

Size of House Vote Key to Senate Tally

BY SAUL KOHLER
Special Press Writer

WASHINGTON — President Nixon is losing support rapidly in the Senate and barely has enough votes for acquittal if he stands trial for high crimes and misdemeanors. Seasoned vote-counters are predicting the verdict would bear a direct ratio to the size of the impeachment vote in the House of Representatives.

"A hard count would give the President only about 25 bedrock votes today, regardless of what the White House thinks or says," a reliable and highly placed Republican source in the Senate said. "And if they get too many more disclosures, he would

lose even his strongest supporters in about 12 seconds.

"What's more, he'd better not act tough. A defiant President would get no sympathy at all in the United States Senate."

Under the Constitution, it takes a two-thirds vote to convict in an impeachment trial. This means Nixon would need 34 votes or more for acquittal to remain in office.

"They can horse around adopting all the strictest rules of evidence and procedure they can imagine," the source said. "The senators still are going to vote how they feel. This isn't like a jury trial, where the jury comes in cold and not knowing anything about the case."

"These men know what it's all about — they know what the issues are and the consequences of what they'll be doing."

This view was borne out by Sen. Bob Dole, R-Kan., a conservative former Republican national chairman considered a supporter of Nixon.

"When he says impeachment is a foregone conclusion, it is an admission that the House has what it needs. Now I know we in the Senate are going to listen to all the evidence and do everything we are supposed to do, but a heavy house vote could have an impact here — and well might."

Nixon, Cabinet Confer--

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Nixon's once-staunch defenders called for his resignation or impeachment. But White House spokesmen again denied Nixon would step down, saying instead he plans "to fight on."

A tidal wave of reaction followed Nixon's release on Monday of a statement and new tape transcripts disclosing that he:

—Gave orders within a week after the Watergate break-in that the Central Intelligence Agency be used to blunt an FBI investigation that threatened to expose the fact his campaign aides channeled money to the burglars.

—Was told six days after the break-in that his campaign director and former attorney general, John N. Mitchell, may have had some prior knowledge of the wiretapping plans.

—Withheld evidence from his closest advisers and lawyers as well as the House Judiciary Committee, and made erroneous statements to the American public.

"This was a serious act of omission for which I take full responsibility and which I deeply regret," Nixon said in the written statement.

Acknowledging that his impeachment by the House is "virtually a foregone conclusion," Nixon said he would give the Senate for a trial the transcripts of 64 White House tape recordings he is turning over to U.S. District Judge John J. Sirica under a Supreme Court order.

The harsh reaction of even of some of his closest allies eclipsed the furor that followed his firing last October of special prosecutor Archibald Cox — an incident that triggered what aides later called a firestorm of protest.

But his promise to yield more tapes did little to soften the harsh reaction of some of his closest allies.

Republican members of the House of Representatives are likely to call for Nixon's resignation at a party caucus today, according to Rep. John B. Anderson, R-Ill., chairman of the GOP caucus.

Indications are that Nixon is anticipating such a demand

and will accept it, although White House sources said Monday that Nixon has not made a final decision.

A meeting of the 187 House Republicans had been scheduled today for consideration of campaign reform legislation, but Anderson said there was no doubt that the question of President Nixon's fate would dominate discussion.

Visibly shaken and fighting to keep his composure, Rep. Charles E. Wiggins, R-Calif., the silver-haired lawyer who carried the burden of Nixon's defense in the Judiciary Committee, told newsmen:

"After considerable reflection, I have reached the painful conclusion that the President of the United States should resign."

Wiggins said he would vote for impeachment if Nixon didn't quit. Four of his GOP colleagues on the committee also abandoned their support of the President. Five others said they were reassessing their positions.

Other leading Republicans joined in the chorus of resignation or impeachment demands.

Rep. Edward Hutchinson of Michigan, the ranking Republican on the House Judiciary Committee, said he feels he has been deceived.

"It is clear to me the evidence is there to support article one, the obstruction of justice charge," Hutchinson said in a statement.

