he said, cannot be warranted by "stacking inferences, one upon another, or by making demands for information from the President which we know he will not, and which he believes in principle he cannot supply and then by trying to draw inferences from a refusal which we fully anticipated before the demands were even made."

Rep. William S. Cohen of

Maine, one of the committee Republicans seen as likely to vote for impeachment, praised some of the achievements of the President in the realm of foreign affairs.

"I HAVE BEEN faced with the terrible responsibility of assessing the conduct of a President that I voted for, believed to be the

best man to lead this country," he said, a President "who has made significant and lasting contributions towards securing peace in this country, throughout the world, but a President who in the process by act or acquiescence allowed the rule of law and the Constitution to slip under the boots of indifference and arrogance and abuse."

Nixon Support in Committee Appears to Be Wilting

IMPEACH, From A1

For instance, Rep. Robert McClory (R-Ill.) has indicated that he might vote to impeach the President for contempt of Congress, but this is part of the broader article on abuse of power.

The articles will be open to amendment and may be changed to achieve the maximum vote.

The Watergate article to be taken up today contains specific allegations of wrongdoing by the President, including approving payment of hush money, making false statements to investigators, encouraging lying by aides and concealing evidence.

Meanwhile, the Republican effort to obtain a delay in the proceedings while more evidence is sought had faded away. On Wednesday, several Republican members had said the committee should postpone any votes until it tried to obtain the taped presidential conversations which the Supreme Court had ordered turned over to Watergate Special Prosecutor Leon Jaworski.

But yesterday, the Republicans abandoned that effort. They said that if President Nixon had indicated some willingness to make the tapes available to the committee as well as to Jaworski a delay would have been worth seeking. Without any assurance of that from the President, however, they said there was no point in trying to force a committee delay.

Butler told the committee and the viewing nationwide television audience that failure to impeach the President would carry "frightening implications for the future of our country" because it would set an acceptable standard of conduct for the future.

Butler reminded fellow Republicans that their party had run for office for years against Democratic corruption.

"But Watergate is our shame," he said. "Those things happened while we had a Republican in the White House, and every single person convicted to date has one way or another owed allegiance to the Republican Party. We cannot indulge ourselves the luxury of excusing the misconduct of our own people. The American people may reasonably ask the Republican Party: 'Do you really mean what you say?'"

Failure to impeach, said Butler, would be to condone "an abuse of power totally without justification" and would be saying to the American people: "These deeds are inconsequential and unimportant."

The President's participation in the Watergate cover-up "is clearly a policy of obstruction of justice," Butler said, and his "manipulation of the FBI, CIA, IRS and indeed the existence of the White House plumbers are frightening in their implications for the future of America."

The committee received another bomb threat resulting in a 30-minute recess, but no bomb was found.

The case for Mr. Nixon was laid out by Rep. Charles Wiggins (R-Calif.), who insisted that the evidence amassed by the committee staff did not meet the test of being "clear and convincing."

He disputed the charge, contained in both articles of impeachment, that Mr. Nixon misused the Central Intelligence Agency to block the FBI's investigation of the Watergate burglary.

Mr. Nixon's only direct role, Wiggins said, was to give instructions that the FBI investigation not expose unrelated CIA covert activities and that there should be coordination between the two agencies.

The President acted in that manner, Wiggins added, because he knew that one conspirator was working for a CIA front, and that two others had been active CIA agents. Mr. Nixon also knew at the time that the FBI had suggested CIA involvement as one possible theory of the case, he said.

"... I think it is not unreasonable to characterize the President's order, given the facts known to him at the time he issued the order, to be wholly responsible and wholly reasonable, and inconsistent with the notion that it was motivated by a corrupt desire to obstruct justice," Wiggins argued.

Wiggins similarly sought to minimize Mr. Nixon's role in a charge that he abused his powers by using the Internal Revenue Service to investigate his political enemies. He acknowledged that White House aides sought to have enemies' tax returns audited, but asserted that the President personally played no role in that.

He said that the only incident of presidential involvement is contained in a tape of a Sept. 15, 1972, conversation. White House chief of staff H. R. (Bob) Haldeman described to the President how an aide was working "ruthlessly" against political enemies and mentioned the IRS, Wiggins said.

"And do you know what the only thing the President said was? The only thing he said was, 'Yeah,'" Wiggins recalled. "That's the only evidence in the charge that the President corrupted the IRS."

Rep. David W. Dennis (R-Ind.) made a point-by-point rebuttal of the proposed articles of impeachments, arguing that they are not supported by the evidence.

Dennis said that the 17 wiretaps constituting the charge of illegal surveillance were "presumptively legal" at the time they were ordered and are "probably legal in large part" despite a recent Supreme Court decision limiting government wiretaps.

Dennis said there was nothing wrong in establishing the "plumbers" unit, which was engaged, among other work, in the break-in at the office of Daniel Ellsberg's psychiatrist. Proof is lacking, he contended, to show that Mr. Nixon intended the plumbers to engage in unlawful covert activities. One of the charges is that the break-in was to obtain information Mr. Nixon could use to defame Ellsberg. Dennis said there is no proof of that.

Dennis acknowledged that in the obstruction of justice charge the "most dangerous single incident" was the March 21, 1973, conversation in which Mr. Nixon stated "in dramatic fashion, that in order to buy time, a payment to Hunt was apparently necessary."

But Dennis observed that John W. Dean III testified that nothing had been resolved about paying hush money by that conversation. He said other evidence shows that the payment to Hunt would have been made even if that Dean-Nixon conversation had never occurred.

Dennis warned that any prosecution of the President will divide the country. "It will tear asunder the Republican Party for many years to come—and this is bad for the country, which depends for its political health on a strong two-party system," Dennis said.

Another staunch supporter of the President, Rep. Wiley Mayne (R-Iowa), bitterly criticized the committee staff, led by John Doar. He accused Doar of "throwing in everything but the kitchen sink" to justify spending \$1.5 million on preparing evidence, most of which he charged is "irrelevant and repetitious."

cont'd

Mayne also charged that Mr. Nixon had been subjected to investigations that never were aimed at previous Presidents. He said Lyndon B. Johnson had left the White House with a "multi-million-dollar empire" amassed through television properties subject to federal licensing. "He left the White House a wealthy man, but has he been investigated like Mr. Nixon has been?" Mayne asked.

Rep. Hamilton Fish Jr. (R-N.Y.), regarded as one of the Republicans who might turn against the President, did not tip his hand yesterday, but indicated that he was considering voting for impeachment on both articles.

"At the outset of this debate," Fish said, "I find myself deeply troubled over evidence of presidential complicity in thwarting justice and in the alleged abuse of power in that great office, particularly the use of the enormous power of the United States government to invade and impinge upon the private rights of individuals."

Another nominally undecided member, Rep. Walter Flowers (D-Ala.), also indicated personal alarm at evidence suggesting improper use of the IRS.

"... There has been evidence before us that the White House obtained politically damaging information from the IRS about a member of the family of the governor of my state and published it to attempt to affect the governor's re-election," Flowers said. It was a reference to the leaking of information on an IRS investigation of Gov. George C. Wallace's brother, Gerald.

"The power of the IRS reaches into every life, and it is a chilling thought that it might be a political instrument to get the enemies of the government," he added.

Flowers said there is also evidence that the FBI was used to spy on the administration's enemies and that the CIA supplied equipment for the break-in at the office of Ellsberg's psychiatrist.

Flowers also was critical of President Nixon's conversations with Assistant Attorney General Henry E. Petersen about grand jury evidence implicating Haldeman and another White House aide, John D. Ehrlichman.

Petersen had urged Mr. Nixon to help in the investigation, and the President had assured him that the information on the grand jury would be kept confidential.

"Yet not only did the President relay this information to Haldeman and Ehrlichman, who were the ones under investigation, but helped them use it to structure a plan to defend themselves," Flowers said.

Two Democratic liberals who long have advocated impeachment—Reps. Jerome Waldie (Calif.) and John Conyers (Mich.)—charged that the case against Mr. Nixon was overwhelming.

Conyers argued that the two articles before the committee had been too narrowly drawn and should at least embrace the President's decision to bomb Cambodia in 1969.

Conyers said he also hoped to make a separate article of impeachment out of Mr. Nixon's refusal to comply with Judiciary Committee subpoenas calling for the production of taped conversations and documents.

Waldie said that "not one iota of evidence" had been submitted to clear the President of the offenses charged against him. "There's a mountain of evidence showing that he acted to obstruct justice," Waldie charged, but no counter-evidence of an exculpatory nature had been offered.

Rep. William Cohen (R-Maine) appeared from his remarks ready to vote to impeach, but said he still had to make a final decision. Like others in the middle group still agonizing over their decision, Cohen is most concerned about misuse of federal agencies, especially the Internal Revenue Service.

American people pay their taxes, he said, in the belief that their dollars are spent for legitimate purposes. "The most serious threat to our very society and liberties," he said, "occurs when those in positions of power undertake to turn neutral instruments of government into agents of vengeance and retribution against private citizens... We simply cannot condone such intolerable conduct."

To those who call evidence against the President only circumstantial, Cohen said, this can be as reliable as direct evidence, and added: "Conspiracies are not born in the sunlight... they are hatched in dark recesses, amid whispers and code words. The footprints of guilt must often be traced with the searchlight of probability."

Rep. Lawrence F. Hogan (R-Md.), who had previously announced he would vote for impeachment, sharpened his criticism of Mr. Nixon for condoning the Watergate cover-up.

Hogan recited Oval Office conversations where the President was told and discussed demands for Watergate hush money, and asked:

"Did he rise up in righteous indignation and throw them out of his office and call the Department of Justice and tell them a conspiracy was going on to buy silence? My President didn't do that. He worked and worked to try to cover it up so it wouldn't come to light. As much as it pains me to say it, he should be impeached and removed from office."

To demands from Rep. Charles Sandman (R-N.J.) for direct proof of the President's guilt, Hogan replied: "He wants the arrow to the heart. What we have is a virus that creeps up on you slowly until it becomes overwhelming." He described Sandman's approach as "focusing on one little tile in a mosaic and saying I find nothing wrong... We must look at the whole."

Rep. George E. Danielson (D-Calif.) said the committee has "ample direct evidence" to prove the President guilty of impeachment offenses.

"It is a pattern of conduct featured by the concealment, containment and hiding of evidence, by perjury subor-

nation or perjury and acquiescence in perjury by those holding responsible authority. The cover-up activities clearly constitute violations of several criminal laws, including obstruction of justice..."

Danielson read excerpts from a Sept. 15, 1972, conversation between the President and top aides "just before the presidential election," at which they discussed ways to sidetrack a Watergate investigation proposed by House Banking Committee Chairman Wright Patman (D-Tex.). Danielson said this "plot to cover-up the Watergate burglary" showed the President was "running the show" and was in itself ample proof for impeachment.

Rep. James Mann (D-S.C.), a Southerner deeply torn by the issue of impeachment, said members must vote their consciences and place allegiance to the constitutional system above their political careers.

"How much I would like to have all the evidence," said Mann, referring to the President's defiance of committee subpoenas for 147 taped conversations. "The President has the evidence. I'm starving for it, but I'll do the best I can with what I've got."

Mann did not debate the allegations, but asked the American people to believe that members, when they cast their vote, are voting in compliance with their oath to uphold the Constitution. "We are not determining the President's guilt or innocence," said Mann. "We are determining whether the American people are entitled to a trial in an open court."

Rep. Paul Sarbanes (D-Md.), who clearly announced his support for impeachment without saying the words, said our constitutional system is "based on truth and integrity" and "cannot work if those standards are not followed. Otherwise, it is impossible for the citizenry to make informed judgments with respect to their responsibility for self-government."

"There are many proofs of the President's direct involvement" in the Watergate cover-up, Sarbanes said.

"Ask yourselves if a President who surrounds himself at the highest level by men who abuse constitutional processes should be called to account. What concept of government is it that permits the man at the top to walk away and say he knows nothing, saw nothing, heard nothing?"

Sarbanes publicly expressed thanks to former IRS Commissioners Thrower and Walters for standing up to White House pressure to misuse their agency, former Attorney General Elliot L. Richardson and his deputy, William Ruckelshaus for refusing to fire former Watergate Special Prosecutor Archibald Cox, who had done no wrong, and to Cox and his successor, Leon Jaworski, "for pressing ahead to prove that no American stands above the law."

Another Republican who indicated he may vote for impeachment was Rep. Harold V. Froehlich (Wis.), who said that he was "deeply pained" by evidence suggesting that Mr. Nixon

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"Support for Nixon
in Committee seen
Wilting Away"

had knowledge of and participated in the cover-up of the Watergate burglary.

He observed that Mr. Nixon had commended Dean for containing the investigation of Watergate and had ordered Dean to make an "incomplete" investigation of the crime and the participation of White House aides.

Froehlich also said he was troubled by evidence that Mr. Nixon passed on confidential grand jury information from Petersen to two top aides under investigation, Haldeman and Ehrlichman. He said, however, that he would withhold his final decision until the debates are completed.

Rep. Trent Lott (R-Miss.), one of Mr. Nixon's strongest supporters, said there was insufficient evidence connecting any of the crimes directly with the President.

"The line must be drawn directly to the President," Lott said. "This has not been done."

But Rep. John Seiberling (D-Ohio) called the evidence against the President overwhelming and said the tapes revealed Mr. Nixon to be obsessed with perpetuating himself in power.

Rep. Carles Moorehead (R-Calif.) deplored the crimes for which presidential aides have been convicted, but said that impeachment required leaping over a moat to connect the President to those crimes. "I cannot jump over that moat," Moorehead said. "I could not vote for impeachment."

Rep. Robert F. Drinan (D-Mass.), an impeachment advocate from the beginning, accused the committee of ignoring what he regarded as the most impeachable offense—concealment of the bombing of Cambodia in 1969 and 1970. "The President orchestrated a conspiracy to keep the lid on Cambodia until at least after the election in 1972," he charged.

The draft articles of impeachment do not contain a charge involving the Cambodia bombing.

Many of the committed Democrats concentrated on the Watergate cover-up charge and particularly the alleged payment of hush money to the burglary defendants. Rep. Charles D. Rangel (D-N.Y.) discussed the President's asserted approval of payments to Hunt, one of the conspirators, and Rangel asked: "Why is my President talking about paying \$120,000 to a common burglar?" If the reason was "compassion," Rangel said, "there are thousands of poor people in our jails throughout this country who have a better case than Howard Hunt."

Rep. Joseph J. Maraziti (R-N.J.) supported the President all the way, declaring, "We should settle for no less than hard evidence that the President has committed an impeachable offense."



REP. TRENT LOTT



REP. M. CALDWELL BUTLER

BUT HE SAID, when asked the impact, "I heard from several Southerners that it was very, very good. I think it had quite an impact."

Preyer and Rep. Walter B. Jones, another North Carolina Democrat, said House members from their area are "watching the committee debate with rapt attention."

Southern Democrats, Jones said, have one often-unnoticed problem to contend with: A relative lack of press coverage "back home" for Watergate and impeachment news.

"Our constituents," he said, "have not been privy to the same volume of information we receive here in Washington."

PREYER SAID the nationally televised Judiciary Committee debate — which is demonstrating the scope of the impeachment case and the bipartisan support it commands — may well influence Southern voters.

Butler's speech clearly had an impact on his Virginia colleagues, who comprise one of the most conservative state delegations in the House.

"Obviously it will have some influence on me and others in the delegation," said Rep. William C. Wampler, R-Va., whose 9th District — the southwestern end of the state — has the strongest and longest Republican tradition of any in the state.

"Caldwell is a man of great integrity and ability. He is held in very high regard as a person and because he is a member of the committee."

WAMPLER SAID he personally remains undecided on the impeachment issue, but believes that if five to eight committee Republicans desert the President "it will have a lot of bearing" on the outcome in the full House.

Rep. G. William Whitehurst, R-Va., of Norfolk, conceded he "wasn't astounded" by Butler's "very strong speech," but said it would nonetheless "give us all cause for a great deal of thought." Because of Butler's reputation for integrity, he said, "anything he said would carry weight with us."

Rep. Stanford E. Parris, R-Va., a freshman from Fairfax Station in the nearby 8th District, said Butler's decision — and that of other Republicans — "has got to have some impact."

"I think the great majority of the Virginia delegation wants not to impeach the President, but if the evidence is clear and convincing, they will," he said.

ONE VIRGINIA source said the delegation may well split five for impeachment, five against when the House vote is taken. Parris said he suspects this is a "fair assessment."

Parris said he is "right smack dab in the middle" as of now, having "decided this issue 15 times in both directions."

The Northern Virginia Republican was elected in 1972 with 44 percent of the vote, beating out three opponents. He sees an impeachment vote — either pro or con — as a "no win" proposition politically.

"People have been writing and calling for months, threatening never to vote for me if I do this or that," he said. "Very frankly, I don't care. You can't decide it that way on this question, and I won't."

"I'm doing the very best I know how, whether my constituents like it or not," Parris said.

SOUTHERNERS STRAY

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Nixon 'Strategy' Fails

By Martha Angle
Star-News Staff Writer

The "Southern strategy" which President Nixon pursued in his 1968 campaign — and revived for the current impeachment struggle — appears to have foundered in the House Judiciary Committee.

As the committee prepared to vote on articles of impeachment, all but one of its Southern members sadly served notice they cannot condone the conduct of the President who captured the support of so many of their constituents in two successive elections.

Only Rep. Trent Lott, R-Miss., remained firmly in the Nixon camp as the committee concluded two days of "general debate," in reality personal position statements, on the pros and cons of impeachment.

Of the remaining Southerners, Reps. Barbara Jordan and Jack Brooks, both Texas Democrats, surprised no one by speaking for impeachment.

But the often anguished summations of evidence and personal declarations of conscience from Reps. Walter Flowers, D-Ala., James R. Mann, D-S.C., Ray Thornton, D-Ark., and M. Caldwell Butler, R-Va. — all considered previously uncommitted — had immediate reverberations in the full House.

"The results have been clearly adverse for the President," said Rep. John H. Buchanan, R-Ala. "It would seem to me that unless there is an outpouring of expression for the President from the American people, or some other rather strong development on his behalf, he is now likely to be impeached."

FOR MONTHS now, Nixon has been courting Southern Democrats whose conservative voting habits coincide in most cases with his own political philosophy and policies.

Dixie Democrats have been summoned to the White House for ceremonial bill signings, showered with social invitations and — perhaps most significantly — asked aboard the presidential yacht Sequoia for evening cruises with Nixon.

The President needs the Southerners, and all but a score or so of the House Republicans, to escape impeachment. But defections from both groups within the Judiciary Committee appear to bode ill for his chances on the House floor.

It was a conservative Republican from Virginia — a state more accustomed to breeding Presidents than breaking them — who delivered one of the stiffest blows to Nixon during yesterday's debate.

Until yesterday, Rep. M. Caldwell Butler — a freshman from Roanoke whose 6th District gave Richard M. Nixon his biggest Virginia margin in 1972 — had kept his own counsel on impeachment.

THERE HAD BEEN hints that Butler might vote to impeach, but the fervor of his declaration caught committee members and others in the House by surprise. And because he is both a Southerner and a Republican — with a 1973 presidential support "score" of 75 percent, one of the highest in the House — his decision carried special weight.

Butler told his hushed colleagues that Republicans have a special responsibility in judging the President's conduct.

"For years," he said, "we Republicans have campaigned against corruption and misconduct in the administration of the government of the United States by the other party . . . But Watergate is our shame!"

Republicans, Butler warned, "cannot indulge ourselves in the luxury of patronizing and excusing the misconduct of our own people. These things happened in our house and it is our responsibility to do what we can to clear it up."

IN A RUSH of sharply worded charges, Butler shed the "undecided" cloak he had worn throughout the long investigation and explained why he is "presently inclined" to support articles of impeachment based on obstruction of justice and abuse of power by the President.

Ticking off examples of "the misuse of power — the very essence of tyranny," Butler said "there are frightening implications for the future of our country if we do not impeach the President of the United States."

"If we fail to impeach," he said, "we will have condoned and left unpunished a presidential course of conduct designed to interfere with and obstruct the very process which he is sworn to uphold; and we will have condoned and left unpunished an abuse of power totally without justification."

Watergate and related scandals, Butler said, constitute "a sad chapter in American history. But I cannot condone what I have heard. I cannot excuse it. And I cannot and will not stand for it."

Rep. Richardson Preyer, D-N.C., did not hear Butler's speech himself, for like many House members not on the Judiciary Committee he was immersed in other legislative business.

(cont.)

Charles McDowell

Caldwell Butler On Impeachment

WASHINGTON — It is a Nixon Republican's office. A color portrait of the President hangs on the wall of the anteroom with three cheerful photographs of the President and the congressman together.

The congressman, M. Caldwell Butler of Virginia, has spent the day in the Judiciary Committee. He cast a significant vote there. He and seven others of the 17 Republicans on the committee joined all but one of the 21 Democrats in voting to warn the President by formal letter that his refusal to comply with subpoenas for Watergate-related tapes "might constitute a ground for impeachment."

Now, late in the afternoon, Butler passes through the anteroom into his inner office, removes his jacket and sits down heavily behind this desk. The impeachment inquiry is taking more and more of his time and energy.

"It's like getting caught in a whirlpool," he tells a visitor. "It just takes over your life. You can't listen to it all day and then turn it off. It's overwhelming. It colors everything you do."



McDowell

The committee has been meeting three times a week from 9 a.m. until 4:30 or 5 or 6 p.m. The members spend hours with big earphones clamped on their heads, listening to White House tapes acquired from the courts and the special prosecutor. They also spend hours listening to the presentation of evidence by the committee counsel, with special attention to questions whose answers might be on the tapes the President refuses to deliver.

The members are painfully careful and often contentious about procedure. They argue on

and on over the interpretation of a memorandum, the phrasing of a subpoena. All 38 members of the Judiciary Committee are lawyers.

After the long, tense days in the committee room, there are briefs and other documents to bring back to the office and take home at night. Butler smiles and says, "It makes you feel like you're earning your pay."

IS THE FRESHMAN CONGRESSMAN from Roanoke constantly aware of history hovering at his shoulder in all this? Of course he is, and he is constantly trying not to be pompous about it.

"I don't feel they're saving a little niche over there at the Capitol for Thomas Jefferson, Woodrow Wilson and Caldwell Butler," he says.

"But it can be a little frightening to realize that about 10 of us, maybe as few as six, are the swing votes that could decide how this thing goes."

When Butler came to the House of Representatives from Virginia's 6th District in 1972, he was frankly disappointed to be assigned to the Judiciary Committee. He wanted to be on Commerce, which deals with a wide range of subjects. Judiciary sounded legalistic and dreary.

And then came the impeachment inquiry. In the beginning, the conservative Butler was alarmed by the large number of liberal Democrats on the committee. He thought he was in a hotbed of

Charles McDowell

Caldwell Butler On Impeachment

Continued From First Page

"crazies." He was skeptical of the intellectual depth and objectivity of the chairman, Peter Rodino of New Jersey.

Now Butler's assessment is that both sides have a handful of predictable partisans but the central majority is reasonable and open-minded. He praises Rodino for fairness and wise restraint in conducting the inquiry.

"Mutual respect is growing," he says. "People are listening to each other. I believe the destiny of the President is in good hands."

BUTLER SAYS THE WHITE HOUSE TAPES he has heard are much more informative than the transcripts of the same conversations.

"There are degrees of emphasis, domination and control of a conversation that you just have to hear," he says. "It is perfectly apparent to me, for instance, that the President is in control of the conversations and directs their course. And he does not necessarily come off worse in the tapes themselves than in the transcripts. Overall, in fact, I'd say he sounds more like people would expect a president to sound."

When asked what impressions of H.R. Haldeman, John D. Ehrlichman and John W. Dean III he received from the tapes, Butler says, "The President is the only one of that group who has a personality."

Then he says rather grimly that he does not want to talk about Haldeman, Ehrlichman and Dean any more.

Butler's basic outlook on the impeachment inquiry has changed since the committee issued its first subpoena for White House tapes. The edited transcripts did not satisfy Butler or most of his colleagues. The President's continuing refusal to cooperate melted Butler's patience and his hope for a clear-cut end to the inquiry.

"I thought we would get the facts," he says, "and then our job would be the determination of a legal conclusion — do the known facts constitute impeachable misconduct?"

"But now the White House has frustrated us in this, and knowingly so. Now we have to consider whether we're going to infer from noncompliance that the information is adverse to the President . . . and when we can't find out the facts, we are entitled to assume they are adverse."

"You can't impeach a President on inference, but inference coupled with known facts, well, we can pass it on to the Senate for trial under all the safeguards of a trial."

If President Nixon and his lawyer, James D. St. Clair, are embarked on some grand strategy of delay, Butler suspects it might backfire.