"I don't believe in leaders who mislead," said influential conservative Rep. Barber B. Conable of New York.

"This is the end," said Rep. Harold V. Froehlich, R-Wis.

"He's gone," said Rep. Joel T. Broyhill, R-Va.

Some Southern Democrats who had been solidly in Nixon's anti-impeachment camp were wavering toward undecided. But one, Rep. Otto E. Passman, D-La., said he still backed the President because "to err is human, to forgive divine."

House Democratic Leader Thomas P. "Tip" O'Neill of Massachusetts said, "A tidal wave is about to strike the House as far as impeachment

goes. . . . You wonder if he'll have a handful to support him."

But Nixon said in his two-page statement that "I am firmly convinced that the record, in its entirety, does not justify the extreme step of impeachment and removal of a president."

Aides said the President and his closest advisers discussed his possible resignation during a Camp David conference Sunday.

But they said that Nixon rejected the option and decided instead to follow "the constitutional process" because he didn't want to set "a precedent . . . of a president allowing himself to be driven from office."

Two hours after Nixon's statement was given to a crowd of newsmen milling in the press room 30 paces from the Oval Office, Vice President Gerald Ford's office was distributing a statement from Ford.

In it, Ford said he had not seen the new evidence and would stand on his views that Nixon is innocent of any impeachable offense "until I have reason to change them."

But the vice president declared a personal moratorium on further discussion of impeachment.

Rep. Charles W. Sandman Jr., R-N.J., who vociferously defended Nixon during the House Judiciary Committee inquiry, said today he has called on Nixon to resign and that he will vote for impeachment if the President does not do so.

Others besides Wiggins on the Judiciary Committee changing their minds on impeachment were Republican Reps. David W. Dennis of Indiana, Wiley Mayne of Iowa and Joseph J. Maraziti of New Jersey.

Others on the committee who said they were reassessing their opposition to impeachment were Reps. Delbert L. Latta of Ohio, Carlos J. Moorhead of California, Henry P. Smith III of New York and the committee's ranking Republican, Edward Hutchinson of Michigan.

Robison's Call--

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"But today's statement by the President is equivalent, I believe, to a plea of guilty of obstruction-of-justice as charged in Article No. 1 of the impeachment resolution. . . ."

"Prior to this plea, if that is what it can be called, there was, I believe, substantial doubt as to whether or not the information presented us by the Judiciary Committee as to this article measured up to the agreed standard of 'clear and convincing' proof of presidential involvement in the Watergate break-in, and also would constitute admissible evidence of such in a Senate impeachment trial where more technical rules of evidence would presumably apply."

"Although I will want to look at the newly released tapes, those doubts would now seem to be erased for the absolutely overwhelming majority of members of the House, which is now ready to vote impeachment on Article 1 alone."

"But (in the absence) of Mr. Nixon's resignation, which may be imminent, I think the House should go forward with the impeachment process and hopefully at a quickening pace."

"In doing so, I hope we will still pause to give appropriate attention to Article No. 2 of the Judiciary Committee reso-

lution charging broad abuses of Presidential power and authority, since there, as in its further elaboration in the Senate, we may begin to define the parameters, both moral and practical, of acceptable presidential power and authority."

"Such an in-depth view of the institution of the presidency is long overdue, and out of it may come enough potential future good to outweigh the present tragedy of Watergate in all its implications both for the nation and for Richard M. Nixon as an individual."

Robison, with his impeachment vote decision and call for the President to resign, has come full circle politically.

Only 23 months ago, he was stumping for Nixon's re-election. In September 1972, in a speech in Delhi, he said the choice between Nixon and George McGovern was a choice between "steadiness of purpose and clarity of vision on the one hand, and uncertainty as to both goals and methods on the other."

He was emerging at that time, however, as a critic of President Nixon on the waging of the Vietnam war and the impoundment by the White House of funds that had been appropriated and authorized for spending by the Congress.

Rejects Resignation--

(Continued From Page 1A) congressionally conferred immunity from future prosecutions of civil suits.