"I'm not at all sure their failure to respond doesn't actually accelerate the impeachment process," he says.

"Withholding the tapes seems so ill-advised to me that . . . well, I hasten to say that Mr. St. Clair has made a lot more money practicing law than I have and I guess these tactics could be right."

"But my own impression is simply that the President is prejudicing his own case by not cooperating with the committee, that's all."

Butler: No Joy in Impeachment Vote

By Stephen Green

Washington Post-Staff Writer

The agony of Rep. M. Caldwell Butler (R-Va.) ended shortly after 3 p.m. yesterday when he informed his fellow members of the House Judiciary Committee that his "present inclination" is to vote for the impeachment of President Nixon.

"There will be no joy in it for me," Butler told the Committee. Talking later to a reporter in a Rayburn Building corridor he said: "I'm relieved it's over. I've probably agonized over this more than any other decision I've ever made."

Butler, the only Virginia member of the Judiciary Committee, is a Republican from Roanoke who voted in support of the President's position 75 per cent of the time last year. His decision could have an impact on the votes of moderate

and conservative Republicans when, as is now expected, the impeachment question is reported by the Committee to the full House.

In fact, late yesterday afternoon one Republican House staffer said: "They're (Republican Congressmen) all talking about Butler's decision in the cloakrooms. They respect him."

Butler later said he still hopes the President will come forward with evidence that will persuade him not to vote to impeach Mr. Nixon for "obstruction of justice and abuse of power."

"But I don't expect anything will come out to change my mind," he said.

"Looking back at it," Butler said, "I've been horrified from the first day when the staff started pulling the evidence together for us. That's when I felt it."

There was not one particular witness, nor one single document or tape recording that convinced him that a vote for impeachment would be the course he would decide to follow, Butler said.

"It was the total cumulative effect," he explained.

Butler said he finally made up his mind when he went home last week—partly to make a campaign appearance with Vice President Gerald Ford—and discussed the impeachment proceedings with his wife. "She agreed with my decision," he said.

"I turned it over in my mind and started realizing what was going on over there at the White House with all those guys. It's an American tragedy. A classic American tragedy."

During the 15 minutes allotted him in yesterday's Judiciary Committee impeachment

debate, Butler related how difficult it will be for him to cast his vote for impeachment.

He described "how distasteful this proceeding is for me." He stated he still has pride in the "significant accomplishments of the administration of Richard Nixon."

He noted "there are those who believe I would not be here today if it were not for our joint effort in 1972. And I am deeply grateful for the many kindnesses and courtesies the President 'has shown me over the years. I am not unmindful of the loyalty I owe him.'"

Yet, Butler said, Watergate is the "shame" of the Republican Party. "We cannot indulge ourselves the luxury of patronizing or excusing the misconduct of our own people. These things have happened in our house and it is our re-

sponsibility to do what we can to clear it up."

"If we fail to impeach," he said, "we have condoned and left unpunished a course of conduct totally inconsistent with the reasonable expectations of the American people."

Rep. Carlos J. Moorhead of California, another Republican member of the Committee walked up to Butler in the hallway after his speech. "I guess politically you made the right decision," Moorhead said.

Butler shook his head. "You don't know my district," he replied.

A young man hurried by and called out: "That was a wonderful speech Mr. Butler. It was great, just great."

Butler thought for a moment and said softly: "Yeah, but he doesn't vote in my district."

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Partisan Plot Portrayal Is Undercut

By David S. Broder

Washington Post Staff Writer

The opening round of debate in the House Judiciary Committee undercut the White House effort to depict the impeachment effort as a partisan plot.

But the lack of focus on specific and critical points of controversy left both the President's critics and defenders unhappy about the

News Analysis

public's impression of the quality of evidence on which the President is being judged.

The weeks of orchestrated effort by Mr. Nixon's spokesmen to depict the committee as a "kangaroo court" or a liberal Democratic lynch mob were all but demolished in a few hours yesterday, when three of the committee's junior Republicans—Lawrence J. Hogan of Maryland, M. Caldwell Butler of Virginia and William S. Cohen of Maine—delivered the most eloquent and impassioned indictments of the President heard from anyone.

Their testimony alternated with and complemented the low-keyed opening statements of three Southern and border state Democrats—Walter Flowers of Alabama, James R. Mann of South Carolina and Paul S. Sarbanes of Maryland—

See EVIDENCE, A12, Col. 1

Partisan Plot Image Is Undercut

EVIDENCE, From A1

whose words and gestures reflected the agony of their own losing struggles to square Mr. Nixon's behavior with the standards set by the Constitution.

The sequence of speeches altered the tone of the hearing from the partisan debate it had been, and negated what has been Mr. Nixon's main hope for a public relations victory over his antagonists.

Last night, the junior Republican on the committee, Rep. Delbert L. Latta of Ohio, restated the White House contention that the impeachment majority was made up of "labor, COPE and ADA" liberals, bent on destroying the needed "strength in the office of the presidency."

But the four remaining Democratic speakers—representing, as if by design, the four regions of the country and such diverse constituencies as Brooklyn, Salt Lake City, Iowa City and Sheridan, Ark.—provided a more effective rebuttal to that claim than any stage manager could have devised.

But the hard challenge from the President's main defenders on the committee—Reps. Charles E. Wiggins (R-Calif.) and David W. Dennis (R-Ind.)—to debate the detailed evidence of the key points in the bill of impeachment went largely unanswered by both Republicans and Democrats.

That was because many of the members decided to use their opening 15-minute statements to speak to the country, to their own constituents or, in some instances, to the President, rather than to each other.

The committee's internal dialogue—on points of evidence and law—is likely to take over today, as it debates specific provisions of the bill of impeachment it now seems certain to send to the House floor.

That debate may be simplified by the apparently broad agreement on the nature of an impeachable offense and the degree of proof required to sustain it.

With few exceptions, members agreed that the

first suggested by impeachment council John Doar—must be "clear and convincing," a standard tougher than that of a finding of "probable cause" but not so rigid as a jury verdict that an individual is guilty "beyond a reasonable doubt."

The debate also indicated that considerable fencing is in store on the question of direct vs. circumstantial evidence. Opponents of impeachment argued that the majority staff has piled "inference on inference" to build a case reaching to the President—an argument that Cohen rejected with the observation that if you awake to find snow on the ground, it is not unreasonable to infer that it snowed while you were asleep.

But that argument will be settled, not by phrases or analogies, but by the hard debate on specific points of evidence—the very thing most committee members, particularly those favoring impeachment, avoided in their opening statements.

Those statements were mainly political—appealing to everything from the public conscience to the prejudices of particular constituencies and, sometimes, to the attention of the man in the dock, Richard Nixon.

Those preparing to vote for impeachment told the nation—and the history books—how "distasteful" they found that burden.

Those Republicans preparing to vote against impeachment expressed their distaste for the moral standards of the White House and were free in condemning former presidential assistants who have yet to be convicted of wrongdoing in a court of law.

There were also messages aimed at disproving, in advance, the claim that partisanship should or would affect the verdict. Rep. Robert McClory (R-Ill.) took time to explain why it was not true that "no good Republican can vote to impeach a Republican President" and Rep. Jack Brooks (D-Tex.) asserted that if Democrats were really politically motivated, they would do anything to keep Mr. Nixon in office and preserve the

Democratic Action, was so anxious to establish his non-partisanship that he even confessed he had once voted for Mr. Nixon.

Most of the half-dozen Republicans leaning toward impeachment made a point of saying they had helped get the President a fair hearing by insisting on changes in committee procedures from the majority Democrats.

Southerners like Flowers and Mann, whose districts went 2-to-1 for Nixon in 1972, were especially eager to explain themselves to the White House and the folks at home before casting any impeachment votes. Alabamian Flowers emphasized his shock at learning the White House had leaked tax information against Gov. George C. Wallace of Alabama. Mann told the White House and his South Carolina constituents he was "starving" for evidence that would clear the President, and still hoping to receive it.

But for all the disclaimers, the pattern of speeches was predominantly partisan up until Thursday afternoon. After Chairman Peter Rodino's statesmanlike opener, eight straight Democratic speakers on Wednesday night and Thursday vied in their descriptions of the sweeping character of Mr. Nixon's alleged crimes and the seriousness of the danger of keeping him in office.

The loudest voices among the answering Republicans were those complaining of a "highly partisan prosecution" and a prejudiced press, and claiming that any faults of Mr. Nixon were minor compared to the schemes of Lyndon Johnson that had escaped investigation by a Democratic Congress.

That pattern broke dramatically when Hogan and Butler, both staunch conservatives, and Cohen, a progressive Republican, laid down their critique of the President.

Hogan invoked echoes of the Declaration of Independence by citing "the long train of abuses" he attributed to the President. Butler, who acknowledged he would not have been in Congress without Mr. Nixon,

And Cohen undertook, in part, to do what no one else had done—meet Wiggins' and Dennis' challenge to debate the evidence.

Wiggins had focused on the testimony concerning Mr. Nixon's alleged misuse of the Internal Revenue Service to harass his political enemies—a charge that is central in importance to the half-dozen or so possible pro-impeachment Republicans.

As Wiggins told it, all Mr. Nixon said in a conversation about the IRS on Sept. 15, 1972, was "Yeah," and "Great," and, "You know, we have never used these agencies in the past, but things are going to change now . . ."

Those few comments, he said, are far from "clear and convincing evidence justifying an impeachment . . ."

Cohen, in rebuttal, added two more quotes from the President, which he said put a more serious light on the situation: "I want the most—I want the most comprehensive notes on all of those that have tried to do us in, because they didn't have to do it. . . . Things are going to change, and they are going to get it, right?"

But the full context of the presidential conversation, as reported in the committee's transcript, was not read to the television audience.

It shows the President asking for the results of the "Post Office check" on contributions to his opponent, Sen. George McGovern (D-S.D.).

It shows him saying, in a reference to the lawyer then handling the Democrats' civil suit against the President's re-election committee over the Watergate break-in, "I wouldn't want to be in Edward Bennett Williams' position after this election . . . I think we are going to fix the son-of-a-bitch. Believe me. We are going to . . ."

And again, a moment later, the President remarks: "We've been just God damn fools. For us to come into this election campaign and not do anything

Washington Star News

July 26
1974

MARY McGRORY

Impeachment Debate

IRS Asks Grand Jury Pro

By Mary McGrory
Star-News Staff Writer

The impeachment debate has given the Republicans on the House Judiciary Committee an excruciating opportunity. Under painful circumstances, they are demonstrating vividly that not all members of their party are arrogant, greedy and vindictive.

Those Republicans who would impeach are more anguished and angry than the Democrats, and more immersed in the evidence. They unaffectedly reveal their chagrin — and also their patriotism, conscience and reverence for the Constitution.

Only one of their number, Rep. Wiley Mayne of Iowa, stooped to pettiness. At the first opportunity, one of his brothers put him down hard for his mean suggestion that Lyndon Johnson, another man who grew rich in the presidency, should have been impeached.

WITH FEW exceptions, the members on both sides have risen to the occasion.

The level of the debate has been so elevated, and its tone so civil, that it is not too much to say that if maintained it could lead to a restoration of public esteem for politicians generally. All officeholders are manifestly not clowns, hypocrites or nit-pickers.

Republicans all over the country may take heart as they contemplate the handsome young scholar from Maine, William S. Cohen, the benign aristocrat from New York, Hamilton Fish Jr., and Tom Railsback of Illinois, a man of deep feeling and manifest good will.

And listening to the fiery accents of M. Caldwell Butler of Virginia, who stood up to the ogre, looked it in the eye and said, "Watergate is our shame," they heard once again the splendid moral outrage that has been denied them for the last two years, because of its total absence in the White House.

"THESE THINGS happened in the Republican administration while we had a Republican in the White House,

Point of View

and every single person convicted to date has one way or the other owed allegiance to the Republican party," he cried, to the astonishment of many in the hearing room who had never before seen him open his mouth. "These things have happened in our house and it is our responsibility to do what we can to clear it up."

Rep. Lawrence Hogan, of Maryland, who beat the rush by announcing his intention to vote for impeachment, and was promptly knifed by the White House as an opportunist, made an impressive review of the evidence, reproached his fellows for seeking "an arrow in the heart," bade them look at the mosaic of evil.

Even the President's most rabid loyalist, David Dennis of Indiana, who hitherto has always addressed the chairman in a furious screech, com-

posed himself and gave an entirely rational presentation of the transgressions. He offered the arguable thesis that reform of political institutions is a better answer than "prosecuting an imperfect president who probably represents us in our strengths and weaknesses."

Rep. Harold Froelich of Wisconsin, a stumpy freshman who took some ritual conservative swipes at the press and the committee staff, outlined his concern for missing tapes, undelivered tapes and tape gaps. He bit his lip, his voice choked, as he concluded wretchedly, "I am concerned about impeaching my President for his actions."

MISERY loves company, and the Republicans have it in the Southern Democrats, who are much more beholden to Richard Nixon for regional favors and were expected to cling to him to the end.

Rep. James Mann, D-S.C., whose pale face seems carved in marble, made a moving speech about "the men who

have died for our system on the battlefield and men who have ended their careers on behalf of the system."

And Rep. Walter Flowers, D-Ala., who wears an American flag pin on his lapel and dwells in Wallace country, told how he wakes up at night and thinks it must be "a sordid dream" that he is contemplating impeachment. He bleakly stated the dilemma: Would it be more destructive of all we hold dear to impeach the President than not to impeach him?

From time to time, someone warns that impeachment will "tear the country apart." As the process unfolds in the hearing room, it seems more likely to bring it together. For the coalition which elected Richard Nixon, Republicans and Southern Democrats, has now re-formed to remove him from office.

They will not only vote for it, they will sell it on the floor of the House. From their appearance so far, they appear quite capable of making it "impeachment with honor."

Wash Star
7/26/74

Highlights of Comments by Committee Members

Following are highlights of the positions taken by members of the House Judiciary Committee yesterday in debate over draft articles of impeachment.

Charles E. Wiggins

R-Calif.

I cannot express adequately the depth of my feeling that this case must be decided according to the law, and on no other basis. . . . If we were, ladies and gentlemen, to decide this case on any other basis than the law, on any other basis than the law, and the evidence applicable thereto, it occurs to me, my colleagues, that we would be doing a greater violence to the Constitution than any misconduct alleged to Richard Nixon. . . .

The law requires that we decide the case on the evidence. Nobody doubts that. On the evidence. It must trouble you, Mr. Doar, I am sure, as a possible assistant to managers in the Senate, to consider the evidence as distinguished from the material which we have made — been made available before this Committee — 38 books of material. My guess, Mr. Doar, you could put all of the admissible evidence in half of one book.

We are told that the standard must be that the evidence is clear and convincing, clear and convincing. . . . It must be clear and not ambiguous. It must be convincing and not confused and jumbled by other facts. The force of that clear and convincing evidence must drive us to the conclusion unwillingly but drive us to the conclusion that Richard Nixon must be impeached for demonstrated and proved high crimes and misdemeanors.

John Conyers Jr.

D-Mich.

The President took the power of his office and under the guise of protecting and executing the laws that he swore to uphold, he abused them and in so doing he has jeopardized the strength and integrity of the Constitution and laws of the land the protections that they ought to afford all of the people.

It was more than just a wiretapping between friends and government but it was the beginning of a policy of corruption that started then and spread to three different levels because it embraced, first of all, a decision not to entrust to the American people the true and difficult nature of the war policy that this Administration had embarked upon. And second, it was so caught up with that policy that it was ready to deceive the elected representatives of the Congress on what we were doing and what we were supposedly voting money for. And third, and logically, the outcome of the first two, is that the Administration finally could not even trust themselves.

David Dennis

R-Ind.

This is an emotional matter we have before us, loaded with political overtones, and replete with both individual and national tragedy. Yet, I suggest that we will judge it best and most fairly if we approach it dispassionately and analyze it professionally as lawyers who are engaged in the preparation and in the assessment of a case. In doing this, of course, we cannot approach or decide this important matter on the basis of whether we like or dislike President Nixon, whether we do or do not in general support his policies. The question rather is whether or not proof exists, convincing proof of adequate weight and evidentiary competence to establish that the President of the United States has been guilty of high crimes and misdemeanors within the meaning of the Constitution so as to justify the radical action of his impeachment and removal and disgrace from the high office to which he was elected by the American people. . . .

Richard Nixon has much to answer for, and he has even more to answer for to me as a conservative Republican than he does to my liberal friends on the other side of the aisle.

But, I join in no political lynching where hard proof fails as to this President or any other president.

Delbert L. Latta

R-Ohio

We cannot make articles of impeachment against the President of the United States by attempting to infer that he had knowledge of wrongdoing that was going on in his administration and yes, lo and behold, in the Committee to Re-elect



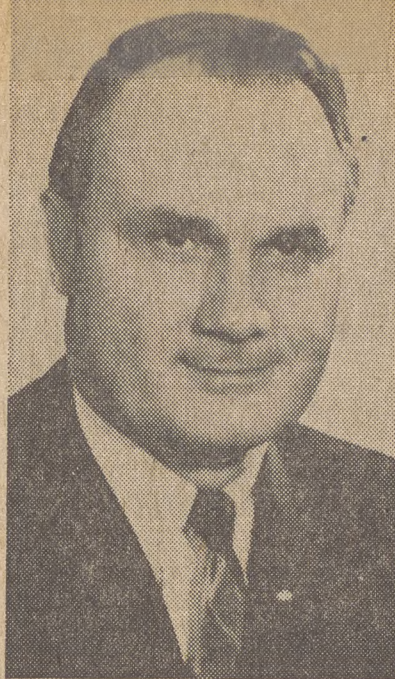
REP. OWENS

Wayne Owens

D-Utah

I believe that the impeachment of this President, if it resulted in his removal and his replacement, by Gerald Ford, would not be to the political advantage of my Party but the totality of the evidence has convinced me that it would be to the public benefit of my country. It is possible that in a Senate trial additional evidence which we have not seen would be presented in the President's defense and no one knows, nor should they pre-judge whether the Senate would convict. That would depend upon the evidence presented to them. But the weight of the evidence presented to this committee now stands clearly and convincingly for impeachment.

I take no joy and no satisfaction in this decision. I do not take pleasure in pointing an accusing finger and it is a disgusting and distasteful task. It is a joyless resolution to a heartbreaking problem which we



REP. LATTA

the President, which was composed of Democrats, Republicans and Independents alike.

Neither can we try to make him responsible under the old theory of principal of agent, as some of these articles are proposing.

To impeach there must be direct Presidential involvement, and the evidence thus far has failed to produce it . . .

Certainly during this committee's deliberations, one of the more important questions to be resolved was whether to choose to believe John Dean or the President of the United States. Eight of the nine witnesses before the Committee testified they had not discussed acts of wrongdoing with the President. Here again, John Dean stands alone.

In conclusion, let me say if the Committee decides to recommend impeachment of the President, based on the wrongdoing of others, the evidence is here, and it is clear and convincing; if the Committee decides to recommend impeachment based on direct evidence of Presidential involvement in wrongdoing, the evidence is not here. The case is that simple.

Ray Thornton

D-Ark.

We have before us a momentous and a difficult decision. I have approached it as a matter of law, and because I have faith that the people of this country believe in a system of law to which all men are subject to preserve, I did not ask for, and I don't particularly enjoy the duty of sitting here in judgment on any other man's fulfillment of his oath of office.

I must say, as the gentleman from Virginia did, that while I will reserve my final judgment until the vote which will follow later, I can now say that on the basis of all of the evidence which has now been produced, I have reached the firm conviction that President Nixon has violated his oath of office by abuse of power, and by obstruction of justice, that these offenses constitute high crimes and misdemeanors, requiring trial on these charges before the Senate of the United States of America.

In my view, to find otherwise would effectively repeal the right of this body to act as a check on the abuses which we feel have existed.

Wash Star
Elizabeth Holtzman
7/26/74
D-N.Y.

The thousands of pages before this committee, they are witness, in my opinion, to a systematic arrogation of power, to a thoroughgoing abuse of the President's oath of office, to a pervasive violation of the rule of law. What we have seen is a seamless web of misconduct so serious that it leaves me shaken . . .

Mr. Chairman, I feel very deeply that the President's impeachment and removal from office is the only remedy for the acts we have seen because the presidential coverup is continuing even through today. There is no way it can be ended short of the President's removal.

And secondly, because the violation of the people's constitutional rights has been so systematic and so persistent I must conclude that it is only through the President's removal from office that we can guarantee to the American people that they will remain secure in the liberties granted to them under the Constitution.



REP. LAWRENCE HOGAN

Lawrence J. Hogan

R-Md.

It is not easy for me to align myself against the President, to whom I gave my enthusiastic support in three presidential campaigns, on whose side I have stood in many a legislative battle, whose accomplishments in foreign and domestic affairs I have consistently applauded.

But it is impossible for me to condone or ignore the long train of abuses to which he has subjected the Presidency and the people of this country. The Constitution and my own oath of office demand that I "bear true faith and allegiance" to the principles of law and justice upon which this nation was founded, and I cannot, in good conscience, turn away from the evidence of evil that is to me so clear and compelling . . .

I think it is a mistake for any of us to begin looking for one sentence or one word or one document which compels us to vote for or against impeachment. It is like looking at a mosaic and going down and focusing in on one single tile in the mosaic and saying I see nothing wrong in that one little piece of this mosaic. We have to step back and we have to look at the whole picture and when you look at the whole mosaic of the evidence that has come before us, to me it is overwhelming beyond a reasonable doubt.

James R. Mann

D-S.C.

*Wash
Spec
7/20/74*
You know some of the things that cause me to wonder are the phrases that keep coming back to me, oh, it is just politics. Or, let him who is without sin cast the first stone.

Are we so morally bankrupt that we would accept a past course of wrongdoing or that we would decide that the system that we have is incapable of sustaining a system of law because we aren't perfect? There has been one perfect to whom one of those statements is attributed. But our country has grown strong because men have died for the system. You will hear "the system" used by each of us but we have built our country on the Constitution and that system contemplates and that system has resulted in men putting that system above their own political careers.

That system has been defended on battlefields and statesmen have ended their careers on behalf of the system and have either passed into oblivion or into immortality. We have all read of the role of Edmund G. Ross in the Johnson impeachment and how he voted his conscience.

Did we also know that about 20 years later he said that he would hope that his vote would not be construed as being in derogation of that constitutional power of impeachment and that at a proper time on some future day some Congress would have the courage to fulfill its duty.

M. Caldwell Butler

R-Va.

There are frightening implications for the future of our country if we do not impeach the President of the United States. Because we will be in this impeachment proceeding establishing a standard of conduct for the President of the United States which will for all time be a matter of public record.

If we fail to impeach, we have condoned and left unpunished a course of conduct totally inconsistent with the reasonable expectations of the American people; we will have condoned and left unpun-

ished a presidential course of conduct designed to interfere with and obstruct the very process which he is sworn to uphold; and we will have condoned and left unpunished an abuse of power totally without justification. And we will have said to the American people: "These misdeeds are inconsequential and unimportant."

In short, power appears to have corrupted. It is a sad chapter in American history, but I cannot condone what I have heard; I cannot excuse it, and I cannot and will not stand still for it.

Mr. Chairman, while I still reserve my final judgment, I would be less than candid if I did not now say that my present inclination is to support articles incorporating my view of the charges of obstruction of justice and abuse of power; but there will be no joy in it for me.

Joshua Eilberg

D-Pa.

Richard Nixon is guilty beyond any reasonable doubt of numerous acts of impeachable conduct, regardless of any standard we apply.

What we are faced with is a gross disregard for the Constitution and the very safeguards in it which the framers hoped would prevent the President from becoming a king or dictator.

The evidence presented during our hearings portrays a man who believes he is above the law and, who is surrounded by advisers who believe they owe their allegiance to him and not to their country or the Constitution. For this reason they were only too willing to carry out his orders and directions no matter what the cost to other individuals or groups or the nation.

As a result of this atmosphere in the White House, a conspiracy — which is still going on — was organized to obstruct justice.

Hamilton Fish

R-N.Y.

It is suggested that we as politicians are all too tainted with corruption or moral imperfection to de-

cide on the sins of Watergate. Carried further, it is suggested that we are all really guilty, that civic unrighteousness is collective.

If I were to accept this thesis, that I and my colleagues can no longer separate our sins from those of others, we are no longer capable of making any worthwhile judgments whatsoever.

At the outset of this debate I find myself deeply troubled over evidence of Presidential complicity in thwarting justice and in the alleged abuse of power of that great office, particularly the use of the enormous power of the United States Government to invade and impinge upon the private rights of individuals. Every member of this committee and the Congress must evaluate the facts in the light of adherence to the law, devotion to the Constitution, and to the great institutions of our land. If the evidence is clear, then our constitutional duty is no less clear.

Jerome R. Waldie

D-Calif.

Has there been one iota of evidence, one shred of evidence, exonerating and exculpatory in its effect introduced on behalf of the President by the President or anyone else since those Senate Committee hearings? . . . There has not been an iota of evidence. The President has had it within his power, if such evidence exists, to bring it forth and to exonerate him from these charges and to exonerate the nation from the anguish he has pushed us into, and that we still labor under. But he has not done so. In response to my friends on the other side of this Committee, who suggest the evidence does not show that the President has done anything, that simply is not so. There is a mountain of evidence showing that the President has acted to obstruct justice.

You cannot look at this case without feeling a deep sadness but a deeper anger, a deeper anger that this country was jeopardized to the extent it has been in the past two years, and you cannot look at the evidence in this case and the totality of what confronts us in this case without understanding that unless we fulfill our obligations as these fallible human beings in this genius of a governmental structure, our obligation and our duty is to impeach this President that this country might get about doing its business the way it should do and pursuant to standards that have been set for this country since its beginning.

Walter Flowers

D-Ala.

Wash Post 7/26/74
And then there is the other side of the issue that I speak of. What if we failed to impeach? Do we ingrain forever in the very fabric of our Constitution a standard of conduct in our highest office that in the least is deplorable, and at worst is impeachable?

. . . You know, the power of the Presidency is a public trust, just like our office. And the people must be able to believe and rely on their President. Yet, there is some evidence before us that shows that the President has given solemn public assurances to the people involving

Wiley Mayne

R-Iowa

Direct Presidential involvement in . . . a cover-up must be proved, but so far as I have been able to hear up to this time, all of the evidence on this, or almost all of it, is purely circumstantial.

I am willing to listen and to be persuaded in our remaining deliberations, but as I listened to Mr. Doar in his argument for the prosecution, it seemed to me that he pointed to no direct evidence of Presidential involvement in the cover-up, but had to arrive at his conclusion of Presidential involvement by a series of inferences piled upon other inferences. And I noticed that every time he made an inference, it was an inference unfavorable to the President of the United States.

LBJ left the White House a very wealthy man, but was he ever investigated in the manner that Richard Nixon has been investigated, or investigated at all? I wonder could the reason be that for all but four of the thirty-two years that he was in public office, his party, the Democratic Party, controlled both houses of the Congress, and during much of that time, he was a highly influential leader of that Party.

the truth and the faith of his powerful office when those assurances were not true, but were designed to deceive the people and mislead the agencies of government who were investigating the charges against Mr. Nixon's men.

If the trust of the people and in the world of the man, or men, or women, to whom they had given their highest honor, or any public trust is betrayed, if the people cannot know that their President is candid and truthful with them, then I say the very basis of our government is undermined.

Impeachment Proceedings: Butler Sees

ES. FRIDAY, JULY 26, 1974

'Frightening Implications' in No Action

M. Caldwell Butler

For years we Republicans have campaigned against corruption and misconduct in the Administration of the Government of the United States by the other party.

And somehow or other we have found the circumstances to bring that issue before the American people in every succeeding national campaign.

But Watergate is our shame. Those things happened in the Republican Administration while we had a Republican in the White House and every single person convicted to date has one way or the other owed allegiance to the Republican party.

We cannot indulge ourselves the luxury of patronizing or excusing the misconduct of our own people. These things have happened in our house. And it is our responsibility to do what we can to clear it up.

It is we, not the Democrats, who must demonstrate that we are capable of enforcing the high standards we would set for them.

The gentleman from California, Mr. Wiggins, in his remarks of this morning reminds us once more that we must measure the conduct of the President against the standards imposed by law.

I would like to share with you for a moment some observations I have with reference to these standards.

The conduct which the American people are reasonably entitled to expect of the President is spelled out in part in our Constitution and part in our statutes. And we are particularly grateful to our colleague from New York, Congressman Fish, for his exposition on the duties imposed upon the President by our Constitution.

It is my judgment also that the standard of conduct which the American people are reasonably entitled to expect of their President is established in part by experience and precedent. And this is one reason why I am so convinced about what has been revealed to us by our investigation.

It will be remembered that only a few hours ago the gentleman from Iowa, Mr. Mayne, has argued that we should not impeach because of comparable misconduct in previous Administrations.

'Frightening Implications'

There are frightening implications for the future of our country if we do not impeach the President, because we will by this proceeding establish as a matter of record a standard of conduct for the President which will be for all time a matter of public record.

If we fail to impeach, we have condoned and left unpunished a course of conduct totally inconsistent with the reasonable expectations of the American people. We will have condoned and left unpunished a Presidential course of conduct designed to interfere with and obstruct the very process he has sworn to uphold. And we will have condoned and left unpunished an abuse of power totally without justification.

And we will have said to the American people these misdeeds are inconsequential and unimportant.

The people of the United States are entitled to assume that their President is telling the truth. The pattern of misrepresentation and half-truths that emerges from our investigation reveals a Presidential quality cynically based on the premise that the truth itself is negotiable.

Consider the case of Richard Kleindienst, nominee for the Attorney General of the United States. The President had told him in unmistakable terms that he was not to appeal the I.T.T. case. But before the Senate of the United States, Mr. Kleindienst explicitly denied any effort by the President to influence him in this regard. And the President who had knowledge of this affirmed to the people of the United States his continuing confidence in this man.

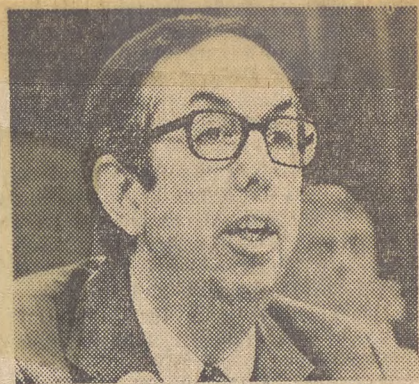
The record is replete with official Presidential misrepresentations of non-involvement, and representations of investigations and reports never made if indeed undertaken at all. There are two references to a Dean report which we have not seen.

Consider the case of Daniel Schorr. In a moment of euphoria on Air Force I, Presidential aides called upon the F.B.I. to investigate this Administration critic. Upon revelation, Presidential aides fabricated and the President affirmed that Schorr was being investigated for possible Federal appointment.

Nothing could be further from the truth.

Let me also observe that throughout the extensive transcripts made available to us of intimate Presidential conversation and discussions there is no real evidence of regret for what has occurred or remorse or resolutions to change and precious little reference to or concern for constitutional responsibility, or reflection upon the basic obligations of the office of the President.

In short, a power appears to have corrupted. It is a sad chapter in American history but I cannot condone what I have heard, I cannot excuse it and I cannot and will not stand still for it.



The New York Times

M. Caldwell Butler, Virginia Republican
"It is a sad chapter in American history . . . I cannot and will not stand still for it."

Paul S. Sarbanes
D-Md.

There are many other instances in which there is evidence to support, both direct and circumstantial, the President's direct involvement. Beyond that, I think careful thought needs to be given to the superintendency theory of James Madison which was expressed by one of my colleagues yesterday evening. You must ask yourself whether a Chief Executive of this land, who surrounds himself at the highest levels with men who flagrantly abuse our constitutional processes, should be called to account for their actions. What concept of government is it if the person at the head is to walk away claiming that he knows nothing, sees nothing, hears nothing, while those closest to him, those that have been referred to as the alter egos, proceed about their destructive business . . .

The distinguishing characteristic of our system of government, that distinguishes it from totalitarian systems, is that we do not sacrifice the means for the end, and it is not only the end result that is important, by the process by which we get there. It is the democratic process that guarantees our freedoms to participate in that decision that controls how power is to be exercised. That is what distinguishes this governmental system from those that are not free, and do not provide for their citizens a measure of self government.

William S. Cohen
R-Maine

Well, first, let me say that conspiracies are not born in the sunlight of direct observation. They are hatched in dark recesses, amid whispers and code words and verbal signals, and many times the footprints of guilt must be traced with a searchlight of probability, of common experience.

Secondly, I want to point out that circumstantial evidence is just as valid evidence in the life of the law and that of logic as is direct evidence. In fact, sometimes I think it is much stronger. If you went to sleep at night and there was — the ground was bare outside and you woke up with fresh snow on the ground, then certainly you would conclude as a reasonable person that snow had fallen, if you had not seen it . . .

The most serious and dangerous threats to our society and liberties occurs when those in positions of power undertake to turn neutral instruments of government into a gentleman of convenience and retribution against private citizens who engage in the exercise of their Constitutionally protected freedoms. If we are to have confidence in the concept of even-handed treatment under the law then we simply cannot condone this type of conduct . . .

One of the unfortunate things about this entire process is that there are some who would have you believe that the White House has been under unfair and unmitigated assault by this Congress aided and abetted by the liberal press. I happen to think that some of the gravest, the most melancholy of wounds are those that are self-inflicted. And I say that because I am thinking of the doctrines of executive privilege, national security, valuable and viable doctrines that have been tainted because they have been invoked

Continued from A-7

Charles B. Rangel
D-N.Y.

Wash Star 11/26/74
Some say this is a sad day in America's history. I think it could perhaps be one of our brightest days. It could be really a test of the strength of our Constitution, because what I think it means to most Americans is that when this or any other President violates his sacred oath of office, the people are not left helpless, that they can, through the House of Representatives charge him, and his guilt will finally be decided in the halls of the United States Senate.

What is really sad about this thing is that morality is no longer expected in government. Indeed, it would not have been sensational news that my President, the President of the United States, decided to obey an order of the United States Supreme Court. That should not have been news, because I can't consider that any other citizen of the United States would even have thought about defying such an order from the highest court in the land . . .

We meet the real challenge tonight. We don't hear anything about truth, morality, the protection of our Constitution in any of the presidential conversations, whether they be in the tape or whether they be edited transcripts. But, we hope that our nation's White House will never again have to hear all of the sordid crimes that have been committed by the President and other people, and I would uphold my oath of office again and call for the impeachment of a man who has not.



—Star-News Photographer Walter Oates

REP. ELIZABETH HOLTZMAN: "... it leaves me shaken ..."

Barbara Jordan

D-Tex.

The Constitution charges the President with the task of taking care that the laws be faithfully executed, and yet the President has counseled his aides to commit perjury, willfully disregard the secrecy of grand jury proceedings, conceal surreptitious entry, attempt to compromise a federal judge while publicly displaying his cooperation with the processes of criminal justice.

A President is impeachable if he attempts to subvert the Constitution.

If the impeachment provision in the Constitution of the United States will not reach the offenses charged here, then perhaps that 18th century Constitution should be abandoned to a 20th century paper shredder. Has the President committed offenses and planned and directed and acquiesced in a course of conduct which the Constitution will not tolerate? That is the question. We know that. We know the question. We should now forthwith proceed to answer our deliberations, guide our debate, and guide our decision.

Joseph J. Maraziti

Wash Star R-N.J.

7/26/74 I would like to say that we have accumulated a tremendous amount of information, a vast mass of information. Some of it is relevant. Much of it is not relevant. And I must say that in many areas there is a lack of conclusiveness — a lack of certainty and a lack of the kind of evidence we ought to have if we seek to remove the Chief of State of this government — the kind of evidence we ought to have if we, the House and the Senate, — a total of 535 people, if we are to remove the President of the United States, elected by over 47 million people . . .

I can only say that I do not believe Mr. Dean, and I don't believe the American people will believe Mr. Dean. If I have to choose between Mr. Dean and the President as to who is telling the truth, I have no difficulty in that regard.

Mr. Chairman, let me say that I listened with interest to your opening statement and I concur with that portion of your statement in which you say that we must deal fairly with every man. It is my hope that we adopt that principle expounded by you in our final and most crucial deliberations.

Voices of New South Emerge at Hearing

By R. W. APPLE Jr.

Special to The New York Times

WASHINGTON, July 25—Representative James R. Mann, an imperturbable Democrat from Greenville, S. C., surveyed his colleagues on the House Judiciary Committee.

"We have different backgrounds," he said. "We have different biases, different philosophies. This is a big country, and we represent a cross section of that country."

You could hear those differences all day and into this evening as member after member of the committee stated his view of the impeachment proceedings against President Nixon, speaking in the accents of their regions.

There was Fish of Dutchess County, New York, with the aristocratic intona-

tions of a Franklin Roosevelt or an Averell Harriman; Dennis of Indiana, with the flat twang of the flatlands, talking of the Supreme Court.

Wiggins, Waldie and Danielson of California, speaking in that neutral accent characteristic of their state, the one radio announcers are taught to emulate; Rodino of New Jersey, his speech tinged with the harshness of Newark and Bayonne and Jersey City; Flowers of Alabama, comfy, down-home.

But there was something

of moment lurking beneath the accents, something a bit startling. The Southerners who spoke today were not the Congressional Southerners of yore—not the Claghorns the nation came to know through cartoons and anecdotes and Fred Allen's radio show. Not those florid orators in string ties and ice-cream suits. Not Bilbo or Rivers or McKellar.

Instead, on display today was the new South. In Mr. Mann and Representatives Walter Flowers, Democrat of Alabama, and M. Caldwell Butler, Republican of Virginia, the television audience had a chance to see men relatively moderate in view, unremarkable in dress, low-keyed in manner.

Like the region they represent, they were obviously

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struggling to reconcile new and old values. For all their modernism, their lack of obvious regional foibles, they retained the South's love for language and institutions.

To many in the hearing room, including a number of committee members, Mr. Mann's 15-minute presentation seemed particularly eloquent. Never raising his voice, seldom glancing at his sparse notes, pausing for emphasis at just the right moments, he reminded some of a gifted rural parson.

The American system of government, he said, had been "defended on the battlefields" and in the halls of Congress by men who either "passed into oblivion or into immortality."

"How much," he said, in his quiet, almost courtly evocation of the patriotism the South has cherished, "how much I would have liked to have heard on the transcripts, 'Let's do it because it's good for the country.'"

Similarly Mr. Flowers, speaking about the "terrible

alternatives" of convulsive impeachment or wrongdoing condoned. And Mr. Butler, whose almost headlong manner of presentation seemed to conflict with his long face, receding chin and rather sleepy eyes.

There was a touch of Jefferson in his comment that "the abuse of power is the very essence of tyranny," and that was fitting, for Mr. Butler's home in Roanoke is only 100 miles from Mr. Jefferson's in Charlottesville.

'Watergate Is On Shame'

"For years, we Republicans have campaigned against corruption," the Virginian said. "But Watergate is our shame. We cannot indulge ourselves in the luxury of patronizing or excusing corrupt conduct."

It was not easy for any of the three, Mr. Butler, suggesting that he would vote for impeachment, remarked that "there will be no joy in it for me." And a colleague reported that Mr. Flowers, outwardly so calm, had a new ulcer.

If the Southerners set the rhetorical tone for much of the day, two Californians—

Representatives Charles E. Wiggins, a Republican, and Jerome R. Waldie, a Democrat—seemed in many ways the most dramatic of adversaries.

Mr. Wiggins is the unofficial floor manager of the President's defenders, Mr. Waldie, one of the earliest and most outspoken of Mr. Nixon's adversaries. Mr. Wiggins comes from Southern California (he represents part of the President's old Congressional district), Mr. Waldie from the North. Mr. Wiggins dresses flashily, Mr. Waldie somberly. Mr. Wiggins has wavy white hair, Mr. Waldie dark hair with gray sideburns. And Mr. Wiggins relentlessly argued on narrow evidentiary grounds, while Mr. Waldie insisted on the larger picture.

Mr. Wiggins began by attacking as inconsequential the evidence of Presidential misuse of the Central Intelligence Agency, and then when a colleague yielded additional time to him, derided evidence that Mr. Nixon had misused the Internal Revenue Service.

Noting that the committee

staff had produced 38 books of evidence, Mr. Wiggins looked at John Doar, the committee's special counsel, and commented, "My guess, Mr. Doar, is that you could put all the admissible evidence in one-half of one single book."

Mr. Waldie replied calmly but forcefully, gesturing with a partially clenched right hand. "It is just not true" that evidence is lacking, he said, accusing Mr. Nixon of operating by "the saddest standard of conduct."

'Had It Erased'

"There is a duty to respond," Mr. Waldie contended. "Yet there is not one single instance of the President going to the authorities with evidence of wrongdoing."

Discussing the 18½-minute gap in a key Presidential tape recording, he said that "the inference is inescapable: the President had it erased."

Mr. Wiggins, craning his neck at the opposite end of the room, shook his head at that. Moments later, he got his chance for rebuttal before the television cameras. He

pronounced himself frustrated and said it irritated him that "you just have to sit and take these sweeping allegations, absolutely unsupported by the evidence."

But he had evidently made some points.

A third Californian, Representative Don Edwards, a Democrat, slipped a note to Representative Peter W. Rodino Jr., Democrat of New Jersey, the committee chairman, urging that someone be designated to reply to Mr. Wiggins.

"He's making a first-class attack," said Mr. Edwards. "He's trying to cut the guts out of our case."

The replies were quick in coming, and not from Democrats alone. One of the most spirited came from Representative William S. Cohen, a 33-year-old Republican from Maine, who accused Mr. Wiggins of quoting out of context and asked how his brethren could tolerate "silent and subtle subversion" of laws and the Constitution.

"How in the world," asked Mr. Cohen, "did we ever get from the Federalist papers to the edited transcript?"

ARTICLE I

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES
83D CONGRESS

ROLL CALL

No. Star
1-28-74

DATE 7/27/74

H. _____ S. _____

Present	COMMITTEE	Abs	Exc	Present	Abs	Exc
	MR. DONOHUE	✓				
	MR. BROOKS	✓				
	MR. KASTENMEIER	✓				
	MR. EDWARDS	✓				
	MR. HUNGATE	✓				
	MR. CONYERS	✓				
	MR. EILBERG	✓				
	MR. WALDIE	✓				
	MR. FLOWERS	✓				
	MR. MANN	✓				
	MR. SARBANES	✓				
	MR. SEIBERLING	✓				
	MR. DANIELSON	✓				
	MR. DEINAN	✓				
	MR. RANGEL	✓				
	MS. JORDAN	✓				
	MR. THORNTON	✓				
	MS. HOLTZMAN	✓				
	MR. OWENS	✓				
	MR. MEZVINSKY	✓				
	MR. HUTCHINSON		✓			
	MR. MCCLORY		✓			
	MR. SMITH		✓			
	MR. SANDMAN		✓			
	MR. RAILSBACK	✓				
	MR. WIGGINS		✓			
	MR. DENNIS		✓			
	MR. FISH	✓				
	MR. MAYNE		✓			
	MR. HOGAN	✓				
	MR. BUTLER	✓				
	MR. COHEN	✓				
	MR. LOTT		✓			
	MR. FROELICH	✓				
	MR. MOORHEAD		✓			
	MR. MARAZITI		✓			
	MR. LATTA		✓			
	MR. RODINO, Chairman	✓				
	TOTAL	27	11			

THE COMMITTEE TALLY

A COMMITTEE IMPEACHMENT VOTE BY SIZABLE BIPARTISAN MAJORITY IS INDICATED AS DEBATE GOES ON



The New York Times and Associated Press
Charles E. Wiggins, top left, assailed the evidence. Hamilton Fish Jr., top right, James R. Mann, at left, and William S. Cohen did not reject impeachment.

SOME VOICE FEAR

'Irreparable Damage'
Seen if Charges
Are Preferred

By JAMES M. NAUGHTON

Special to The New York Times

WASHINGTON, July 25—A large, bipartisan majority of the House Judiciary Committee signaled its readiness today to adopt a resolution formally proposing the impeachment of President Nixon.

In the second day of general debate, nearly all of the Democrats and half a dozen of

Excerpts from the committee proceedings, Pages 11-13.

the 17 Republicans on the committee declared sharply or hinted broadly that they would support one or both of the two central proposed articles of impeachment that lay on the committee counsel table.

The draft articles, to be debated in detail tomorrow, then amended and, by next week, voted upon, accused President Nixon of the following:

¶Acting "directly and personally" and through close associates to "delay, impede and obstruct" the investigation of the June 17, 1972, Watergate burglary in violation of a constitutional oath Mr. Nixon twice took to uphold and enforce the nation's laws.

¶Abusing the authority of the Presidency in action as diverse as the "illegal surveillance" of citizens, the attempt to use confidential data of the Internal Revenue Service for political goals and the disregard of Judiciary Committee subpoenas "in contempt of the House of Representatives" and defiance of the Constitution.

Evidence Held Inferential

A bare majority of the committee's Republicans, but too few to block an impeachment recommendation, contended in the nationally televised debate that the evidence was too inferential to be persuasive, and that it would do "irreparable damage" to the nation to prefer charges on which the President might ultimately be stripped of his office.

"I am as shocked as anyone by the misdeeds of Watergate," said Representative David W. Dennis, Republican of Indiana. "But I join in no political lynching where hard proof fails as to this President or any other President."

Representative Carlos J. Moorhead, Republican of California, told the committee and the national TV audience that there was "a big moat you have to jump across to get the President involved, and I cannot jump across that moat."

But as one after another of the 21 Democrats, including Southern conservatives, and seven key Republicans who had withheld comment on the evi-

They Contend Pressing of Case Against President Would Harm Country

Continued From Page 1, Col. 8

dence disclosed their attitudes toward Mr. Nixon's conduct, they made clear that their words would echo within days in a bipartisan vote—by a margin perhaps as large as 28 to 10—to urge the impeachment of the nation's 37th President.

Sadness and Anger

Democracy is "fragile," said Representative Jerome R. Waldie, Democrat of California. "You cannot look at this case without feeling a deep sadness, but a deeper anger, a deeper anger that this country was jeopardized to the extent it has been in the past two years," he said.

"I cannot in good conscience turn away from the evidence of evil that is, to me, so clear and compelling," said Representative Lawrence J. Mogan, Republican of Maryland.

Another Republican, Representative Hamilton Fish Jr. of upstate New York, whose father is a leader of a citizens' group lobbying against impeachment, said that he was "deeply troubled" by the alleged cover-up and abuses of authority.

Momentarily ignoring the eyeglasses slipping down the slope of his nose, he said, "If the evidence is clear, then our constitutional duty is no less clear."

And Representative James R. Mann, a South Carolina Democrat speaking in a courtly style but with biting sarcasm, suggested that he was ready, like earlier statesmen, to end his career in defense of the system and then declared that Mr. Nixon was still withholding the tape recordings that might seal the outcome of impeachment.

"That evidence," he said, was accumulated "in the office of the people of the United States"—his voice stressed the word "people"—"at 1600 Pennsylvania Avenue, at the expense of the taxpayers. I am starving for it. But I will do the best I can with what I have got."

Impeachment has been called, as one committee member noted today, "The grand inquest of the nation." Befitting such a designation, the debate today—as did the beginning of it last night—contained drama, pathos and eloquence.

Representative Wiley Mayne, Republican of Iowa, contending that President Nixon had done nothing more indefensible than his predecessor had asserted that President Johnson had entered public office without financial means and "Left the White House a very wealthy man" but had never been investigated "in the manner that Richard Nixon has been investigated" by a Democratic Congress.

Across the broad dais in the hearing room, Representative Jack Brooks, a Texas Democrat who had been a close friend of Mr. Johnson's, glared at Mr. Mayne.

Cover-Up Is Charged

Earlier, in an extended speech that was extemporaneous, Mr. Waldie's voice vibrated with intensity, and his right hand formed a fist that gyrated above his desk as he said:

"Common sense tells you that a President of the United States does not condone the payment of over \$400,000 to seven people occupying a D.C. jail cell because they have committed a burglary unless he wants something from them. That is not compassion. That is not a charitable institution . . . That was a cover-up to buy their silence and that succeeded in buying their silence."

And Representative M. Caldwell Butler, a Virginia Republican who had refused repeatedly, until today, even to suggest his perception of the evidence, delivered his own indictment of Mr. Nixon.

Expressing gratitude for "many kindnesses and courtesies" extended by the President—not least of them support for Mr. Butler's Congressional candidacy two years ago—Mr. Butler nonetheless said that the "distasteful" proceedings had led him to conclude that "power appears to have corrupted."

"It is a sad chapter in American history," he continued. "But I cannot condone what I have heard. I cannot excuse it. And I cannot and will not stand still for it."

Eventually, as the debate went on into the night, beyond another spurious bomb threat and interruptions for more mundane votes on the House floor, six members of the President's party joined Mr. Butler in either firm commitments or almost ineluctable inclinations to endorse impeachment.

They were Representatives Robert McClory and Tom Railsback of Illinois, William S. Cohen of Maine, Mr. Fish of upstate New York, Mr. Hogan of Maryland and, in a surprise to most of the committee, Harold V. Fraehlich of Wisconsin, who cited a list of elements of the alleged Watergate cover-up over which he was "concerned."