He said the House leadership on both sides of the aisle would now insist upon a vote.

Both House Speaker Carl Albert, D-Okla., and Majority Leader Thomas P. O'Neill, D-Mass., denied they had been approached with proposals for a presidential immunity bill.

One Republican said it would be impossible to get such a proposal through the House. He said a majority of GOP members probably would vote against it out of resentment at the President's disclosure Monday.

This source said Nixon had weighed the possibility of an immediate resignation. Another source said the President had instructed one speechwriter to prepare "material that could be used in a resignation speech" while emphasizing Nixon had made no decision to step down.

Speechwriter Ray Price was described as agreeing Nixon's position was nearly hopeless, but suggesting that he again take his case to the people.

The 25th Amendment option was raised by Nixon after St. Clair and Buchanan brought up the option of resignation. Nixon told aides he is not prepared to resign now and questioned Buchanan and St. Clair about the accuracy of their impeachment assessment.

"He wasn't quite prepared

to accept how bad it really is," the source said.

Buchanan delivered a gloomy political assessment, advising Nixon that Senate conviction was becoming more likely every day.

"I wish you hadn't said that," the President reportedly replied in a tone the source described as sad not angry.

Path of Departure--

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sel, John W. Dean III, told him of it on March 21, 1973 — nine months after the latest tape indicates he was aware of it.

In the light of all of the backing, filling, mistakes, erasures, deletions, and omissions that have characterized the White House's handling of the Watergate coverup evidence so far, it seems unlikely that the President will get far with his explanation for why he remained silent.

In a statement accompanying the transcripts, the President says that he listened to two June 23 conversations and recognized that these "presented potential problems," but he confesses that he told none of his staff, his lawyers, or his defenders in the House about it.

"At that time, I did not realize the extent of the implications which these conversations might now appear to have," he says.

That the President could not have "realized the implications" of this information transparently is straining the credulity of even his most faithful followers.

This specific charge — using the CIA to head off the FBI investigation — had been among the matters investigated by the Senate Watergate Committee in its public hearings.

It was one of the principal charges made against seven of his former White House and political associates March 1 in U.S. District Court here (for which they will be tried next month).

And finally, it was fully debated in the evidentiary proceedings — which began May 9, with the President's lawyer present — and has become one of the charges (Article II, Paragraph 5) of the impeachment resolution against the President adopted by the Judiciary Committee at the end of last month.

The President makes two pleas in his defense, but early outraged returns from Congress indicate that neither one is getting house room. One is that as a result of his instructions, the FBI did check with the CIA to see if it was involved in Watergate. The other is that the evidence must be looked at "in its entirety."

Had the President supplied the "evidence in its entirety" a long time ago, as his best friends urged, he might not be in the fix he appears to be in now.



ABOARD THE SEQUOIA — Julie and David Eisenhower, President Nixon's daughter and son-in-law, relax aboard presidential yacht Sequoia on Potomac River. President Nixon and family members went on the cruise Monday an hour after he made his latest Watergate disclosures.

Ward Named DA

ALBANY (AP) — Walter J. Ward of Seneca Falls, public defender in Seneca County, was named today as the county's district attorney.

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Battles Again Mar Cyprus Cease-Fire

NICOSIA, Cyprus (AP) — Fighting between the Turkish army and Greek Cypriot troops erupted again today around the western edge of the Kyrenia mountain range.

In the east coast port of Famagusta an armed clash between Greek and Turkish Cypriot fighters led to the intervention of the United Nations peace force.

The fighting in the Kyrenia mountains centered just west of the town of Laphos and at Larnaca.

The sound of artillery and machine-gun fire shattered the lull which had taken hold in the area Monday for the first time since the cease-fire agreement was signed in Geneva July 30.

The Cyprus national guard charged the fighting was set off when the Turkish invading force attempted to improve its positions by advancing west of Laphos, nine miles west of the district capital, Kyrenia.

Ankara radio counter-charged in a broadcast that it was the Greeks who launched an attack.