The debate, while long and general in scope, was a prelude to the expected proposal

of a motion tomorrow by Representative Delbert L. Latta, Republican of Ohio, to suspend judgment until it can be determined if Mr. Nixon will supply the committee with taped evidence that the Supreme Court ruled yesterday must be yielded to the Watergate special prosecution.

The motion is expected to lose.

Shape of Deliberations

The opening 15-minute commentaries of each of the 38 committee members gave no more than the broad shape of the deliberations on the specific draft articles of impeachment that the committee will try to complete by early next week.

"You cannot impeach the President on the basis of half a case or many partial cases put together," said Representative Trent Lott, Republican of Mississippi.

Representative John F. Seiberling, Democrat of Ohio, retorted that as a lawyered who had once tried antitrust cases, "I know of corporation executives who have pleaded guilty and gone to jail when the evidence of their complicity in a conspiracy was only a fraction of the evidence we have here."

Representative Charles E. Wiggins, a Republican who represents roughly the same California district in which Mr. Nixon's political career began 28 years ago, made an extended assault on the quality of the evidence—particularly as it pertained to the President's alleged misuse of the Internal Revenue Service and the Central Intelligence Agency.

Staring at John M. Doar, the committee's special counsel and an advocate of impeachment, Mr. Wiggins challenged whether charges against the President could stand up in a Senate trial.

"It must trouble you, I am sure," he said, that out of 38 thick volumes of "material" offered at hearings, "my guess, Mr. Doar, is you can put all of the admissible evidence in half of one book."

"Simple theories, of course, are inadequate," Mr. Wiggins said moments later. "That is not evidence. A supposition, however persuasive, is not evidence. A bare possibility that something might have happened is not evidence."

Mr. Doar remained silent. He listened to the debate, now hunched over the counsel table, now clenching a pencil between his teeth. But later in the day, Mr. Cohen responded to Mr. Wiggins's argument that adverse inferences and circumstantial evidence were not enough.

Fears for System

"Conspiracies are not born in the sunlight of direct observation," Mr. Cohen said. "They are hatched in dark recesses, amid whispers and code words and verbal signals. The footprints of guilt must often be traced with the searchlight of probability."

And, after recounting, as had Mr. Wiggins, various elements of evidence that might support his conclusion, Mr. Cohen drew this Maine mood analogy:

"If you went to sleep with the ground outside here, and woke up with fresh snow on the ground, certainly you would reasonably conclude that snow had fallen during the night even if you did not see it," he said. "So let us not labor under the misapprehension that because some of the evidence available to us is circumstantial it is therefore inadequate."

Mr. Dennis, ascribing to the President "presumptively illegal" motives in ordering the

wiretapping of Government officials and newsmen in 1969 and in the creation of the clandestine "plumbers" intelligence unit at the White House in 1971, contended that impeachment would "tear asunder" the Republican half of the two-party system.

He called impeachment "radical surgery on the tip of the cancer which needs therapy at the roots" and said that it would be better to leave Mr. Nixon in office and concentrate instead on moral and governmental reform.

Mr. Dennis summed up by saying:

"There will be another election in 1976, and we can enter our 200th year better by preserving our rights until that time, and not trying to purge our sins by the persecution of an imperfect President who probably represents us, both in strength and his weakness, all too well."

By contrast, Representative Joshua Eilberg, Democrat of Pennsylvania, said softly that if Mr. Nixon were to "get away with this ridiculous and arrogant argument" that he alone knew which of his White House tapes bore evidence, "the power of impeachment may just as well be cut out of the Constitution."

Similarly, but with an Alabama accent, Representative Walter Flowers, another Democrat, addressed himself to the risk that in not impeaching, the House might "ingrain forever in the very fabric of our Constitution a standard of conduct in our highest office that in the least is deplorable and at worst is impeachable."

Representative Paul S. Sarbanes, a Maryland Democrat, recited instances in which, he contended, the President had deceived the courts, Congress and the public and thus violated the underlying promise of democratic government, a "necessity for standards of honesty and for truth and for integrity."

Tone of Deliberations

On each side of the central issue, arguments were couched in the language of the Constitution. But the tone of the opening deliberations may best have been struck by Mr. Hogan.

Recalling his surprise announcement, two days ago, that he would, as a conservative Republican, vote for articles of impeachment, he said that



The New York Times/George Tames

Barbara Jordan of Texas checking her notes at impeachment session. At rear are Jerome R. Waldie, left, and Don Edwards of California. All are Democrats.

many colleagues and constituents had ascribed his decision to potential political advantage in his reform campaign for Governor of Maryland.

His red-rimmed eyes conveying emotion, Mr. Hogan said that "for anyone to think that this decision could be made on a political basis with so much at stake is something that I personally resent."

Moments later, he described what, in his view, was at stake. Referring to the President's discovery on March 21 of last year that money had been paid to Watergate burglars and that more was being demanded, Mr. Hogan, his voice rising, said:

"The thing that is so appalling to me is that the President, when this whole idea was suggested to him, didn't in righteous indignation rise up and say—'Get out of here. You are in the office of the President of the United States. How can you talk about blackmail and bribery and keeping witnesses silent? This is the Presidency of the United States'—and thrown them out of his office and pick up the phone and call the Department of Justice and tell them there is obstruction of justice going on."

Judging from the White House tapes, Mr. Hogan added, "my President didn't do that."

Butler Plans for 3rd Annual Farm Conference

WASHINGTON - Sixth District Representative M. Caldwell Butler announced today plans for his third annual farm conference to be held at the McCormick Farm near Steeles Tavern on August 5.

The conference will begin at 10 a.m. and will conclude with a free barbecue luncheon beginning at 12 noon. Butler announced that Seventh District Congressman J. Kenneth Robinson will again co-sponsor the event with him. Also included on the panel will be a high level official of the Department of Agriculture and a representative from the House Committee on Agriculture.

Rep. Butler indicated that the conference will emphasize an informal give and take session between the sixth district farmers and agricultural interests present and the panel. An opportunity will also be provided, however.

Representatives of the Soil Conservation Service, Farmers Home Administration, State Department of Agriculture and Commerce, Agricultural Stabilization and Conservation Service, Occupational Safety and Health Administration, and VPI's Agricultural Extension Service and Agriculture Experiment Station will be present to respond to questions. They will also remain afterwards in order to provide personal assistance and answer inquiries.

Cong. Butler noted that although it is not essential, those planning either to speak at the conference or attend the barbecue are urged to call or write any of his offices and advise.

Judiciary Panel Votes

Rep. Robert McClory's motion to delay decision on impeachment 10 days if President Nixon agrees to turn over the 64 tape recordings involved in the Supreme Court decision:

Yes (11)

Mann (D-S.C.)
Hutchinson (R-Mich.)
McClory (R-Ill.)
Smith (R-N.Y.)
Hogan (R-Md.)
Sulter (R-Va.)
Dennis (R-Ind.)
Froehlich (R-Wis.)
Moorehead (R-Calif.)
Maraziti (R-N.J.)
Latta (R-Ohio)

No (27)

Donohue (D-Mass.)
Brooks (D-Tex.)
Kastenmeier (D-Wis.)
Edwards (D-Calif.)
Hungate (D-Mo.)
Conyers (D-Mich.)
Ellberg (D-Pa.)
Waldie (D-Calif.)
Flowers (D-Ala.)
Sarbanes (D-Md.)
Selberling (D-Ohio)
Danielson (D-Calif.)
Drinan (D-Mass.)
Rangel (D-N.Y.)
Jordan (D-Tex.)
Thornton (D-Ark.)
Holtzman (D-N.Y.)
Owens (D-Utah)
Mezvinsky (D-Iowa)
Rodino (D-N.J.)
Sandman (R-N.J.)
Rallsback (R-Ill.)
Wiegins (R-Calif.)
Fish (R-N.Y.)
Mayne (R-Iowa)
Cohan (R-Mass.)
Lott (R-Miss.)



By James K. W. Atherton—The Washington Post
Rep. M. C. Butler (R-Va.) leans over to talk to Rep. James R. Mann (D-S.C.) at impeachment hearing.



MR. WIGGINS

—Star-News Photographer Joseph Silverman

Committee member Charles Wiggins of California defends the President.

Post
7/27/74

type of evidence admissible in a Senate trial.

For opposite reasons, Nixon supporters on the panel wanted the allegations fleshed out.

A bipartisan group of committee members who had played a key role in drafting the obstruction of justice article met throughout the dinner hour last night to review their strategy.

They discussed, at some length, the possibility of spelling out in further detail the specifics of the allegations against Nixon. According to Rep. William S. Cohen, R/Maine, that approach was rejected.

"We decided against making any substantive changes . . . we'll role with it as it reads now."

Only Rep. Harold Froelich, R-Wis., who earlier signaled his willingness to support Article I if the wording problems could be resolved, remained uneasy about the lack of specifics.

"I'm still left with my concern intact and with a hard decision ahead that I don't want to make," Froelich said.

THE ATTACK by some Republicans on the language of the impeachment article apparently caught Democratic supporters of the measure by surprise.

They sought to counter the charges of unfairness to the President by citing a litany of meetings, conversations, actoons and failures to act in an attempt to make an oral case to substantiate the impeachment charge.

Both sides in the debate appeared as interested in making their points with a national television audience as with one another.

During the arguments, several Republican members acknowledge that pro-impeachment forces on the committee had the votes to report the article to the House.

"You've got the votes, of course, but somewhere down the line, you've got to have the facts," said Dennis.

Yesterday's debate was slow in beginning, delayed by last-minute drafting sessions and a proposal to postpone an impeachment vote while one last effort was made to obtain additional White House tape recordings from the president.

Rep. Robert McClory, R-Ill., who has said he will support an article of impeachment dealing with the President's refusal to supply evidence for the impeachment probe, urged that Nixon be allowed 10 days to turn over 64 additional tapes. On Wednesday the President was ordered by the Supreme Court to make those tapes available to Watergate special prosecutor, Leon Jaworski.

McClory said the delay should be granted only if the President gave the committee assurance by noon today that he would provide the tapes, all of which have also been subpoenaed by the impeachment panel.

Even with this condition attached, the postponement suggestion drew little support from the committee. McClory's motion was rejected by 27-11 vote.

proceeding under a very unique proceeding. Impeachment has offered us, except for the case of Andrew Johnson, no guidelines, no precedents. It is a fact, however, that the rules of evidence do not apply as such. The rules that will be the rules that will apply should this impeachment proceeding move on into the House and then to trial in the Senate, will be the rules that the Senate will adopt. We do know as a matter of fact from impeachment proceedings and the research that has been extensive, and I — all I need to do is recall to the members of the House that the House of Representatives has indeed impeached without any articles of impeachment except merely to impeach, and that on a mere motion, a privileged motion of any member of the House, that the House could move to impeach.

So that therefore this discussion and this issue requiring specificity in order to lay the groundwork for articles of impeachment seems to me to be begging of a question which I think has long been settled.

What we do here is to proceed with deliberations concerning the proposition that certain articles of impeachment be recommended by this committee to the House of Representatives. . . . In the report that the committee will then furnish the House of Representatives, that information will be specifically included together with that — counsel for the President as has been properly pointed out by the gentleman from Maine would be provided with all of the information which is contained in the summary of information which details all of the specifics and that prior to trial in the Senate, upon proper request by counsel for the President, should it reach that stage, discovery and other proceedings, that these materials would be then pro-

vided. And I believe that this affords all of the opportunity for fairness in this proceeding to insure that the House of Representatives not act as a trial body under the exacting rules of evidence as we know them because this as a matter of fact, and all of us are aware, I think, who have been long wrestling with this question, that the House of Representatives is indeed not the trial body by the body merely recommending articles of impeachment even if they may be in the broadest sense. . . .

Hutchinson. . . . If I understand the chairman's remarks, it is that perhaps this committee in working on articles of impeachment so-called, that our responsibility is not now actually to perfect any articles but simply to decide whether or not we should recommend impeachment, and that those recommendations could be included in a report, and so on.

However, somewhere down the line the House of Representatives has got to draft some articles of impeachment, which in the opinion of the House will stand the legal test in the Senate and if that is so, I wonder whether or not — whether the House will look to anybody else but this group in the Judiciary Committee to do that very task.

So, Mr. Chairman, it seems to me we have that responsibility and we might as well give our attention to those problems right now.

Chairman. I do not want to take more time except that I must correct the gentleman from Michigan who I am sure would want me to set the record straight, does not want to misunderstand me. I did not state that we should not perfect the articles. What I merely stated was a legal proposition that in impeachment proceedings, there is no requirement in fact that the articles be specifically set out. That is all that I stated.

Washington Star News - July 27, 1974

TEST VOTE, 27-11

Impeachment Charge Upheld

By Walter Taylor
and Martha Angle

Star-News Staff Writers

In what could be a test vote of impeachment sentiment, the House Judiciary Committee late last night rejected, 27 to 11, an effort to delete a portion of a charge against President Nixon.

Six Republicans voted against the effort, part of an apparent strategy by GOP members still loyal to the President to delay a vote on impeachment. When a vote comes on the full charge against the President — an accusation of obstruction of justice in the Watergate probe — it is expected to pass by the same 3-1 margin.

The vote last night came on a motion by Rep. Charles W. Sandman Jr., R-N.J., who sought to strike one of nine allegations — that the President made "false and misleading statements" to Watergate investigators — from a general charge that Nixon interfered with the criminal

investigation of the 1972 break-in at the Democratic National Committee headquarters at the Watergate.

The vote climaxed more than 12 hours of debate, in which the President's defenders on the committee sought to delay a vote on the full charge by arguing that it was too vague.

AT ONE point during the heated debate, Sandman was warned by Chairman Peter W. Rodino Jr., D-N.J., that "parliamentary maneuvers to delay only tell the American people that we are afraid to face the issues."

A VOTE on the obstruction article is expected sometime today, after which the committee is to move on to consideration of a second broad charge — that Nixon abused the powers and authority of his high office. Today's debate will be televised on ABC-TV (Channel 7).

See IMPEACHMENT, A-6

Saturday, July 27, 1974

Post
11:21
7/27

IMPEACHMENT

Continued from A-1

All 21 Democrats and six Republicans on the panel have committed themselves or are seen as leaning toward a vote for impeachment on at least one of the two articles.

Approval of any one article would assure a committee recommendation that Nixon be impeached by the House and brought to trial in the Senate for constitutional "high crimes and misdemeanors."

Continuation of debate on the first article late into the evening yesterday came after a decision by impeachment advocates that there would be no concession to objections from the Sandman-Wiggins group that the impeachment charges were too vague.

Rep. Jack Brooks of Texas, a key Democratic strategist, said, "They can keep talking — but it isn't going to help."

THE PROPOSED obstruction of justice article charges:

"In his conduct on the office of President of the United States, Richard M. Nixon, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has prevented, obstructed and impeded the administration of justice . . ."

Other proposed specific charges are that the President withheld evidence, approved and condoned false grand jury statements, approved payment of "hush money" to Watergate defendants and lied to American people about involvement of the White House and his re-election committee in the scandal.

DURING a full and exhausting day of debate, much of it conducted in dry legal terms, Republicans committed to Nixon on the first impeachment article argued that it was too vague and unsubstantiated by direct evidence.

A lack of specificity, they said, threatened the President's constitutionally guaranteed right to know the nature of the charges against him — and the evidence buttressing those charges.

"Does the President have any less rights . . . than a defendant in a criminal proceeding?" demanded Rep. Charles W. Sandman, Jr., R-N.J.

"It's not constitutional, it's not fair," assert Rep. David W. Dennis, R-Ind. "Just because we're a congressional committee doesn't mean you can tear the constitution apart, which is what you want to do."

"We pay tribute to the Constitution," said Rep. Charles E. Wiggins, R-Calif. who has emerged in recent weeks as a spokesman for anti-impeachment forces on the committee. "Now is the time to put up or shut up."

REP. PAUL Sarbanes, D-Md., selected by Chairman Peter W. Rodino Jr., to manage the impeachment article through yesterday's debate, countered the Republican argument by saying that behind each specification was not one or two isolated events, but a "pattern of conduct" that could not be explained in a simple sentence or two. The evidence of the alleged wrong doing, he said, would fill "volumes."

And other Democrats returned the fire.

"I can give you explanations, but I can't give you understanding," said Rep. William Hungate, D-Mo., who accused the Nixon loyalists of fraudulently raising the constitutional question.

If an elephant were to walk into the committee room, he suggested, some members of the panel would argue that the animal "could be a mouse with a glandular condition."

The Nixon loyalists "know what we are saying," he said.

Rep. Elizabeth Holtzman, D-N.Y., characterized the Republican arguments as a "phony issue."

OTHER committee Democrats noted that the evidence behind the specifications in the impeachment charge would be included in the report that will accompany the article to the House.

Moreover, they noted, Nixon lawyer James D. St. Clair, was present during the panel's secret fact-finding hearings and already was fully familiar with the charges and the evidence against the President.

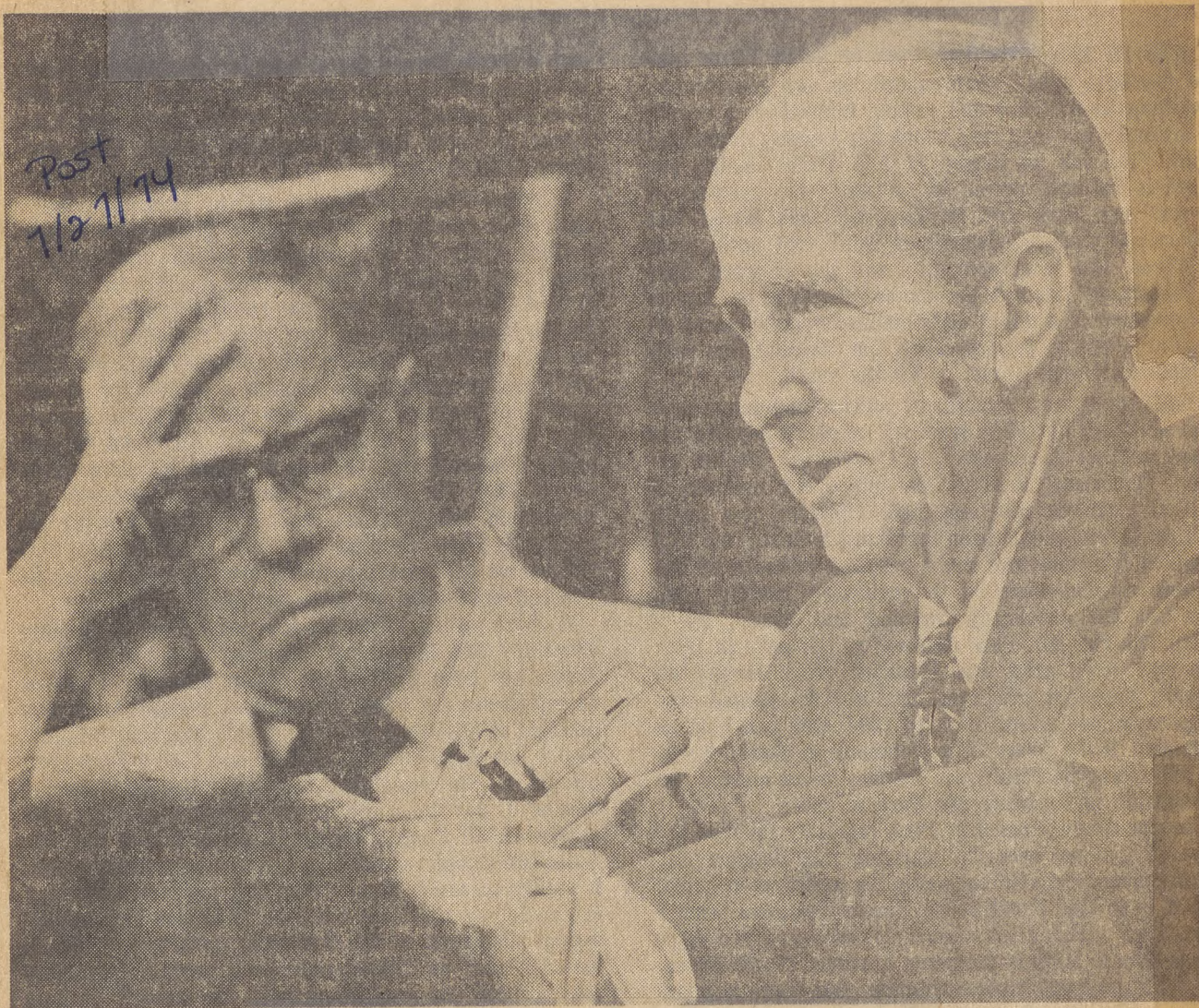
The committee received conflicting advice on the issue from its lawyers.

Special counsel John M. Doar, who has called for Nixon's impeachment, and associate counsel Albert E. Jenner, who was ousted this week as chief Republican counsel for his pro-impeachment views, said the draft article satisfied legal requirements for such a charge.

But Samuel Garrison III, named earlier this week to replace Jenner as GOP counsel, said that historical precedent required that the impeachment charge be more specific.

ALTHOUGH the hours of debate had the sound of a parliamentary wrangle, important defense and prosecution tactics were at the root of the dispute.

Impeachment advocates sought to keep the charges vague and general, fearing that too much specificity could limit the amount and



By James K. W. Atherton—The Washington Post

Rep. Robert McClory (R-Ill.) debates impeachment issue as Rep. Edward Hutchinson listens.

Excerpts From Judiciary Panel's Impeachment Debate



By James K. W. Atherton—The Washington Post

Rep. Harold D. Donohue (D-Mass.) and Chairman Rodino as yesterday's Judiciary Committee session got under way.

Following the defeat of a motion by Rep. Robert McClory (R-Ill.) to delay a vote on impeachment pending an appeal to President Nixon for more tape recordings, reading of proposed articles of impeachment was begun. At this point, Rep. Paul S. Sarbanes (D-Md.) offered a substitute for Article I. Following are excerpts from debate on that substitute:

Hutchinson. . . I want to express my opposition to the substitute as offered. . . I am very critical of the substitute and its drafting in that it does not set forth with specific detail the exact incidents upon which any criminal indictment would have to lay.

It seems to me as though in writing an article of impeachment in this general language, that you leave the defendant or the respondent or whatever it is that we call him, grasping around trying to find out specifically what it is that he is charged with, what he has to answer to.

This is just a lot of generalities. You do not set forth any specific incidents. You do not—you do not—and I think that—I think it is fatal, fatal on that account.

I also raise just by way of illustration here another point and I won't go through it all, but your first two paragraphs here, I am referring to paragraphs numbered 1 and 2, you say, "making false and misleading statements to lawfully authorized investigative officers and employees of the United States." It would seem to me as though you ought to at least allege that those were made to them in the course of an investigation. If they were made in an off-duty status or something of that sort, it would seem to me, in that respect to be fatal, or rather, defective. . . .

Railsback. Mr. Sarbanes, I am wondering if it is your intent in drafting this article to try to limit the allegations to matters that include the President himself either in respect to knowledge that he had or participation that he entered into rather than to in any way try to impute criminal responsibility to him for acts of misconduct on the part of his subordinates that he had no knowledge of. In other words, are we talking about—are these various allegations meant to apply to the President himself and either knowledge that he had or involvement that he had in these various acts that you have enumerated?

Sarbanes. If the acts of his subordinates were in furtherance of his policy, and that is the language set forth in Paragraph 2 of the article, then those acts would be shown under the headings provided for means. Those acts would have been carried out by those subordinates and agents in furtherance of such policy. The policy, of course, is the one outlined in Paragraph 2 of the proposed article.

Railsback. It would have to be, would it not, a policy that—a policy that would be a specific policy of his, not on interference but based on some facts or information?

Sarbanes. Well, the President could establish a policy with respect to this cover-up which his agents were generally implementing.

Railsback. But that would have to be a specific—

Sarbanes. Implementation of that policy by the agents could be brought forth in support of the allegations of this article.

Railsback. But it would have to be a specific policy and nothing that we are inferring from other actions that have taken place, am I correct?

Sarbanes. Well, there would have to be a policy of the President.

Now, you could have a policy that he had established which he wished to have implemented. You could have that policy subsequently implemented by his close subordinates or his agents.

Railsback. Let me—let me perhaps express to you my concerns and I think the concerns of others. Some of us do not believe in the so-called Madison concept by which you hold respon-

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Wiggins. An article of impeachment sible a superior for acts of misconduct committed by subordinates.

This—well, why don't you respond to that, if you can.

Sarbanes. Well, as I understand the wording of this language, it would not reach to the limits of the Madison superintendency theory—

Railsback. All right.

Sarbanes. — because that theory would reach to the point of — could reach to the point, I think at least, of acts of subordinates not only that the President did not have any knowledge of but that were not in implementation of a policy of the President. . . .

is no less a pleading than any other pleading in a similar criminal case, and its function is to give fair notice to the person charged so that he may have an opportunity to defend against that argument. It must not only be legally sufficient, but in the context of a panel such as this, we must be satisfied that the evidence justifies an otherwise legally sufficient argument of impeachment. It is with that in mind that I am going to ask the author of the proposed article a series of questions, and I shall yield, of course, for the purpose of your answer.

The thrust of Article 1 is to charge the President with an obstruction of justice, as I understand it. Is it your intent by your article to charge the President with the substantive crime of obstruction of justice, the substantive crime of obstruction of justice?

Sarbanes. In a criminal sense, no it would not be the intention that the article would be specifically, that the content of this article would be specifically defined in criminal terms, in terms of the criminal offense and in terms of what would be required accordingly in a criminal trial.

Wiggins. All right. I understand.

Sarbanes. An impeachable offense, I do not believe, is coincidental with a criminal offense. I think that is a view generally accepted by the members of this committee, and this article is drawn on that premise.

Wiggins. All right, that being the premise, I think the answer to the next two questions is no. And if you would just answer no rather than explain it, it would preserve my time.

Is it your intent by this article to charge the President with the substantive crime of conspiracy to obstruct justice?

Sarbanes. Again, if you are using that term in a criminal sense, the answer would be no.

Wiggins. Is it your intention —

Sarbanes. But that does not mean that concepts pertaining to conspiracies would not be pertinent in the application of this article.

Wiggins. All right. Is it your intention by this article to charge the President with the substantive offense denounced in Section 1510, that is the interference with properly constituted investigative agencies?

Sarbanes. . . . When the gentleman uses the phrase "substantive offense," of course, impeachable offenses are substantive. Now, if that phrase is meant again as I said earlier, to be coincident with a criminal offense—

Wiggins. That is my question.

Sarbanes. As defined in the criminal code, then this is not meant to be coincidental with a criminal offense, although concepts that may pertain in that area may also pertain here . . .

Wiggins. . . . It appears to be your answer that the article is not premised necessarily upon violation of the criminal law.

Sarbanes. That is correct. It does not preclude such violations, but it is not premised and not limited to them.

Wiggins. . . . Now, the heart of this matter is that the President made it his policy to obstruct justice and to interfere with investigations. Would you please explain to this member of the committee and to the other members, when, and in what respect, and how did the President declare that policy? And I wish the gentleman would be rather specific, since it is the heart of the allegation?

Sarbanes. Well, of course the means by which this policy has been done are the ones that are set out subsequent to the second paragraph.

Wiggins. If the gentleman could confine himself to the question first, when was the policy declared?

Sarbanes. In 1 through 9. Well, the policy relates back to June 17, 1972, and prior thereto, agents of the committee committed illegal entry and it then goes on and says subsequent thereto Richard M. Nixon, using the powers of his high office, made it his policy, and in furtherance of such policy did act directly—

Wiggins. I can read the article, but I think it is rather important to all of us that we know from you, as the author of that article, exactly when this policy was declared, and I hope you will tell us.

Sarbanes. Well, I think there was varying factual matters that a member can draw conclusions in his own mind.

Wiggins. What about yourself as the author of the article?

Sarbanes. As to when that policy was established, and there are different stages in this matter. There is evidence with respect to the policy having been established immediately after the break-in, or virtually immediately after the break-in. There is other evidence that pertains more specifically to the period of March and April of 1973. The wording of this article would encompass that full time period, and I think the language is broad enough to carry with it the —

Wiggins. But your intent is not broad. I would like your intent to be specific, at least in your answer to me. We are talking about a policy of the President of the United States, which is the heart of your allegation, and the answer should not be confused. It ought to be specific.

When was the policy declared, and if I get an answer to that, I would like to know in what manner it was declared. Now, that is not asking too much.

Sarbanes. Well, I want to distinguish two things. One is the scope of the article, which I think encompasses the entire period or any part of it, if a policy was established at any point through that period . . .

Sandman. Is it your understanding of the law that the articles of impeachment must be specific, and in order to meet the due process clause of the Constitution?

Sarbanes. I believe that this article that is presented to you meets the law of impeachment with respect to the problem that you raise.

Sandman. I did not ask that. I asked do you understand the law to say that an article of impeachment must be specific?

Sarbanes. In the same sense that a criminal indictment must be specific?

Do not believe that the standards which govern the specificity of a criminal indictment are applicable to an article of impeachment, if that is the thrust of the gentleman's question.

Sandman. Well, now, do you not believe that under the due process clause of the Constitution that every individual, including the President, is entitled to due notice of what he is charged for? Do you believe that?

Sarbanes. I think this article does provide due notice.

Sandman. You are not answering my question.

Sarbanes. Well, I think I am answering your question.

Sandman. Well, let me ask you this, then. As I see this, you have about twenty different charges here, all on one piece of paper, and not one of them specific. The gentleman from California has asked you for a date, for example, on Charge 1 and 2. No date. You say that he withheld relevant material. When and how?

Is he not entitled to know that? How does he answer such a charge? This is not due process. Due process—

Sarbanes. I would point out to the gentleman from New Jersey that the President's counsel entered this committee room at the very moment that members of this committee entered the room and began to receive the presentation of information, and that he stayed in this room—

Sandman. I do not yield any further.

Sarbanes.—throughout that process.

Sandman. I do not yield any further for those kinds of speeches. I want answers, and this is what I am entitled to. This is a charge against the President of the United States, why he should be tried to be thrown out of office, and that is what it is for. For him to be duly noticed of what you are charging him, in my judgment, he is entitled to know specifically what he did wrong, and how does he gather that from what you say here?

Sarbanes. My response to the gentleman is that the article sets out the means. The President's counsel has been here throughout the proceedings and is aware of the material that was presented to us, and that this article, in comparison—*POST 11/27/74*

Sandman. One last question. One last question, and you can answer.

Do you or do you not believe, and you can say yes or no, that the President is entitled to know in the articles of impeachment specifically, specifically on what day he did that thing which you say he should be removed from office? Is he entitled to know that, and in an article of impeachment, not by virtue of the fact that his counsel was here?

Sarbanes. I do not believe that the article of impeachment is going to contain specific facts which go to support the article. If it were to do that, the article of impeachment would be 18 volumes, or whatever the number of volumes, are pertinent to place into it all of the specific information.

Sandman. I do not think it has to say that at all. But, I think it has to say that on a certain day he did something which is illegal, thus-and-so. You can say that in a simple sentence, but you are not saying that here. And, in fact, there is plenty of law on this point, and it says that these things shall not be general, these things shall not be general. They shall be specific. This has been the case of every impeachment trial tried in the United States, all the way up to the last one in 1936. You do not dispute that, do you?

Sarbanes. I do dispute that. If the gentleman is talking or referring back to criminal indictments, then the thrust of the gentleman's point has some merit, but I do dispute it when he shifts it to the law of impeachment. It is not a correct statement of the law of impeachment.

Sandman. I am talking about the impeachment of Justice Ritter. That was an impeachment.

* * *

Danielson. . . . Apropos of the debate as to specificity as to time, I should like to point out that although this is not a criminal prosecution there is ample precedent in our federal criminal procedural laws to establish that the only point, the only necessity for establishing a date in an indictment, which this is analogous to, is to bring the activity complained of within the period of the statute of limitations. Here since the pleadings would indicate that on June 17, 1972, and prior thereto, but obviously in its context, within the period of time that Richard

Nixon has served as the President of the United States, and, therefore, clearly within the period of limitations for this proceeding, these events did take place, and the policies were established.

The only other requirement in an accusatory pleading, which a bill of impeachment will be, as for specificity on facts, is that the facts be described with sufficient particularity so that the person charged or accused can be aware of the offenses with which he is charged, and thereby enabled to prepare his defense.

Secondly, that acquittal or conviction on that charge of factual information will serve as a bar to any subsequent prosecution.

Now, I respectfully submit that the pleading before us or proposed plead-

ing as submitted by Mr. Sarbanes does clearly establish as to time that this policy was established, on June 17, 1972, and prior thereto, but within the term of office of President Richard N. Nixon, and therefore, as to time, this is sufficiently specific.

Number two, as to the facts, I would respectfully submit that they are alleged with great particularity, and sufficiently enable the President to prepare his defense, and to have an acquittal or a conviction serve as a bar to a subsequent prosecution, thereby avoiding the constitutional ban against double jeopardy.

Lastly, I would like to point out that this document, a bill of particulars, is not an indictment, and criminal law, the precedents do not control. They are valuable as an analogy, but this need not be as specific as an indictment in a criminal case.

Moreover, the added information which counsel for the President may want in the nature of time, and in the nature of dates, places, particulars on facts, can be reached by him in the event this goes to trial in the Senate through his bringing a motion for a bill of particulars, or a motion to make more definite and certain, and it is not an attack upon the validity of this proposed Article of Impeachment. . . .

Sandman. Would the gentleman yield?

Danielson. I will be delighted to yield.

Sandman. Now, you have made a point that this is not necessarily the same as a criminal indictment.

Danielson. That is correct.

Sandman. All right now, even if we were to agree on that point, which I do not altogether, but let us assume we do, does the President have any rights pertaining to due process?

Danielson. No, he does not.

Sandman. As would a common criminal in an indictment?

Danielson. He does not have any less right, and as a matter of fact, in this proceeding he has enjoyed much greater rights.

Sandman. All right, so he is entitled to due process?

Danielson. This is my time, Mr. Sandman. I will point out that the President has been present and participated in these proceedings since the very first hour that we have met.

Sandman. Will the gentleman yield?

Danielson. His counsel has been permitted to introduce evidence and to examine witnesses. He has a complete copy of every document that pends before this committee. Due process has not been merely been observed here, it has been exalted, and I applaud it, but the President and no one else has ever had opportunity to be informed such as have been provided to him in this procedure.

Sandman. Will the gentleman admit that this begins a new chapter, this begins a new charge?

Danielson. I was about, I would say to the gentleman from New Jersey, I was about to yield to my colleague from California, Mr. Edwards.

Edwards. Thank you. I would like to direct a question to Mr. Danielson.

Danielson. I will yield for the question.

Edwards. Thank you. The purpose, of course, is to always be fair in an indictment, and that is why it should be as exact as possible. Do you think that the President and his attorney can understand in great particularity exactly the charges, the specific events that this Bill of Impeachment refers to?

Danielson. Well, at the risk of sounding frivolous, I would state anyone who is in charge of the complicated business of this nation certainly would be able to understand the intendment of this proposed Article of Impeachment. But, if under some happenstance this is not deemed clear to the person accused, he still will have the remedy of asking for a bill of particulars or make a motion for greater detail and specificity of these facts at an appropriate time. Yes, due process is well served, and fairness has been preserved in these proceedings.

At this point the committee recessed for lunch and resumed debate at 3:40 p.m.

Mr. Maraziti. I was amazed to find—to hear the gentleman from Maryland explain why it is not necessary to detail the facts and one argument given is that the counsel for the President was present in the room when these matters were being discussed.

That is not a satisfactory disposition of the matter. It reminds me of counsel for a defendant appearing in a magistrate's court, a presentation made of an hour or two, then the prosecutor of the county—a very general indictment—it is not sufficient for the prosecutor of the county to say I do not have to specify because the counsel for the defendant attended the preliminary examination.

And the President—the knowledge of the counsel is not the knowledge of the President. We do not know whether the counsel for the President that appeared here is going to be associate counsel or one of a number of counsel or whether there will be different counsel.

Now, he makes a point of once the resolution or the articles get to the floor they can be justified, amended, and so on. That may be so. But I think it is necessary, Mr. Chairman, members of this committee, for us to, the members here and now, before we vote for or against a particular article, to know the time and place and names, to know all the events.

Now, I have done some legal research during the noon recess because it was represented that the law that pertains to indictments does not necessarily apply to impeachment proceedings. And I found that from the very beginning, when impeachment proceedings were instituted in 1793, right down to the present time, the last impeachment, of Judge Ritter in 1936, that every respondent charged has been faced with articles of impeachment that alleged specifics, and there is a reason for it. There is a reason for it. So that he who is charged, and this is fundamental to Anglo-Saxon law, that he who is charged must know on what particular charge or points he must defend himself. It is not necessary for him to go over the tremendous amounts of information that we have here and say, well, maybe they will accuse me on this and maybe on that. And it is very simple, Mr. Chairman, because the gentleman from Maryland began to specify certain times, places and events.

Now, if that is it, if that is what the charge is, simply include it in the articles of impeachment . . .

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Sandman. I would like to start with one simple question. It certainly deserves a simple answer. I have just heard a rehash of all of the excerpts from all of the tapes. My question to the gentleman from Maryland, who just presented those, is this a new document that you submitted? Or what was your purpose?

Sarbanes. No. I am recounting back over the transcripts of the tapes, pertinent portions of that conversation.

Sandman. Well, if it is not a new document then we are back to where we started. Why are you resisting the fact that this should be in the articles of impeachment? Is not the Congress entitled to know what they are going to vote on when it gets to them? Should they not know when it happened and how it happened? Should this not be in the articles? . . . A brief answer from the gentleman from Maryland, if he has one.

Sarbanes. I responded to that question this morning when the gentleman said it and—

Sandman. You have not given any answer at all.

Sarbanes. And I said at that time if we were to bring into the articles all the factual material which underpins them we would have to have articles that ran into volumes and volumes.

Sandman. Now, that is not so.

Sarbanes. It is so.

Sandman. And you know it is not so.

Railsback. Will you yield?

Sandman. In a moment I will yield. You know that is not so any more than it is an indictment. You do not need the whole brief in an indictment and I do not want to be confused again by saying this is an indictment. It is not. But the common criminal case has no more rights than the President of the United States in an impeachment case. This is what I have said.

Railsback. Would you yield?

Sandman. No, I won't yield. I am not finished.

Now, the important thing here is why isn't the President entitled to this kind of simple explanation? It can be in a single sentence. We don't have to go through the speech that you made. All you have to say on any one of your articles, a very simple sentence, on such and such a date the President did contrary to the law a simple act. That is all you have to say. Why won't you say it?

Danielson. Will the gentleman yield?

Sandman. I want him to answer.

Sarbanes. Will the gentleman yield?

Sandman. Sure, a simple answer.

Sarbanes. Behind each of those allegations lies an extensive pattern of conduct. That will be spelled out factually and will be—

Sandman. That is—

Sarbanes. If the gentleman will let me finish, I am endeavoring as best I can to respond to his question.

Sandman. All right. Go ahead.

Sarbanes. And that pattern of conduct will be spelled out in the report that accompanies the articles. But there is not one isolated incident that rests behind each of these allegations. There is a course of conduct extending over a period of time involving a great number of—

Sandman. I am not going to yield any further. It is my time you are using up. I am not going to yield any further for that kind of an answer. You are entitled to your proof. No one said that you aren't. You are entitled to as many articles as you can get the Democrats and some Republicans to agree upon. And no one says that you are not entitled to that. But to each of these, my friend, the law from the beginning of this country up to the last impeachment in 1936 says, whether you like it or not, it has to be specific and this is not specific.

Chairman. The Chair would like to address a question to counsel and staff which has had the whole matter before it for a period of time, citing the precedents and the history of impeachment, as to whether or not there is a requirement that there be specificity in the preparation of Articles for Impeachment? I address that to our counsel.

Doar. Mr. Chairman, in my judgment it is not necessary to be totally specific, and I think this Article of Impeachment meets the test of specificity. As the congressman from Maryland said, there will be a report submitted to the Congress with respect to this article, if the committee chooses to

vote on this article, and behind that report will be the summary of information, as well as all of the material that was presented to this committee.

Prior to trial in the Senate, the counsel for the President is entitled to make demands for specificity through perhaps a motion similar to a bill of particulars, and so that all of those details may be spelled out.

But, from the standpoint of this article, my judgment is firmly and with conviction that this meets the tests that have been established under the procedures. . . .

Chairman. I address the same question to Mr. Garrison.

Garrison. Mr. Chairman, I have not frankly spent a great deal of time researching this question. But, I would say that while it may very well not be a requirement of the law, it clearly can be said to be the uniform practice of the past to have a considerable degree of specificity in the articles, and I would cite the members of the committee to a publication of this committee of October of 1973 entitled Impeachment, Selected Materials, and beginning on page 125 and concluding on page 202. Every Article of Impeachment which has been tried in the Senate is set forth, and I would be less than frank, Mr. Chairman, if I did not suggest that a simple reading of those articles would suggest an enormous amount of factual detail. . . .

Chairman. I would like to address the same question to Mr. Jenner. . . .

Jenner. An article of impeachment as of the present day is to be viewed in the light of the progress made in the field of criminal procedure by this Congress and by the progress made under the Enabling Act by the Advisory Committees of the United States Supreme Court adopting the Federal Rules of Criminal Procedure.

And secondly . . . it is no longer necessary to specify either in civil or criminal complaints a range of specificity that accompanied the needs of a past era. And all that is necessary under the cases is that the bill, the complaint, and I respectfully suggest the Articles of Impeachment give but what is called notice, or notice pleading, and that is in itself sufficient.

Under the Federal rules of Criminal Procedure, under the discovery provisions, the President may obtain all of the 38 books, all of the summaries, all of the materials that are before this committee. . . .

Butler. I share the concern raised by the gentleman from New Jersey, Mr. Sandman, and I would like, if I may, to return to our question of Mr. Jenner, if you could answer a few more questions for me. We all really have so much information that it is not sufficient to say to the counsel for the President that he is entitled to all of those 38 books, because we really have so much that we do not have any. I am concerned that the President is entitled to know what facts are going to be deduced against him. So my question is this: based on your view of the precedents, and your experience, is the President entitled to know at some point prior to trial just exactly what facts will be deduced against him? **Post**

Jenner. I think in an impeachment proceeding that he is so entitled.

Butler. Now, how would counsel for the President go about getting that information if it were not spelled out specifically in the Articles of Impeachment? **7127174**

Jenner. In the proceedings that take place prior to trial he is entitled to ask for and receive virtually without subpoena, without process, but by request, under supervision of the Chief Justice, who will perform the function of the presiding judge, the production of all materials in the possession of this Committee bearing upon the issues presented by the Article of Impeachment. Under the present practice, especially in civil cases, but substantially so also in criminal cases, under the criminal rules, and multidistrict panel manual, counsel are required in criminal cases, subject to the Fifth Amendment, of course, and Fifth Amendment rights, to all of the material that bears upon the issues in the case. . . .

Butler. . . . Is the President also entitled to know sufficiently in advance of the trial the facts that may be deduced in order to prepare a defense so it cannot come to him at the last moment?

Jenner. I think he is entitled to that, Congressman Butler. But he is not entitled to it by way of a specific pleading. He is entitled to know, and he will receive under the modern practice, the facts, which I assume you mean evidence, all bearing upon the issue stated in the Bill of Impeachment.

Butler. Whether he gets them sufficiently in advance is depending on whether he asks the question soon enough?

Jenner. Well, that will depend on the President's counsel, of course. But Mr. St. Clair has demonstrated here that he is one of the most able lawyers in America. He is experienced both in the civil and criminal field, and we anticipate, and I think that per adventure, that he will proceed to do so, sir. . . .

Hogan. If I could, if I could further ask counsel, either Mr. Doar, Mr. Jenner, or Mr. Garrison, would it be possible for Mr. St. Clair to not request specificity, and wait until the time of trial in the Senate, and then move to dismiss the impeachment on the grounds that it is not specific?

Jenner. He may do that, Mr. Hogan, at the greatest possible, grave risk of waiting until particular time.

Hogan. Except as a practical matter, he has all of the material already.

Jenner. That is correct, sir. And the chief justice in presiding and ruling upon that motion would have that in mind.

Hogan. But the real thrust of my question is would he prevail in offering that motion for, in effect, a directed verdict?

Jenner. I think not, sir, under the present modern practice.

See TRANSCRIPT, A13, Col 1

TRANSCRIPT, From A12

Rangel. I wonder as we try to talk about specifics so that the President would be in a better position to defend himself whether we really take into consideration that the mandate of this committee is to report to the House of Representatives and it seems to me that if we got bogged down with specifics before the House of Representatives has worked its will, that perhaps we would not give the general recommendation to the House that it rightfully deserves. It is not our constitutional responsibility to impeach the President but merely to report to the House. So that it seems to me that we should not be talking about specifics but give them maximum amount of information to the House of Representatives so that they can deal with the problem constitutionally.

Railsback. Mr. Doar, I wonder if I could direct a question to you. I wonder if in past impeachment cases it has not been the procedure that the Judiciary Committee has recommended and then on some occasions the House of Representatives itself has formally drafted and prepared articles of impeachment which were then submitted to the Senate. In other words, it is my recollection that there may have been cases where the House Judiciary Committee simply made a recommendation that the House itself had the responsibility of drafting and adopting the articles of impeachment based on the recommendation and I wonder if we couldn't do it that way. What is your feeling about that?

Doar. My understanding is that has been the past practice.

Chairman Rodino. Before we proceed, the chair would like to state some propositions.

First of all, we do know that we are

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7-28-74
'YOU DON'T FEEL HAPPY'

A Committee Votes

By Mary McGrory

Star-News Staff Writer

The words that heralded the fatal roll-calls were pedestrian. At 7 p.m., Chairman Peter Rodino said: "The question is on the Sarbanes substitute."

The question was really on Richard Nixon's fitness to continue in office. It was answered in an atmosphere of deepest melancholy.

The silence that fell on the room was broken only by the call of the roll and the click of cameras as photographers huddled over the clerk, snapping the tally as the names were called.

The "ayes" of the Democrats were whispered rather than spoken. Barbara Jordan, the handsome and eloquent black congresswoman from Texas, had her eyes fixed on the table. Rep. Ray Thornton, one of the three southern Democrats on the committee also was looking down.

JAMES MANN of South Carolina, the Democrat, who looks like a founding father and had spoken like one during the debate, sighed his "Aye." He was the architect of the first article of impeachment. He had moved between the Republican reluctants and the Southern Democrats carrying drafts and redrafts of the charges against the President.

Edward Hutchinson of Michigan, the ranking Republican, recorded his "no." resoundingly. It was all he could do for Richard Nixon. He is ailing, he took no part in the fight. He could only register from time to time his disapproval of its existence.

Two weeks ago in a Republican caucus, he asked Tom Railsback of Illinois, in tones of horror, "Do you mean to say you would vote to impeach a Republican president?"

Railsback, who has been equally horrified at the prospect, responded, "I

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would vote to impeach any president who I thought was subverting my government."

IT FELL to Railsback to cast the first Republican vote against the President. Hamilton Fish of New York, M. Caldwell Butler of Virginia, William Cohen of

Maine, predictably, softly gave their verdict.

Only Harold Froehlich of Wisconsin was a surprise. The stillness in the room was rippled with gasps when through tight lips he blurted his "aye."

He had tried to get out of it. During the hurly-burly of the third day's struggle while Nixon's friends were

taunting their opponents for proof, Froehlich had threatened to reconsider his dread resolve. A few minor changes he wanted were made in the article. His escape was cut off.

All 27 of them were taking a leap in the dark. For the Southern Democrats and the Republicans it was an

act of conscience and courage that could bring them honor, but oblivion.

IN THE END, they returned to the mood in which they began, speaking of the Constitution and their pain. As the afternoon wore on, Hutchinson began visiting the Nixon loyalists, moving among them as if in a hospital ward, patting shoulders, pressing arms. They had done their best. But even Charles Sandman, of New Jersey, a gifted heckler, admitted by sundown there was nothing more to be said.

They began their good-byes. William Hungate, the Missouri Democrat who provided comic relief, apologized if his humor had offended anyone, then quoted from the piercing inscription on the Omaha Beach memorial: "They endured all, they suffered all that mankind might know freedom and inherit justice."

Walter Flowers, Democrat of Alabama, said somberly, "There is nothing to gain, politically or otherwise, from what I do here."

He told his friends in Alabama: "I have enough pain for them and me."

REPUBLICAN Hamilton Fish told his friends in New York that he would vote for the article of impeachment with "deep reluctance."

And then they decided to bring out what Cohen had called in the rhetorical phase of the proceedings, "the sword in the temple."

Mann, who had become the leader of that mission to the temple, spoke with his usual gravity as the members dispersed.

"You don't like to be cornered, but when you are, and your conscience is with you, you are comfortable."

"You don't feel exhilarated," he added as he went off to another drafting session. "You don't feel happy."

Judiciary Committee
Approves Article
To Impeach
President Nixon,
27 to 11

Post
11/28/74

1978

6 Republicans Join Democrats to Pass Obstruction Charge

Wash Post

7/28/74

By Richard Lyons and William Chapman

Washington Post Staff Writers

The House Judiciary Committee took the momentous step last night of recommending that the President of the United States be impeached and removed from office.

The first such impeachment recommendation in more than a century, it charges President Nixon with unlawful activities that formed a "course of conduct or plan" to obstruct the investigation of the Watergate break-in and to cover up other unlawful activities.

The vote was 27 to 11, with 6 of the committee's 17 Republicans joining all 21 Democrats in voting to send the article to the House.

At least one other article accusing the President of abuse of power is expected to be approved Monday when the committee resumes.

But approval of a single article is all that is required to send the issue to the House. And approval of a single article by a majority of the House is enough to impeach the President and send the case to trial in the Senate, which could remove Mr. Nixon from office by a two-thirds vote.

The bipartisan support for the article adopted last night makes impeachment by the House seem more than likely. The majority included three conservative Southern Democrats and three conservative Republicans.

In San Clemente, Calif., White House press secretary Ronald L. Ziegler said after the vote that Mr. Nixon remains confident that the House will recognize he has not committed an impeachable offense.

But Senate Democratic Leader Mike Mansfield said he will meet Monday with Minority Leader Hugh Scott to launch formal Senate preparations for an impeachment trial.

"The line of demarcation has been reached," he said.

Most members of the Judiciary Committee cast their votes in low, solemn tones and afterward spoke almost in awe of what they had done.

"It's a grave and sobering decision," said Rep. Paul Sarbanes (D-Md.), who had managed the debate on Article I for the impeachment forces as an author of a substitute article.

"I don't feel very good about it," said Rep. Tom Railsback (R-Ill.), one of the key Republicans who voted against the President.

Some Republican opponents of impeachment were angry. "It's not only a bad day for the presidency, it's a bad day for American justice," said Rep. Delbert Latta (R-Ohio). He complained that the article of impeachment did not contain enough specific allegations.

"We have weakened the hand of the President and the 220 million people he represents," said Rep. Joseph Maraziti (R-N.J.), one of Mr. Nixon's most persistent supporters.

Other anti-impeachment Republicans vowed to fight the impeachment article when it comes to the House floor. "It's only Round One," said Rep. David W. Dennis (R-Ind.). "There'll be a good scramble in the House."

Even those whose impeachment votes were never in doubt voiced no sense of triumph. "I don't want to talk to anybody," Rep. Barbara Jordan (D-Tex.) said. "It's a terrible thing to happen to anybody," said Rep. Charles B. Rangel (D-N.Y.). "I'm not happy," said Chairman Peter W. Rodino (D-N.J.).

Just before the historic vote, Rep. Walter Flowers (D-Ala.) revealed for the first time he had decided to vote

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for impeachment. He said that after weeks of searching the facts and the Constitution "it is clear to me what I must do." He said some of his constituents would feel hurt by his vote against the President, but he assured them that, "I probably have enough pain for both them and me."

Rep. Hamilton Fish (R-N.Y.) also disclosed he would vote for impeachment. He said he reached that point "with deep reluctance," but added, "The evidence is clear."

It took two votes—one to substitute the amended Sarbanes version for the original resolution and then one to approve the impeachment article. The vote ended at 7:05 p.m.

The article specified nine categories of unlawful activities that were allegedly part of the cover-up.

"In all this," the article concluded, "Richard M. Nixon has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States."

"Wherefore Richard M. Nixon, by such conduct, warrants impeachment and trial and removal from office."

During the four days of general debate and amending of the article, the principal witness was the absent President himself. Time after time, committee members picked up transcripts of taped presidential conversations to read back the President's words.

And even more often they would note a gap in the evidence caused by the President's refusal to comply with committee subpoenas that he turn over more tapes.

The articles of impeachment will go to the House headed by a resolution which in its present draft form reads:

"Resolved, that Richard M. Nixon, President of the United States, is impeached for high crimes and misdemeanors, and that the following articles be exhibited to the Senate: . . ."

The impeachment inquiry which began seven months ago was provoked principally by Watergate but other issues covered by a proposed Article II charging abuse of power cause more concern among some members.

Some Republicans are most concerned about allegations that Mr. Nixon misused such sensitive agencies as the Internal Revenue Service and the Central Intelligence Agency for political purposes.

Others are most concerned about Mr. Nixon's defiance of committee subpoenas, which is now included in Article II as a contempt of Congress count, but may be broken out into a separate article. An attempt may be made to offer a fourth article on tax evasion, but it is not expected to be approved.

The obstruction of justice article approved last night accuses Mr. Nixon of making false statements to investigators, withholding relevant evidence, approving or counseling perjury, interfering with the Justice Department's investigation, approving payment of hush money to Watergate defendants, passing on information about the investigation to his aides who were suspects, making false statements to the American people about White House involvement in Watergate and causing defendants to believe they might receive clemency for the silence.

The Democratic majority and a few Republicans spent the afternoon on national television reciting in stance after instance in which they said Mr. Nixon and his former top aides withheld information on the cover-up and tried to interfere with various investigations.

The committee yesterday rejected a half-dozen amendments that would have deleted most of the nine paragraphs in Article I alleging obstruction of justice.

It was a pro forma debate, insisted upon by Rep. Flowers who said the committee had an obligation to build a record describing the specific offenses committed by Mr. Nixon and his aides.

One major amendment was passed. It charged that Mr. Nixon had personally and through aides engaged in a "course of conduct" designed to obstruct investigation of the cover-up. That language replaced a charge, considered more difficult to prove, that Mr. Nixon had formulated a specific "policy" to obstruct justice.

Another amendment added "congressional committees" to the list of organizations whose investigations Mr. Nixon was alleged to have interfered with.

The sharp debate on evidence yesterday was in contrast to the rambling arguments that characterized Friday's committee deliberations.

The Republican minority Friday demanded more specific facts in the charges lodged against Mr. Nixon in Article I. Unprepared, the Democrats and a few Republicans tried to contend the impeachment article didn't need specific citations of evidence to back it up.

But yesterday the Democrats were prepared in depth to give specific reasons Mr. Nixon should be impeached for obstructing justice in the Watergate cover-up. Different members had been assigned the task of defending each numbered paragraph in the charge and obviously were delighted to pour out the evidence before a national television audience.

Rep. Charles Sandman (R-N.J.), the Republican who had sought Friday to strike each paragraph one by one, backed down quickly yesterday, acknowledged he lacked the votes to win, and said the committee should go ahead and vote on the whole article.

But Flowers insisted that the committee had to build a record of evidence and demanded a debate and vote on each of Sandman's amendments.

The first amendment Flowers offered yesterday was to eliminate a paragraph charging that the cover-up plan included "withholding relevant and material evidence or information (on the break-in) from lawfully authorized investigative officers and employees of the United States."

Rep. William Cohen (R-Maine) promptly began rattling off evidence to show that Mr. Nixon and his top aides had withheld such information.

Cohen said that shortly after the June 17, 1972, break-in Mr. Nixon and his aide, John D. Ehrlichman, knew that men from the Committee for the Re-election of the President were involved. "These facts were withheld from the Attorney General and other investigators," he said.

There was also physical evidence in the White House—a memo from H. R. Haldeman, chief of staff, a phone book containing E. Howard Hunt's name, and a copy of a political intelligence plan—that was destroyed or altered, Cohen said.

He also recalled that former Attorney General John N. Mitchell told Mr. Nixon he was sorry he hadn't supervised more closely re-election committee employees who were involved and that Mr. Nixon had noted that information in one of his Dietabelt recollections.

Cohen also said that on March 13, 1973, Mr. Nixon was told that a White House aide, Gordon Strachan, had committed perjury, but he failed to report that information to investigators.

Reps. Dennis and Wiggins led the counter-attack, arguing that Cohen's list of evi-

dence implicates Mr. Nixon's aides but not the President himself in withholding information.

Ehrlichman, Mitchell and Haldeman all had something to cover up, but the President didn't, Dennis said. He said the President didn't know anything about details of the cover-up until told of it on March 21, 1973, by his counsel, John W. Dean III.

Wiggins contended that even the famous March 21, conversation with Dean didn't implicate the President. He argued that, in context, that conversation showed Mr. Nixon anxious to have the policy of withholding, Wiggins said.

But Mr. Nixon had learned on March 13 of Strachan's perjury, countered Rep. John Seiberling (D-Ohio). "Did the President rise up in righteous indignation?" asked Seiberling. "He did nothing."

The move to strike the paragraph on withholding evidence was defeated on an overwhelming voice vote.

The only major substantive change in Article I voted yesterday was designed to make it more palatable in the Senate if Mr. Nixon should be brought to trial there.

Originally the article charged that Mr. Nixon "made it his policy" to obstruct the investigation of Watergate and to protect those responsible.

An amendment introduced by Railsback charged instead that the President engaged "in a course of conduct or plan designed" to impede and obstruct the investigation.

Railsback said he had difficulty believing that Mr. Nixon at any specific time formulated a policy of obstruction, but he said the record shows a "course of conduct" amounting to obstruction.

Dennis observed that Railsback's amendment cited a "plan" of obstruction and asked: "What's the difference between a policy and a plan?"

Railsback acknowledged he also had trouble judging the difference, but said that committee counsel believed that the word "policy" had the connotation of an "orchestrated" effort to obstruct.

"I believe that certain events occurred to which Mr. Nixon didn't respond or responded to in an improper way," Railsback added.

Did Railsback mean Mr. Nixon intentionally acted in such a way as to delay or impede the investigation? Wiggins wanted to know. Railsback said he meant that Mr. Nixon acted knowingly for the purpose of delaying and impeding it.

Rep. Wayne Owens (D-Utah) said he was satisfied that obstruction was a deliberate policy of the President but said that the new language would "make proof in the Senate easier."

Railsback's amendment was approved on a voice vote.

The only other substantive amendment was one by Rep. George E. Danielson (D-Calif.). It accused Mr. Nixon of interfering or trying to interfere with investigations by congressional committees. The original article had said he interfered with investigations by the Justice Department, the FBI, and the Watergate Special Prosecution Force.

Danielson charged that Mr. Nixon tried to interfere with the investigations planned or launched by the House Banking and Currency Committee, the Senate Watergate committee, and the House Judiciary Committee.

Wiggins countered that there never was a Banking and Currency Committee investigation for Mr. Nixon to interfere with. The only evidence he tried to interfere with the Senate Watergate committee, Wiggins said, consisted of his considering withholding witnesses through claims of executive privilege, claims that were finally relinquished.

Danielson claimed Mr. Nixon interfered with the Judiciary Committee by withholding tapes and documents. Wiggins said the President was merely making a "good faith claim" to executive privilege by with-

holding these pieces of evidence.

Danielson's amendment was adopted 24 to 14, with supporters and opponents of impeachment winding up on both sides of the issue.

Two minor amendments offered by Rep. Lawrence Hogan (R-Md.) were approved on voice votes. One changed "illegal" entry to "unlawful" entry. Another related to a charge that the obstruction involved the making of false statements to investigators; Hogan's language added the phrase "or causing to be made."

After a mid-afternoon recess, Flowers agreed to limit debate to 20 minutes on each of his amendments to strike sections. And he passed over some without amendment. His amendments were beaten back by votes of better than 2 to 1. Flowers himself voted "Present," rather than no, to show he wasn't really trying to knock out the numbered charges, but rather to produce specific incidents of improper conduct.

Opposing an amendment to strike a section stating that the President condoned or counseled perjury, Rep. M. Caldwell Butler (R-Va.) read rapidly from the transcript of Dean's March 21, 1973, meeting with the President.

Butler noted that Dean told the President that Jeb Stuart Magruder and Herbert Porter, at the re-election committee, had commit-



Associated Press

House Judiciary Chairman Peter W. Rodino Jr. confers with Rep. Robert McClory.

ted perjury before the Watergate grand jury and that the President expressed no opposition to it. He also read from a March 27 transcript where the President's top aide, Haldeman, asked Mr. Nixon whether Dean "should stay with the old lie" and the President replied, "What would you advise him to do?"

Wiggins defending the President, said Mr. Nixon had learned of Magruder's and Porter's perjury after the fact and so had not "counseled" it. The section also contained the words "approving, condoning, acquiescing in..." Wiggins said "two reasonable possibilities" must be resolved in favor of the President.

Flower's pro forma effort to strike a section charging the President with attempting to interfere with the Justice Department and FBI Watergate investigation was strongly opposed by Hogan,

a former FBI agent.

Hogan recited events starting June 23, 1973, when the President directed Haldeman and Ehrlichman to meet with top CIA officials and instruct them to relay to the FBI White House concern that the FBI Watergate investigation in Mexico might expose CIA activities there. The CIA reported back that there was no jeopardy to the CIA.

But the President's counsel, Dean, persisted in trying to keep the FBI out of Mexico, Hogan said. The reason, he said, was that man investigation would have traced money found on the Watergate burglars through a laundering process in Mexico and back to the re-election committee. After this, acting FBI Director Patrick Gray told Mr. Nixon his aides were trying to "mortally wound" him, but the President didn't even ask what he meant, Hogan said.

Wiggins responded that the President naturally had concern about possible CIA involvement in the Watergate break-in because of the CIA background of several of the burglars.

Wiggins said the President's concern was that covert CIA operations not be exposed, not that the trail of the money be covered.

And when Mr. Nixon talked with Gray, said Wiggins, he properly responded that Gray should "continue your investigation."

The President's critics try unreasonably to make something of a "perceptible pause" before Mr. Nixon replied to Gray's "mortally wound" remark, said Wiggins.

House Majority Leader Thomas P. O'Neill (D-Mass.) has repeatedly predicted that if the committee recommended impeachment, the House would vote to impeach the President by a margin of 50 votes or more.

Democrats on the Judiciary Committee are more liberal than House Democrats as a whole, and committee Republicans are more conservative than the House Republicans generally.

But Southern Democrats on the committee—James R. Mann of South Carolina, Flowers of Alabama and Thornton of Arkansas—are highly respected by their colleagues and should help make

a vote for impeachment respectable among their Southern colleagues except for a relatively small group of about 25 conservatives who appear to have adopted an attitude of "never."

Similarly, committee Republicans like conservative Hogan, respected Southerner Butler, and Mid-western moderate Railsback, should be persuasive with various groups of Republicans in the House.

After the Judiciary Committee completes its work, it must write a report explaining to the House in detail why it has recommended impeachment. The committee will then go to the House Rules Committee a week later to get a resolution fixing ground rules for debate on the floor.

The House is expected to debate the articles about two weeks under the rule, permitting amendments as the committee procedure did, and vote about Aug. 24.

If the case goes to the Senate, the trial is expected to last about two months, preceded by a delay to permit the President's lawyers to prepare his defense.

Judiciary Roll Calls

Rep. George E. Danielson's amendment to add the phrase "and congressional committees" to the clause on interference with investigations of Article I:

YES (24)	NO (14)
Donohue (D-Mass.)	Flowers (D-Ala.)
Brooks (D-Tex.)	Hutchinson (R-Mich.)
Kastenmeier (D-Wis.)	Sandman (R-N.J.)
Edwards (D-Calif.)	Railsback (R-Ill.)
Hungate (D-Mo.)	Fish (R-N.Y.)
Conyers (D-Mich.)	Mayne (R-Iowa)
Eilberg (D-Pa.)	Hogan (R-Md.)
Waldie (D-Calif.)	Butler (R-Va.)
Mann (D-S.C.)	Cohen (R-Maine)
Sarbanes (D-Md.)	Lott (R-Miss.)
Seiberling (D-Ohio)	Froehlich (R-Wis.)
Danielson (D-Calif.)	Moorhead (R-Calif.)
	Maraziti (R-N.J.)
	Latta (R-Ohio)

Rep. Walter Flowers' motion to strike the third enumerated paragraph of Rep. Paul S. Sarbanes' substitute Article I of the impeachment resolution:

YES (12)	NO (25)
Hutchinson (R)	Donohue (D)
McClory (R)	Brooks (D)
Smith (R)	Kastenmeier (D)
Sandman (R)	Edwards (D)
Wiggins (R)	Hungate (D)
Dennis (R)	Conyers (D)
Mayne (R)	Eilberg (D)
Lott (R)	Waldie (D)
Froehlich (R)	Mann (D)
Moorhead (R)	Sarbanes (D)
Maraziti (R)	Seiberling (D)
Latta (R)	Danielson (D)
	Drinan (D)
	Flowers (D) voted present.

(A Flowers motion to strike the eighth enumerated paragraph was defeated by the same vote.)

Rep. Walter Flowers' motion to strike the fourth enumerated paragraph of Rep. Paul S. Sarbanes' substitute Article I of the impeachment resolution:

YES (11)	NO (26)
Hutchinson (R)	Donohue (D)
Smith (R)	Brooks (D)
Sandman (R)	Kastenmeier (D)
Wiggins (R)	Edwards (D)
Dennis (R)	Hungate (D)
Mayne (R)	Conyers (D)
Lott (R)	Eilberg (D)
Froehlich (R)	Waldie (D)
Moorhead (R)	Mann (D)
Maraziti (R)	Sarbanes (D)
Latta (R)	Seiberling (D)
	Danielson (D)
	Drinan (D)
	Flowers (D) voted present.

(A Flowers motion to strike the seventh enumerated paragraph was defeated by the same vote.)

Rep. Walter Flowers' motion to strike the ninth enumerated paragraph of Rep. Paul S. Sarbanes' substitute Article I of the impeachment resolution:

YES (15)	NO (23)
Flowers (D)	Donohue (D)
Hutchinson (R)	Kastenmeier (D)
McClory (R)	Edwards (D)
Smith (R)	Hungate (D)
Sandman (R)	Conyers (D)
Railsback (R)	Eilberg (D)
Wiggins (R)	Waldie (D)
Dennis (R)	Mann (D)
Fish (R)	Sarbanes (D)
Mayne (R)	Seiberling (D)
Lott (R)	Danielson (D)
Froehlich (R)	Drinan (D)
Moorhead (R)	
Maraziti (R)	
Latta (R)	

The vote on Paul S. Sarbanes' substitute Article I of the impeachment resolution:

YES (27)	NO (11)
Donohue (D-Mass.)	Hutchinson (R-Mich.)
Brooks (D-Tex.)	McClory (R-Ill.)
Kastenmeier (D-Wis.)	Smith (R-N.Y.)
Edwards (D-Calif.)	Sandman (R-N.J.)
Hungate (D-Mo.)	Wiggins (R-Calif.)
Conyers (D-Mich.)	Dennis (R-Ind.)
Eilberg (D-Pa.)	Mayne (R-Iowa)
Waldie (D-Calif.)	Lott (R-Miss.)
Flowers (D-Ala.)	Moorhead (R-Calif.)
Mann (D-S.C.)	Maraziti (R-N.J.)
Sarbanes (D-Md.)	Latta (R-Ohio)
Seiberling (D-Ohio)	
Danielson (D-Calif.)	
Drinan (D-Mass.)	

Article I of the impeachment resolution was adopted by the same vote.

Panel Votes to Impeach, 27-11

Washington Star-News
7-28-74



—Associated Press

Rep. Charles Sandman Jr., R-N.J., fights hard for the Nixon view.

By Walter Taylor
and Martha Angle

Star-News Staff Writers

The House Judiciary Committee voted 27-11 last night to ask the House to impeach President Nixon on a charge of obstruction of justice in the Watergate case.

In a bipartisan vote, the committee recommended that the 37th President be the first in history to be impeached, tried by the Senate and removed from office.

Six Republicans joined the 21 Democrats on the

committee in adopting one article of impeachment containing nine specific allegations of wrongdoing by Nixon.

THE COMMITTEE will resume its deliberations tomorrow and may adopt one or more additional articles before completing its historic action on a Resolution of Impeachment, expected to go to the full House within two weeks.

Committee support for the article cut into both Republican and Southern conservative support

Nixon has had in the House, increasing the chance the full House will back the committee.

But in California, the White House publicly reacted blandly to the vote. In a one-paragraph written statement attributed to Press Secretary Ronald L. Ziegler, now one of Nixon's closest confidants, the White House said:

"The President remains confident that the full House will recognize that there simply is not the evidence to support this or any other article of impeachment and will not vote to impeach. He is

confident because he knows he has committed no impeachable offense."

SEVEN MONTHS of investigation and three days of nationally televised debate ended in agonizing personal decisions by each member of the committee on the momentous impeachment question.

The toughness of the decision was summed up by Rep. Walter Flowers, a conservative Demo-

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crat from Alabama who voted for impeachment but noted many of his constituents would not agree with his vote.

Saying some of his constituents would complain his decision hurt them deeply, Flowers added, "I have enough pain for them and me."

THE HISTORIC impeachment vote was officially announced at 7:05 p.m. by Chairman Peter W. Rodino Jr., D-N.J., who spoke swiftly and formally. He said:

"Pursuant to the resolution, Article One of that resolution is adopted and reported to the House."

The committee action assures that its recommendation that Nixon be impeached and brought to trial in the Senate will go to the House floor.

THE IMPACT of the committee vote could be measured, in part, by a subsequent announcement by Senate Majority Leader Mike Mansfield of Montana, who said he would meet tomorrow with Minority Leader Hugh Scott to launch formal Senate preparations for an impeachment trial of Nixon.

"The line of demarcation has been reached," Mansfield said, although a majority of the House still must be mustered before the Senate would get the case for trial.

Not since 1868, when the House Committee on Reconstruction approved an impeachment bill against Andrew Johnson, has such a charge been brought against an American president. The Senate failed by one vote to convict Johnson.

When the Judiciary Committee resumes its deliberations tomorrow at 10:30 a.m., it will take up another article against Nixon, alleging that he abused his powers. At least one additional impeachment article also is likely to be offered.

AFTER THE VOTE yesterday, Rodino, his face etched by lines of fatigue, said, "I don't feel happy."

Rodino said there now is an "effort under consideration" to draft a third article charging Nixon with contempt of Congress for his defiance of subpoenas issued by the committee for White House tapes and other evidence sought in its investigation.

The contempt allegation was lumped into the abuse of power article proposed Wednesday by Rep. Harold Donohue, D-Mass. But it now may be split off and made into a separate charge.

AND AS THE committee concluded its work last night, Rep. Edward Mezvinsky, D-Iowa, submitted to Rodino a proposed article charging Nixon with failing to live up to his constitutional duties in connection with his taxes and personal finances.

The draft article alleged the President "did receive emoluments from the United States in excess of the compensation provided by law" in the form of government expenditures for his homes in San Clemente and Key Biscayne.

The article further charged the President "failed to report certain income and claimed deductions in the years 1969, 1970, 1971 and 1972 on his federal income tax returns which were not authorized by law."

The article approved last night alleges:

"In his conduct of the office of President of the United States, Richard M. Nixon, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has prevented, obstructed and impeded the administration of justice . . ."

The roll call vote took just two minutes, as committee lawyer Garner James Cline called off the names of each of the committee's 38 members and they in turn responded "aye" or "nay" on the impeachment count.

Republicans voting against the impeachment article were:

Edward Hutchinson of Michigan, Robert McClory of Illinois, Henry P. Smith III of New York, Charles E. Wiggins of California, David W. Dennis of Indiana, Wiley Mayne of Iowa, Trent Lott of Mississippi, Carlos J. Moorhead of California, Joseph Maraziti of New Jersey, Delbert L. Latta of Ohio, and Charles W. Sandman of New Jersey.

IN RESPONSE to the concern of Rep. Tom Railsback, R-Ill., and some conservative Democrats, the language of the article was refined earlier yesterday to delete a section that charged Nixon "made it his policy" to obstruct justice in the Watergate case.

By voice vote, the panel adopted substitute language proposed by Railsback that alleges that the President engaged "in a course of conduct or plan" to impede the investigation.

Impeachment advocates said they felt the new language strengthened chances for winning House approval of the article and, further down the road, for proving the charge in a Senate trial.

SOME REPUBLICANS who oppose the impeachment article argued during debate on Friday that there was no evidence to prove that a "policy," which they said would have needed a specific initiation and ending point, ever was in effect.

One of the President's most outspoken defenders, Rep. Charles E. Wiggins, R-Calif., said he believed the new wording "improves the article from a legal viewpoint," but, disagreeing with impeachment advocates, argued that it makes it "much more difficult to prove the case."

The adopted article, drafted by a bipartisan coalition of impeachment advocates, specifically alleges that following the June 17, 1972, break-in at Watergate headquarters of the Democratic National Committee, Nixon, "using the powers of his high office, engaged, personally and through his subordinates and agents, in a course of conduct or plan designed to delay, impede and obstruct the investigation of such unlawful entry; to cover-up, conceal and protect those responsible; and to conceal the existence and scope of other unlawful covert activities."

The nine specifications in the article accuse the President of making or causing to be made "false or misleading statements" to Watergate investigators; "approving, condoning and acquiescing in" the payment of "hush money" to Watergate defendants; offering "favored treatment and consideration" to criminal defendants "in return for their silence or false testimony," and "making false or misleading public statements for the purpose of deceiving the people of the United States..."

"In all of this," the article charges, "Richard M. Nixon has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States."

Although conceding that they lacked the votes to prevent impeachment recommendations, Republicans still loyal to the President argued until the time for the final vote that none of the evidence before the panel tied Nixon to impeachable wrongdoing.

"The more you analyze it, the more you understand how weak this case is on the facts," Dennis, a leader of the defense effort argued.

The six Republicans voting in favor of the impeachment article were Reps. Tom Railsback of Illinois, Hamilton Fish Jr. of New York, Lawrence J. Hogan of Maryland, William S. Cohen of Maine, Harold V. Froehlich of Wisconsin and M. Caldwell Butler of Virginia.

ONLY THE VOTE of Froehlich among the Republicans came as a surprise. The others had indicated that they were leaning toward an impeachment vote on the obstruction count.

As a prelude to last night's vote, committee members favoring impeachment employed a parliamentary tactic to place on the record — and before millions of Americans watching television — evidence they said supported each of nine specific allegations contained in the obstruction article.

Flowers moved to strike from the article each of the specific charges, allowing the pro-impeachment members to read portions of taped transcript, White House memoranda and other documentary evidence in support of the allegations.

Each of the motions was voted down with Flowers voting "present" so as not to have to vote "nay" to his own motion or, with an "aye", being put on the side of those seeking to kill the charges.

AS DEBATE on the first article resumed at mid-day yesterday, both the pace and the focus of discussion sharpened significantly.

Rodino began by imposing a one-hour limit on debate on each amendment or

motion offered by committee members.

Then Sandman, who Friday signaled his intent to challenge each and every section of the article, agreed to abandon such efforts to save time.

"There's no way the outcome of this vote is going to be changed by debate," he said.

BUT REP. FLOWERS, a Southern conservative who favored impeachment but who said he wanted the specific allegations against

the President spelled out more clearly in debate, took over the Sandman role and made motions to strike paragraphs from the article.

"I do this not for dilatory reasons, but to illicit from members of the panel and staff the specifics of such charges, evidence and proof that we have that would come under each paragraph of this article," Flowers said.

Debate then began on the second of nine specific allegations contained in the article — that the President withheld "relevant and material information from lawfully authorized investigative officers and employees of the United States."

Reps. William S. Cohen, R-Maine; George Danielson, D-Calif.; Joshua Eilberg, D-Pa.; and John Seiberling, D-Ohio, took on the assignment of reciting in chronological order the "factual evidentiary material" which they said would apply to each subsection of the impeachment article.

Countering for the defense of the President were Wiggins and Dennis.

COHEN BEGAN reciting the events that he said showed the President's direct knowledge of Watergate details:

ROLL CALL VOTE

Following is the 27-to-11 roll call vote by which the House Judiciary Committee adopted an article recommending impeachment of President Nixon on grounds of obstructing justice.

Democrats for: Donohue, Mass.; Brooks, Texas; Kastenmeier, Wis.; Edwards, Calif.; Hungate, Mo.; Conyers, Mich.; Eilberg, Pa.; Waldie, Calif.; Flowers, Ala.; Mann, S.C.; Sarbanes, Md.; Seiberling, Ohio; Danielson, Calif.; Drinan, Mass.; Rangel, N.Y.; Jordan, Tex.; Thornton, Ark.; Holtzman, N.Y.; Owens, Utah; Mezvinsky, Iowa; Rodino, N.J.

Republicans for: Railsback, Ill.; Fish, N.Y.; Hogan, Md.; Butler, Va.; Cohen, Maine; Froehlich, Wis.

Democrats against: None.

Republicans against: Hutchinson, Mich.; McClory, Ill.; Smith, N.Y.; Sandman, N.J.; Wiggins, Calif.; Dennis, Ind.; Mayne, Iowa; Lott, Miss.; Moorhead, Calif.; Maraziti, N.J.; Latta, Ohio.

By June 19, 1972 — two days after the break-in — John N. Mitchell and Frederick LaRue, the top men in Nixon's campaign committee, and other administration aides knew that the Watergate burglary was in operation planned and directed by G. Gordon Liddy and E. Howard Hunt.

By June 20, 1972, White House efforts were underway to obfuscate the ties between Hunt and Liddy and the White House.

On June 28, 1972, John Ehrlichman and John W. Dean delivered the contents of Hunt's White House safe to acting FBI Director L. Patrick Gray III, along with the advice that the materials never should "see the light of day."

LATER, EILBERG, Danielson and Seiberling picked up the now-familiar litany: On March 13, 1973 Dean told the President that White House aide Gordon Strachan had lied to a Watergate grand jury.

On March 21, 1973, the President was told by Dean that alleged "hush money" payments had been made to the original Watergate defendants and that other administration aides had lied before the grand jury.

Wiggins and Dennis, meanwhile, argued that few of the occurrences cited by the Democrats directly involved the President. The thrust of their defense was that Nixon himself had been the victim of a cover-up perpetrated by most trusted aides.

Ehrlichman had to cover up the unlawful operations of the White House "Plumbers" unit, Dennis asserted. Mitchell, he said, knew about the Liddy plan to bug and burglarize the Democratic National Committee. H.R. Haldeman, the President's most trusted adviser, had seen political matters memos which showed that the campaign committee was embarking on illegal activities, he added.

"The more you analyze it," Dennis concluded, "the more you understand how this case is on the facts."

After less than two hours of such debate, Sandman and some of the other members of the committee had lost patience with the dry recitation of facts that have been before the committee for months.

Rowland Evans and Robert Novak

House Judiciary: The Return to Partisanship

The House Judiciary Committee's descent Friday into bitter partisan infighting after two days of stately debate publicly revealed what a small bipartisan bloc of moderates was up against behind closed doors for months of the impeachment inquiry.

On their good behavior for their first nationally televised exposure, noisily partisan committee members reverted to form when the inquiry got down to the specifics of the articles of impeachment: hardcore Republicans trumpeting their bitter-end defense of President Nixon and fire-eating Democrats delivering jeremiads against him—both sides drowning out the moderates.

Thus those moderates—who long ago decided, regretfully in many cases, that Mr. Nixon must be impeached—still had to cut through intense partisanship on both sides to achieve a bipartisan majority that would be supported in the House, the Senate and the nations.

What has made their task so difficult all year has been the polarized condition of the Judiciary Committee. Its Democrats are to the left of House Democrats generally; its Republicans are well to the right of the House Republican mainstream.

The hardcore of Nixon Republicans on the committee have been particularly bellicose under the prodding of Rep. Delbert Latta of Ohio, who went on the committee this year for the purpose of defending the President and is to leave once the impeach-

"Table-pounding and high decibel polemics . . . gave the public a taste of what closed-door sessions have been like."

ment inquiry is completed. Republicans departing from the party line in closed sessions have been subjected to grimaces, groans and sneers from Latta. Such pressure has been so intense that some moderates long ago stopped attending caucuses of Judiciary Committee Republicans.

Nor have the Democrats been free from partisanship. Since the beginning, Chairman Peter Rodino consistently has resisted, then reluctantly gone along with moderate demands for bipartisan procedures. But Democratic fire-eaters have persisted in leaking confidential material to the press and seeking to expand the case against Mr. Nixon to such dubious areas as the bombing of Cambodia and impoundment of funds.

Serious efforts to draft articles of impeachment avoiding extreme partisanship and attracting a large bipartisan majority began secretly and informally two weeks ago among three moderates: Democratic Rep. Walter Flowers of Alabama and Republican Reps. Thomas Railsback of Illinois and William Cohen of Maine.

Four more moderate members—Democrats James Mann of South Carolina and Ray Thornton of Arkansas and Republicans Hamilton Fish Jr. of New York and M. Caldwell Butler of Virginia—were invited to a meeting in Railsback's office last Tuesday morning. The seven moderates found themselves in substantial agreement on two articles of impeachment, charging Mr. Nixon with obstruction of justice and abuse of power.

Their private meetings were joined by conservative Republican Rep. Lawrence Hogan of Maryland after his stunning announcement for impeachment Tuesday afternoon. Hogan, uncomfortable on his new impeachment limb, began pushing hard for articles that would attract other conservatives—particularly freshman Rep. Harold Froehlich of Wisconsin.

Momentarily, the partisans—particularly hardcore Nixon Republicans—seemed in retreat. As the Judiciary Committee convened Friday morning, one pro-impeachment Republican told us: "For the first time, I don't feel pressure on me."

It was a premature feeling of relief. Indeed, Hogan had tasted the wrath of hardcore colleagues Tuesday on the House floor when Arizona's Rep. Sam Steiger gave him a raspberry cheer and Indiana's Rep. Roger Zion raised \$1,600 in contributions for Hogan's opponent in Maryland's Republican primary for governor. More importantly, relatively restrained conduct by Latta and other hardcore Republicans during the televised general debate Wednesday and Thursday did not survive Friday's session.

Table-pounding, high-decibel polemics by Latta, Indiana's David Dennis and New Jersey's Charles Sandman gave the public a taste of what closed-door sessions have been like these many months. The inappropriate response came from fire-eating Democrats Jerome Waldie of California and Robert Drinan of Massachusetts, reciting theories of Mr. Nixon's Watergate involvement that few members of the committee's pro-impeachment majority could accept.

Television viewers might have been shocked when Latta gratuitously raised the extraneous matter of a bar association committee headed by committee impeachment counsel Albert Jenner recommending repeal of anti-prostitution laws. But not his colleagues. "That's par for the course for Delbert," one Republican member told us. Thanks to Latta and his allies the impeachment road promises to be a long and bitter one.

Mr. Nixon: Shifting His Strategy

Washington Post 7-31-74



United Press International

Belatedly aware that their hard-line defense has failed to impede certain impeachment by the House, President Nixon's strategists are moving toward an eleventh-hour tactical shift: a soft-line undermining of the impeachment case's factual foundation for use in the Senate trial.

With pessimism saturating the White House, the enormity of Oval Office miscalculation is sinking in. The Nixon White House, as so often before, completely misread political footprints other politicians understood for months. Mr. Nixon's most trusted supporters in the House have informed him he is irrevocably dead there, an assessment concurred in by presidential assistants.

Thus, the trauma of the nationally televised proceedings has resulted in two White House reassessments: first, Mr. Nixon's strength among House Republicans and Southern Democrats has suddenly evaporated; second, the President's strident counterattack strategy has been exposed as counterproductive.

That means tentative White House strategy at least in the immediate future will be relatively nonflamboyant. By contending the factual case against him is vague, Nixon strategists hope to keep the anti-Nixon margin in the House as low as possible and build a case for the Senate. But there is no longer certainty Mr. Nixon can pick up the one-third plus one votes needed in the Senate.

Such a somber view of Mr. Nixon's prospects resulted from televised proceedings smashing the dream world at the White House. Although an impeachment vote by the House Judiciary Committee has long been expected, the Nixon camp was stunned by its size, the identity of some pro-impeachment Republicans and, particularly, the overwhelmingly favorable impression of the proceedings given the nation over television.

Specifically, the vote for impeachment by Rep. Walter Flowers, an Alabama conservative Democrat, crumpled Nixonite hopes of a steadfast Dixie bloc. "He hurt us bad," admits Rep. G. V. (Sonny) Montgomery of Mississippi, the President's most vocal Southern Democratic supporter. Instead of 40 Southern Democrats supporting him, the President may have only half that number.

The Republican situation is worse. House Minority Leader John Rhodes of Arizona almost surely will vote against impeachment. However, a rising House Republican leader—Rep. Barber Conable of New York, chairman of the GOP policy committee—could start a Republican stampede toward impeachment.

Conable has been shaken by charges that President Nixon tried to subvert the Internal Revenue Service. While believing his upstate Republican constituency opposes impeachment, he is determined to vote strictly on the basis of evidence. If so loyal a Nixon administration supporter as Conable defects, well in excess of 50 Republicans could follow.

This grim prognosis suggests to some presidential aides that fighting impeachment by counterattacking has proved calamitous. Press Secretary Ronald Ziegler's rushing from the President's office to damn the Judiciary Committee as a "Kangaroo Court"

was deeply resented by White House colleagues. "We have to keep that (expletive) bigmouth Ziegler shut up," one senior aide told us.

Moreover, some presidential assistants belatedly feel Mr. Nixon's defense should not follow the partisan emotionalism of New Jersey's Rep. Charles Sandman. Their model is the legalistic, reasoned defense by Rep. Charles Wiggins of California.

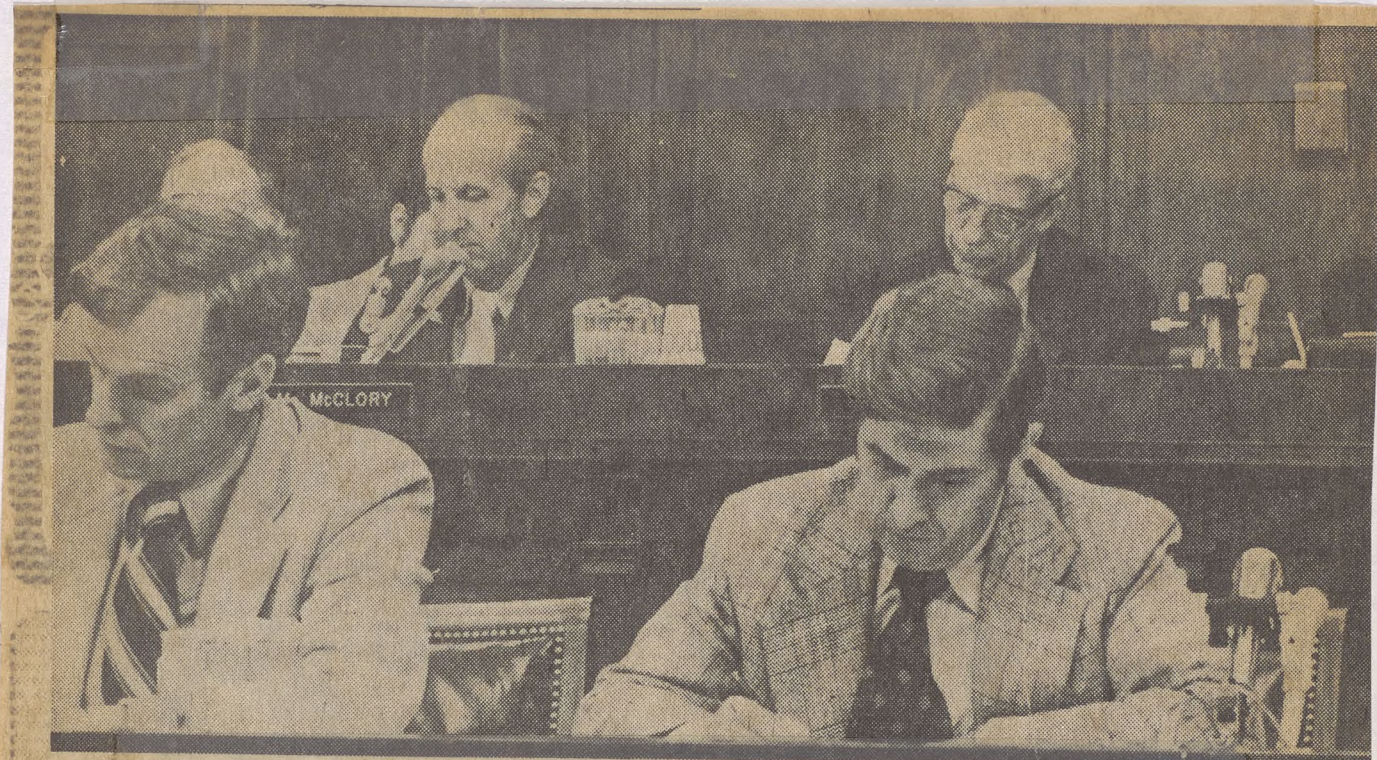
White House aides privately talking of Mr. Nixon taking national television time to defend himself are hoping he would not follow his normal passions into a tirade against his enemies. Rather, they hope that he would analyze and refute the 50 "incidents" listed by committee counsel John Doar as justifying impeachment. While that will not prevent impeachment by the House, the White House desperately hopes it might help in the Senate trial.

Two other options are open to the President. One is resignation, but scarcely anybody in Congress now

urges that course. For example, Rep. John Anderson of Illinois, chairman of the House Republican Conference, was berated last spring when he suggested resignation and will not repeat that recommendation today.

The other option was offered weeks ago by another member of the Republican leadership: Rep. Louis Frey of Florida, chairman of the Research Committee. Frey urged that the President request the House to send articles of impeachment quickly and without debate to the Senate so he might have a fair trial. It was summarily rejected by the White House as a gimmick to take congressmen off the hook, a view that surely remains unchanged.

Time and options are running out in the view of the White House. The projected shift to a primarily legal rather than wholly political defense for the Senate trial may be the best way left open for preservation of the Nixon presidency.



Judiciary Committee votes on a point in Article III. Front row, from left: Wayne Owens, Lawrence Hogan, M. Caldwell



By James K. W. Atherton—The Washington Post

Butler and William Cohen. Back row: Robert McClory, Henry P. Smith, Charles W. Sandman and Thomas Railsback.

Washington Post 7-31-74

2 Counts Fail; Inquiry Ends

By Richard L. Lyons
and William Chapman
Washington Post Staff Writers

The House Judiciary Committee approved a third article of impeachment against President Nixon yesterday for defying its subpoenas and then last night concluded its historic inquiry after rejecting two other articles involving the secret bombing of Cambodia and tax fraud.

The Cambodia article, accusing the President of concealing the bombing and misleading Congress and the public, was rejected 26 to 12, with all 17 Republicans and nine Democrats voting against.

The personal finances article, charging both tax fraud and unconstitutional receipt of emoluments from the federal government for his private homes, was rejected, 26 to 12. Republicans charged Democrats with putting the tax issue on last evening instead of yesterday afternoon to make political points on prime television time.

The impeachment process will now subside for about two weeks while the Judiciary Committee writes a report

detailing the case for members of the House.

The House debate on the three articles—charging obstruction of justice in the Watergate cover-up, misusing federal agencies to violate citizens' constitutional rights, and defiance of eight committee subpoenas—will start in about two weeks. A final vote is expected about Aug. 24.

The House is expected to impeach the President by a majority vote and send the case to trial in the Senate, which can remove him from office by a two-thirds vote.

The subpoena article was approved by a 21-to-17 vote, a margin narrower than that mustered by a bipartisan coalition that approved the first two articles.

The committee had warned Mr. Nixon it might impeach him for his refusal to comply with subpoenas for 147 taped presidential conversations. The President's only response was to turn over and publicly release edited transcripts of less than 40.

Supporters of the article on impeachment dealing with Mr. Nixon's refusal to obey committee subpoenas

argued that if presidential defiance were not made an offense, impeachment would become an empty provision of the Constitution. They claimed that future Presidents could refuse to turn over any information to impeachment inquiries.

Opponents contended that the charge standing alone did not rise to the level of seriousness required of impeachable offenses, especially since the President had claimed what at the time he could have believed to be a constitutional right to refuse information and the committee had refused to go to court for a decision. Both sides drew on last week's Supreme Court decision in the tapes case, which held that executive privilege, on which the President relied, does exist but is not absolute.

Some on both sides argued that the defiance charge should more properly be made one count in the obstruction of justice or abuse of power articles previously adopted. An attempt to shift it into one of those substantive

See IMPEACH, A16, Col. 1

Panel Approves Article on Defiance of Subpoenas

IMPEACH, From A1

articles may be made when the House votes on impeachment next month.

Rep. Tom Railsback (R-Ill.), who had voted for the first two articles, vigorously opposed the third as "political overkill." He warned Democratic supporters they could weaken their case in the House by trying to push through an article not solidly based. Railsback recalled that the committee had refused to seek a full House citation of contempt against the President or to go to court to seek enforcement of its subpoenas.

"Watch what happens to your fragile bipartisan coalition" of members who believed there were grounds for the two previously adopted articles on Watergate crimes and violation of citizens' rights, said Railsback. He added, however, that this did not lessen his support for the first two articles.

When the vote came, the 28-to-10 majority—consisting of all 21 Democrats and seven Republicans—which had adopted the second article Monday slipped to 21 to 17 as two Southern Democrats—Walter Flowers of Alabama and James R. Mann of South Carolina—voted against, and only two Republicans—Robert McClory of Illinois and Lawrence J. Hogan of Maryland—voted for it. Hogan was the only Republican member to vote for all three adopted articles.

McClory sponsored the defiance article. He noted that the Constitution vests "sole" power over impeachment in the House, but contended that if the President has the right to "determine the extent to which the inquiry is carried on, we don't have sole power." He quoted a rule of law that "a person cannot be the judge of his own cause."

Rep. Charles E. Wiggins (R-Calif.) opposed the amendment, contending that since the committee had found enough "clear and convincing" evidence to recommend impeachment in two articles, it could not now turn around and recommend impeachment for failure to provide evidence. "You can't have your cake and eat it, too," said Wiggins.

Rep. Wayne Owens (Utah) said the committee "must say to future Presidents that impeachment will be automatic if the President uses his unique

power to stonewall. He is the only person in the United States who can refuse to honor a congressional subpoena because he is the commander in chief and the head of the executive branch and we haven't the physical ability to overcome his defiance."

Rep. Harold V. Froehlich (R-Wis.), who had voted for the first two articles but opposed the third, called the subpoenas issue a "classic confrontation" between two branches of government, which should be settled by the courts.

The committee had refused to seek court enforcement of its subpoenas on grounds that this would require delegating to the courts some of the impeachment power which the Constitution placed solely in the House.

Rep. Ray Thornton (D-Ark.) offered an amendment, adopted 24 to 14, designed to make clear that presidential defiance of a congressional subpoena would be an impeachable offense only in an impeachment inquiry, not in response to a committee drafting general legislation.

Rep. Robert W. Kastenmeier (D-Wis.) responded to Wiggins' contention that the committee appeared to have plenty of evidence by saying that other impeachment articles on the milk and International Telephone & Telegraph Corp. matters might have succeeded had Mr. Nixon turned over subpoenaed tapes.

Rep. Don Edwards (D-Calif.) argued that if the committee failed to approve the article on presidential defiance, "we will diminish if not destroy the only safety valve in the Constitution to protect ourselves against a President who so misbehaves that he poses a threat to the country." In a parliamentary system, new elections can be called when the government loses a vote of confidence, but in the United States a President serves at least four years unless impeached.

But Rep. David W. Dennis (R-Ind.) argued that the committee was in effect saying to the President: If you don't agree with our view of the Constitution we are going to impeach you. "The President believed he had a constitutional right of executive privilege to withhold" the material, said Dennis.

Rep. M. Caldwell Butler (R-Va.), who supported the first two articles, opposed the third. "Would this article

standing alone constitute impeachable conduct?" asked Butler. "I think not."

"We don't need this article," said Butler. "It serves no useful purpose." He added that it offended his sense of fair play because the committee had not exhausted other means, through the courts or a House contempt citation, to enforce its subpoenas.

Flowers, who had agonized his way to supporting the first two articles, joined Butler for the same reasons.

The committee's subpoenas had been approved by wide margins, up to 37 to 1. The only member to vote against all of them was Rep. Edward Hutchinson (R-Mich.), the committee's senior Republican, who felt they were a futile gesture because they could not be enforced.

"Just as the President cannot order the House to do anything," said Hutchinson yesterday, "so I also think the House cannot order the President to do anything."

But sponsors of the article contended that the President cannot rely on the separation of powers doctrine to justify his non-compliance and that the impeachment provision is an exception to this doctrine.

Hutchinson also said he had abandoned a position taken early in the impeachment inquiry when he said that "the doctrine of executive privilege must fall" in an impeachment inquiry. Hutchinson said he had changed his mind after the Supreme Court last week recognized that some privilege does exist.

The proposed article on the Cambodia bombing was doomed from the start, but its authors insisted on making a record that in their view the President had violated the Constitution by concealing the B-52 raids from Congress and the American public.

The impeachment inquiry staff had published an inch-thick memorandum on the bombing but had not made any judgment on Mr. Nixon's role, some senior Democrats who voted for impeachment on other articles had hoped to keep it from coming up for debate.

Rep. John Conyers (D-Mich.), sponsor of the article, said it would serve notice to other Presidents that Congress has the right to declare war. "Many people have forgotten who has the power to declare war in 1974 in the United States," he said.

The bombing of Cambodia was or-

dered by President Nixon in early 1969 and was not formally reported to Congress until 1973.

The Conyers article specified that Mr. Nixon had violated his constitutional oath by concealing the raids, not by ordering them in the first place, and by giving Congress false information on the nature and scope of the bombing.

Rep. Elizabeth Holtzman (D-N.Y.) asserted that the President had not only concealed the bombing but misled the public by insisting in public statements that the neutrality of Cambodia was not being violated.

But opponents insisted that Congress had to share blame for not acting early to end the bombing. They provided statements from military leaders that key officials of both the House and Senate had been privately informed of the bombing.

Republicans also observed that President Johnson had acted secretly in beginning escalation of the war in Vietnam before Mr. Nixon came to office. "How many articles of impeachment were filed against President Johnson for his part?" asked Flowers. "This is a bad rap on President Nixon." He acidly told proponents, "You don't have any corner on conscience on this matter and my conscience requires that I vote against it."

One Republican, Rep. Harry P. Smith (N.Y.), had indicated last week that he might be prepared to vote for an impeachment article dealing with Cambodia on grounds that the public and Congress had been deceived.

But yesterday, Smith voted against Conyers' resolution, contending that "too many aspects are not clear" and

complaining that the committee had not gone into the issue deeply enough.

The final vote opposing the article was 26 to 12.

The committee wound up last night with frequently bitter two-hour debate in prime television time on an article that Mr. Nixon should be impeached because he willfully attempted to evade the payment of a portion of his federal income taxes from 1969 to 1972.

The article also alleged that Mr. Nixon violated his oath of office by receiving unconstitutional emoluments, specifically in the form of improvements to his private estates in California and Florida and travel for his family.

The tax charge centered on Mr. Nixon's attempt to claim a \$576,000 charitable deduction on his 1969 taxes for donating his vice presidential papers to the National Archives. It has been shown that the paper deeding the gift was signed after the federal law allowing such deductions had expired.

Rep. Edward Mezvinsky (D-Iowa), who sponsored the article, said the tax charge was an impeachable offense even though it did not involve an official act. Mr. Nixon benefited from his official office because the illegal deduction would have left Mr. Nixon open to a tax-evasion count if he had been a private citizen.

"He took advantage of the presidency to avoid paying the proper taxes," Mezvinsky said. "It's not just the Treasury that's poorer, but the whole system of self-government."

The fault cannot be traced solely to Mr. Nixon's aides and tax lawyer, Mezvinsky said, because there is evidence that the President paid close attention

to his personal finances. "And remember, he was on the bottom line," he added.

But Wiggins contended that Mr. Nixon's role in the transaction was minimal. The final decision, he said, came in a 85-minute meeting in April, 1973, when the President was told by his tax and personal lawyers that the deduction was proper.

"That's how finely this web of fraud is spun," Wiggins said sarcastically.

Railsback agreed and charged that the committee's consideration of personal taxes as an impeachable offense was a case of "overkill."

"This is another case where we have impeachmentitis," Railsback said.

McClory and other Republicans claimed there was no evidence of wrongdoing and some brought up questions about former Presidents.

After voting to impeach Mr. Nixon on three other counts, Sandman charged, the committee was trying last night "to strip him of every asset he's got left. . . . Boy, what a generous crowd."

Sandman observed that one charge was that Mrs. Nixon had been given a free ride on Air Force One. "Did anybody ever question any of those trips by Jackie Kennedy or Lady Bird?" Sandman asked. "But everything Richard does is a crime."

When Rep. Holtzman questioned the alleged use of a \$5,000 in campaign contributions for a birthday present of earrings to Mrs. Nixon, Sandman raised a question of libel. Miss Holtzman said she resented his aspersions on her integrity and said she was quoting from a draft report of the Senate Watergate committee.

Nation Gets Rare Look at Hill

By William Greider

Washington Post Staff Writer

Everybody kept calling it an ordeal, the terrible drama of impeachment that the House Judiciary Committee staged for the nation via television.

The otherwise peaceful ulcer of Rep. Walter Flowers of Alabama was offered in evidence. Rep. William Hungate of Missouri resorted to sunglasses, his weary eyes stung by the glaring television lights. Rep. William Cohen of Maine had ear trouble, which made it difficult to hear the debate, a welcome affliction at times. Every committee member said, over and over again, how anguished they were.

But you know, down deep, Mr. Chairman, they sort of enjoyed it. For the House of Representatives, an assembly where personal glamor is scorned, the impeachment hearings provided an institutional ego trip. For the American public, it was a grand civics lesson in how things work at the other end of Pennsylvania Avenue.

Rep. Lawrence J. Hogan, the Republican from Prince George's County, was peppered with bitter remarks from his conservative friends last week when he announced for impeachment. Now, he says, he is getting cordial notes of congratulation.

"Our colleagues," said Hogan, beaming, "are saying that we have enhanced the prestige of the House. Everybody's used to seeing those buffoons from the Senate on TV. We've shown that the House operates with real dignity."

Rep. M. Caldwell Butler, a hitherto little-known freshman from southwest Virgin-

ia, stepped through the lobby doors off the House floor. "Here he comes," an elder colleague proclaimed, with a touch of the needle, "star of stage, screen and television."

At the end of the ordeal, the 38 committee members were exchanging autographs with each other, collected as keepsakes for their grandchildren, no doubt. "E Pluribus Unum," as the banner on their committee room wall proclaims. From many, there was one awesome moment of history.

For the American audience, the civics lesson was just like the ones they teach in high school, partly genuine and partly hokum. Congress, let it be said, does not usually do business with

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such humid rhetoric about the Founding Fathers. Nor do the 435 representatives always stay in their seats so obediently. The minority, in usual circumstances, is not so long winded; the majority usually shuts it up.

Still, if people were watching, they saw a rare glimpse of a legislative committee at work, tedious and careful, proceeding through the words which, line by line, section by section, added up to an impeachment charge against the President. They spoke in quaint phrases:

"I thank the gentleman for his valuable remarks."

"Reserving the right to object, Mr. Chairman, and I will not object."

"I yield 45 seconds to the gentleman from New York."

Those antique expressions of courtesy still lubricate the legislative process. They are necessary grace notes in a game that is supposed to produce collective judgment out of bitter differences.

Above all, with rare lapses, the Judiciary Committee maintained its civility before the cameras.

Indeed, once they were past that initial trauma of voting the first article of impeachment on Saturday night, the committee members settled comfortably into the routine of voting a second and a third one. It was the normalcy of the proceedings, despite the florid rhetoric, that may be remembered best by history, the orderly way a collection of such different folks proceeded to do the awesome deed.

Parliamentary gamesmanship, a staple in the House of Representatives, ate up a lot of time without changing the outcome in any significant way. Even some members got dizzy when a Sieberling amendment and a McClory amendment and a Wiggins amendment were stacked up on the Hungate substitute to the Donohue resolution.

Chairman Peter W. Rodino Jr., who presided with a magisterial gavel, was a lot more benign than your average House committee chairman. He hardly said a word for himself, beyond the opening pieties. He allowed members of both parties to dispute on how they should proceed and accepted their collective decisions in good humor.

"There is one hour and 20 minutes remaining," Congressman Flowers asserted at one crossroads. "That is 80 minutes, is it not? That would be 40 minutes to a side. I realize this is the Judiciary Committee, and we don't deal with these numbers very often."

Such small jokes are common in congressional discourse. Congressman Hun-

gate, who represents Mark Twain's old home district in Missouri, offered comic relief of a higher order.

"As I hear the argument," Hungate told his fellow lawyers, "I think I know now why there are not lawsuits in heaven. The other side has all the good lawyers."

Those personal glimpses were educational, too. In between the dramatic moments, different characters performed on screen, people who lacked the majesty of a presidential entrance or even the glitter of a handsome senator.

Hutchinson, the ranking blank on the Republican side, Barbara Jordan, a beefy woman with a voice made for Shakespeare. Hungate's cracker barrel. Conyers' Mr. Cool. Railback's nasal earnestness. Charlie the Sandman, tossing grit in everybody's eyes. Harold Donohue, whose lullaby could put anyone to sleep.

James Mann, the slow-draw marksman from South Carolina. Drinan, the baleful priest, not the hot-eyed radical people thought. Trent Lott, the Jaycee from Dixie. Dennis and Wiggins and Mayne, granite faces and razor arguments. Joe "a good ole boy." Elizabeth Holtzman, cold steel from Maraziti, Jersey's version of Brooklyn.

What can you make of them? They were an expressive collection of American voices, homely and handsome, comic and vain and tedious, serious and agonized and occasionally eloquent. Yet collectively they are powerful politicians, powerful enough to topple a President, anyway. It really is *E Pluribus Unum*—the branch of government that operates without ruffles and flourishes.

Reception Planned Sept. 27 To Honor Rep. Butler

THE
NEWS

8/26/74

A North Carolina congressman, formerly a major league baseball pitcher, will be in Lynchburg next month for a reception honoring Sixth District Rep. M. Caldwell Butler.

Rep. Wilmer (Vinegar Bend) Mizell, R-N.C., will be a guest at the reception scheduled for 6 p.m. Friday, Sept. 27, at a location to be announced at a later date.

The announcement was made Sunday by Carroll P. Freeman, Lynchburg Republican City Committee chairman.

House Minority Leader John Rhodes, R-Ariz., will be the honored guest at another reception scheduled for Butler on Sept. 4, at Staunton's Ingheside Inn.

The Sixth District Republican Committee met Saturday at Lexington to plan

the reelection campaign for Butler. Butler was not at the meeting.

District GOP Chairman William B. Poff of Roanoke admitted that some friction may have been created when Butler, as a member of the House Judiciary Committee, voted for the first two articles of impeachment against former President Nixon. However, party leadership showed no signs of apprehension as it proceeded to plan campaign details.

According to Ray Humphrey, a Washington political consultant retained by Butler, in the 1,457 precincts in the sixth district, there is an average of 523 adults not registered to vote.

Schools to train GOP workers to get new voters registered and to the polls on election day

have been scheduled in Staunton on Sept. 13, in Lynchburg on Sept. , and in Roanoke on Sept. 15.

Freeman also said that the next meeting of the Lynchburg Republican City Committee will be open to the public.

The meeting will be held at 7:30 p.m. today at Fairview Christian Church chapel, instead of the usual meeting place at Virginia Baptist Hospital auditorium.

According to Freeman, it is the feeling of the committee that meetings should be held at various locations throughout the city.

Meanwhile, Freeman earlier said that he feels the GOP needs to "broaden its base" and that he is encouraged with the nomination of former New York Gov. Nelson A. Rockefeller for vice president.

"I feel it is the President's prerogative to pick a vice president," Freeman commented, "and if President Ford is satisfied Mr. Rockefeller meets his requirements, then I endorse the nominee."

Freeman says he does not know to what extent national events concerning impeachment, the resignation of Nixon and Rockefeller's nomination will be discussed at tonight's meeting.

"But I am sure of one thing," Freeman remarked, "never in the history of the City GOP Committee has as much of national importance transpired between meetings of the committee."

Lynchburg, Va., Mon., Aug. 26, 1974

Carolina lawmaker to be guest at reception

A North Carolina congressman, who is a former major league baseball player, will be a guest at a reception honoring Sixth District Rep. M. Caldwell Butler next month in Lynchburg.

Rep. Wilmer (Vinegar Bend) Mizell, R-N. C., will attend the reception scheduled for 6 p. m. Sept. 27 at a location to be announced at a later date.

Carroll P. Freeman, chairman of the Lynchburg Republican City Committee, made the announcement Sunday.

House Minority Leader John Rhodes, R-Ariz., will be a special guest at another reception for Butler on Sept. 4 at the Ingleside Inn in Staunton.

The Sixth District Republican Committee met Saturday in Lexington to plan

the re-election campaign for Butler. Butler was not at the meeting.

District GOP Chairman William B. Poff of Roanoke admitted that some friction may have been created when Butler, as a member of the House Judiciary Committee, voted for the first two articles of impeachment against former President Nixon. However, party leadership showed no signs of apprehension as it proceeded to plan campaign details.

According to Ray Humphrey, a Washington political consultant retained by Butler, in the 1,457 precincts in the sixth district, there is an average of 523 adults not registered to vote.

Schools to train GOP workers to get new voters registered

and to the polls on election day have been scheduled in Staunton on Sept. 13, in Lynchburg on Sept., and in Roanoke on Sept. 15.

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THE NEWS A

Butler Offers Position On Political Contributions

8/27/74

Sixth District incumbent Rep. M. Caldwell Butler has announced that he will not "as a candidate, accept contributions from other than individuals."

In a position paper released Monday night before a meeting of the Lynchburg Republican City Committee, Butler hit out at organized labor saying "I am satisfied that the strength of the labor movement in the Congress arises from the tremendous amount

of money they have available to guide the destinities of those Congressmen they consider worthy of their support."

Butler, who is seeking reelection for a second term, is being opposed by Democratic hopeful Paul Puckette, Roanoke city sheriff, recently endorsed by the AFL-CIO.

"I have on more than one occasion seen the course of legislation altered or even reversed as a direct result of intervention by the represent-

atives of organized labor," said Butler.

The Sixth District representative blamed the labor forces for the failure of his campaign reform legislation to reach the floor of the House of Representatives.

Butler, who admitted that he had in the past accepted combined contributions from various groups, said such pooled contributions which form the basis of special in-

See BUTLER, B-3

Butler

Continued from B-1
terest group funds are "one of the greatest evils in American politics."

Meanwhile, Lynchburg GOP Chairman Carroll P. Freeman made a plea for party unity calling on committee members to "put the events of recent days in their proper context and to assist those who were disenchanted with Butler's stand (on impeachment and resignation) to see that nothing is gained from staying away from the polls."

"The strength of our opposition," he continued, "is increased by our division."

Freeman commented that many important decisions still lay ahead saying "we need a man of the intellectual and moral character of Butler."

It was announced at Monday's meeting that the City Republican Committee would rent the former ABC store building in the 600 block of Main Street for its headquarters in the upcoming campaign.

—By JAYNE GRIFFIN

Herbert New Era - Progress

Reception To Honor Butler

Rep. John Rhodes, Minority leader of the U.S. House of Representatives, will be in Staunton on September 4 for a fund raising reception honoring Sixth District Congressman M. Caldwell Butler. Congressman Butler is seeking his second term in Congress.

Rhodes, from Arizona, took over the helm of the Republican Party in the House from President Gerald Ford when he was named Vice President in December, 1973. Rhodes previously was chairman of the House Republican Policy Committee for more than five years. Elected to Congress in 1952, he is serving his 11th consecutive term which is longer than anyone in Arizona history.

The two Congressmen will greet guests in the Victoria Ballroom of the Ingleside Hotel near Staunton beginning at 6:30 P.M. More than 1,000

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invitations have been mailed out to the \$20 per couple gala.

Tickets are available by mail from the Rhodes Reception Committee, 1060 Lyndhurst Rd., Waynesboro, 22980, and also will be available at the door.

Bedford Bulletin - Democrat 8/29/74 p. 9B

GOP Leader Coming To Support Butler

Rep. John Rhodes, minority leader of the U. S. House of Representatives, will be in Staunton Sept. 4 for a fund raising reception in support of Congressman M. Caldwell Butler of the Sixth Virginia District.

Congressman Rhodes, Arizona Republican, took over the helm of the Republican Party in the House from President Ford

The two Congressmen will greet guests in the Victoria Ballroom of the Ingleside Hotel near Staunton beginning at 6:30 p.m. More than 1,000 invitations have been mailed out. This is a fund raising affair and the fee is \$20 per couple. Congressman Butler is a candidate for reelection for a second term.

Tickets are available by mail from the Rhodes Reception Committee, 1060 Lyndhurst Rd., Waynesboro, Va., 22980, and also will be available at the door.

Butler Dinner Scheduled

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per couple gala.

Tickets are available by mail from the Rhodes Reception Committee, 1060 Lyndhurst Rd., Waynesboro, Va., 22980 and also will be

available at the door.

Ross Hersey of Waynesboro is general chairman for the reception and William E. Bobbitt of Stuarts Draft is treasurer. They are being assisted by Judith Green and Sarah Nutt

of Staunton, Margaret Lintz of Waynesboro, Ella Millhoff of Stuarts Draft and Pete Whitlock of Rockbridge County.

Congressman Butler is seeking his second term in Congress.

Gathright cost study in works

It will probably be the end of the year before a study of the feasibility and rising costs of the Gathright Dam on the Jackson River above Covington will be completed, a spokesman in Washington said today.

Hunter Spillan, clerk of a House subcommittee on Public Works said the investigation has been turned over to a team that is conducting similar studies on other projects.

Rep. Joe Evins, D-Tenn., asked for the study after additional caverns were found in an abutment of the dam and there were indications that the cost might rise to \$50 million.

At least two congressmen, Rep. John Slack, D-W. Va., and Rep. Caldwell Butler, R-Va., visited the dam site.

Evins called for the study after getting a report from Rep. Slack, who is a member of the subcommittee.

Spillan said the study will be a "routine" fact-finding checkup of the type conducted at other projects that are in dispute.

Meanwhile, the Army Corps of Engineers is continuing construction of the dam and received a \$6 million appropriation for the current fiscal year.

9-3-74

WN

[Handwritten signature]

Fund-raising effort planned

The minority leader of the U.S. House of Representatives and the Minority Leader of the Virginia House of Delegates will be working together for a Republican fund-raising reception in Staunton on Wednesday.

Del. A.R. Giesen Jr., of Verona, has been named an honorary chairman of the event which will have as an honored guest Rep. John Rhodes, R-Ariz., a 22-year veteran in Congress. The gathering at Ingleside will benefit 6th District congressman M. Caldwell Butler and will be Mr. Butler's first public appearance in his home district since the conclusion of the recent House Judiciary Committee proceedings in which he was a participant.

Rep. Rhodes, the first Republican ever elected to Congress from Arizona, will hold a news conference at the Ingleside at 5:30 p.m. preceding the 6:30 reception. He will be introduced by Rep. Butler who is seeking his second term in Congress.

Republican unit chairmen from Augusta County, Staunton and Waynesboro will serve as an honor escort for Reps. Rhodes and Butler into the news conference. They are Mrs. Warren Kindt, Douglas C. Wine and Howard Wilhelm.

Del. J. Marshall Coleman, member of the House of Delegates from Staunton, also will be an honorary chairman. Ross Hersey of Waynesboro is general chairman for the reception and William E. Bobbitt of Stuarts Draft is treasurer.

CW. Van

9-3-74

Butler Explains Facts In Letter

Sixth District Representative M. Caldwell Butler announced today that he will shortly be mailing a newsletter to all Sixth District residents regarding recent events in Washington.

Butler called for the American people to lend their loyalty and cooperation to President Gerald R. Ford, and favorably evaluated Ford's ability to reduce inflation. Butler also commented on the nomination of Nelson A. Rockefeller to be Vice President and on the resignation of Richard M. Nixon.

Butler, who served on the Judiciary Committee which investigated Ford when he was a Vice Presidential nominee, expressed the "greatest confidence" in Ford.

"Gerald Ford took office under the most difficult of circumstances, with a nation divided with controversy and wracked with inflation," Butler said. "He deserves the loyalty and understanding, and I for one pledge him that."

"The Congress must accept Gerald Ford's offer to meet more than halfway if we are to solve the problems of our nation, including that of inflation," he continued.

Butler said he is convinced that excessive government spending is the greatest factor contributing to inflation, and expressed confidence in Ford's ability to send the Congress a balanced budget for the next fiscal year.

"As a veteran of long service in the House Appropriations Committee, President Ford is thoroughly familiar with the budgeting process, and the prospects for meaningful reductions in federal spending were never brighter," he commented.

Looking forward to the confirmation hearings for Vice President nominee Nelson Rockefeller, Butler said, "It is my own view that the President is entitled to select his own Vice

President and that the Congress should confirm the nominee unless its own investigation reveals matter reflecting upon his ability to discharge the office of Vice President or President..

The Congress cannot require the President to nominate a Vice President whose views are consistent with a majority of the Congress or a particular congressman..."

Butler also said that Rockefeller, as a national figure with extensive government experience "can bring new prestige to the office of Vice President."

Butler noted that he had originally intended to prepare a detailed statement explaining his reasons for supporting two articles of impeachment. However, in light of subsequent revelations since that vote and the resignation of Richard Nixon, he now prefers to let the Judiciary Committee report on impeachment speak for him.

That report will be available in libraries throughout the district.

Butler said it was to Nixon's "great credit that he chose to spare the country a prolonged Senate trial and departed with dignity and in good grace."

The Congress should turn its attention to more pressing matters now, Butler said.

In addition to these comments on national political events, Butler announced that his office in finalizing arrangements for Senior Citizens Conferences throughout the District during mid-September.

Farm Bureau Speaker

Butler Says Court Too Light On Agnew

Sixth District Congressman M. Caldwell Butler criticized the sentence recently given to former vice president Spiro Agnew as being too lenient when he addressed the Rock-bridge County Farm Bureau Saturday.

At its annual membership meeting held at Lexington High School the bureau elected officers and adopted resolutions on the national, state and local levels.

Butler told the crowd of 75 that his judgment had been "premature" in thinking that Agnew had resigned only for the good of the country.

The congressman said the resignation was part of a deal to secure freedom from a jail sentence. Agnew received a suspended sentence after pleading no contest to a charge of tax evasion.

Butler is a member of the House Judiciary Committee which will conduct hearings on Gerald Ford's nomination as successor to Agnew.

"Agnew has created a credibility gap that politicians, especially conservative politicians, will be a long time overcoming," Butler said. Since the incident occurred under a Republican administration, Butler said the Republicans have a "heavy responsibility" to "clean it up."

Butler said, "I think it was important for the country that he resign and do it quickly." He added, "I neither condone nor excuse any of the revelations relative to either" Agnew or

River and its tributaries as a scenic river. The bureau favored payment from the damage stamp fund to

Butler also spoke about the fuel shortage and the impending shortage in nitrogen and phosphate fertilizers.

John Watts was re-elected president of the bureau and Walter Pultz vice president.

Elected to two-year terms as directors were Joe B. Reid, Harlan Shepherd, Charles A. Potter Jr., Delbert Moore and Alec Lipscomb. Mrs. Earl Watts was elected director-at-large for a two-year term.

Mr. and Mrs. John Watts and Mrs. Louise Tardy were elected voting delegates to the state farm bureau convention which will be held Nov. 27-29 in Richmond. Pultz will be alternate delegate.

The bureau supported the resolution on the national level that the income exemption for retired persons receiving social security benefits be raised to \$3,000.

On the state level, the bureau went on record as supporting toll-free telephone service within each county, emergency efforts to control the gypsy moth, legislation requiring public utilities to pay an annual rent for easement land equal to the county tax on that land and legislation to permit the election of school board members. The bureau opposed the mandatory use of seat belts.

Locally the bureau opposed the designation of the Maury

property owners in all cases where farm property is damaged or destroyed by game animals or hunters.

Rep. Rhodes To Speak For Butler

Special To Roanoke Times
STAUNTON—House Minority Leader John J. Rhodes of Arizona will be in Staunton tomorrow evening to help in the re-election campaign of 6th District Rep. M. Caldwell Butler.

The congressman, who is

driving down from Washington, will hold a 5:30 p.m. press conference and then attend a fund-raising reception—the tickets are \$20 a couple—for Butler at 6:30. Both events are at Ingleside.

Del. A. R. "Pete" Giesen Jr. of Staunton, minority leader of

the Virginia House of Delegates, is honorary chairman for the reception.

The reception publicity hails it as "two minority leaders working together . . ."

"His appearance in the 6th District clearly bespeaks the stature of Butler and the re-

gard with which he is held in Congress," Giesen declared.

Del. J. Marshall Coleman of Staunton also is an honorary chairman for the reception.

The reception will be the first Republican campaign function in the district since

Butler, as a member of the House Judiciary Committee, voted for the first two articles of impeachment and the ensuing resignation of former President Nixon.

Rhodes, a member of the House since 1952, became its

minority leader when President Ford was picked to succeed Spiro Agnew as vice president in 1973.

Ford, then vice president, was in Roanoke on July 19 for a \$100 a couple fund raising reception for Butler.

Rhodes And Geisen Are Featured At GOP Event

The Minority Leader of the US House of Representatives and the Minority Leader of the Virginia House of Delegates will be working together for a Republican fund-raising reception in Staunton on September 4 (tonight).

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Giesen said "It's very nice to have the Minority Leader of the House of Representatives in the home district of the Virginia House Minority Floor Leader. His performance has been admirable since he stepped into the shoes of his illustrious predecessor--Gerald Ford.

"His appearance in the Sixth District clearly bespeaks the stature of Congressman Butler and the regard with which he is held in Congress."

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Delegate J. Marshall Coleman, member of the House of Delegates from Staunton, also will be an honorary chairman. Ross Hersey of Waynesboro is general chairman for the reception and William E. Bobbitt of Stuarts Draft is treasurer.

Unit Message front p9
9-4-74

step. announce release of news

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