

House Impeachment Panel Faces Split on Procedure

G.O.P. Member Would Confine Inquiry to Charges of Criminal Wrongdoing — Democrats Are Opposed to Limit

By JAMES M. NAUGHTON

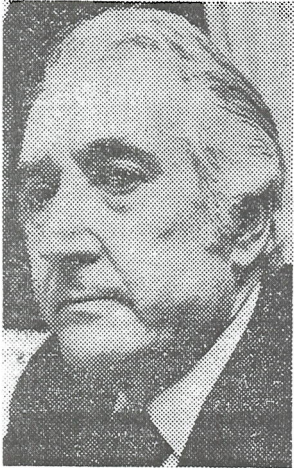
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WASHINGTON, Oct. 26—The House Judiciary Committee, which will meet Tuesday to work out ground rules for an inquiry into the possible impeachment of President Nixon, appeared today to be headed toward a party-line split on a central issue.

The Democratic majority on the committee reportedly agreed at a meeting on Wednesday that the constitutional grounds for impeachment — "treason, bribery or other high crimes and misdemeanors"—were not limited to violations of criminal law.

But the senior Republican member, Representative Edward Hutchinson of Michigan, said that he thought a President

The republican leader was, and is, Representative Gerald R. Ford of Michigan, Mr. Nixon's nominee to succeed Spiro T. Agnew as Vice President. Republicans on the Judiciary Committee appeared to have



Associated Press

Peter W. Rodino Jr., the chairman, said House Judiciary Committee would study impeachment on an extensive basis.

could be impeached only for criminal wrongdoing. He said that the issue was a "threshold question" that the committee must decide before proceeding with the investigation.

[Meanwhile in Louisville, Ky., the Democratic National Committee urged Congress to investigate President Nixon's Watergate role thoroughly and asked all necessary action, including impeachment and conviction if warranted, The Associated Press reported.]

What Is An Offense

The question of what constitutes and impeachable offense has been fundamental in each of the dozen cases in the nation's history in which an official has been impeached by the House of Representatives and subjected to a trial by the Senate.

No one on the Judiciary Committee has adopted publicly the most recent standard proposed on the issue. In an unsuccessful effort in 1970 to impeach Supreme Court Justice William O. Douglas, the House Republican leader declared that "an impeachable offense is whatever a majority of the House of Representatives consider it to be at a given moment in history."

been troubled by the declaration of the Democratic chairman, Peter W. Rodino Jr. of New Jersey, that the panel would undertake the "broadest possible area of inquiry."

Committee Records

Mr. Rodino was preparing to obtain the records of a number of Congressional committees that have investigated Nixon Administration controversies or scandals. They included, he said, the Senate Watergate Committee and the House Committees on Armed Services, Banking and Currency, Government Operations and Ways and Means. Their interests have ranged from the secret 1969 and 1970 bombing of Cambodia and the involvement of the Central Intelligence Agency in domestic matters to the 1972 Watergate burglary and the financing of Mr. Nixon's re-election campaign.

Some members of Congress have made sweeping accusations of criminal wrongdoing by the Nixon Administration as the impeachment movement took shape this week. Senator George McGovern, Democrat of South Dakota, said, for example:

"The list of Nixon Administration offenses includes bribery, forgery, burglary, perjury, unlawful wiretapping, obstruction of justice, destruction of evidence, improper use of sensitive Government agencies such as the Internal Revenue Service, The F.B.I. and the C.I.A., and the fixing of antitrust suits."

Which Allegations

Representative Hutchinson said that the committee would have to decide whether to consider only allegations made directly against President Nixon or to investigate accusations of wrongdoing by his subordinates.

The history of impeachment offers few guidelines for defining "high crimes and misdemeanors." When the House of Representatives voted in 1868 to impeach President Andrew Johnson, it construed impeachable offenses as follows:

"An impeachable high crime or misdemeanor is one in its nature or consequences subversive of some fundamental or essential principle of government or highly prejudicial to the public interest, and this may consist of a violation of the Constitution, of law, of an official oath, or of duty, by an act committed or omitted, or, without violating a positive law, by the abuse of discretionary powers from improper motives or for an improper purpose." 11

That broad construction failed to stand as precedent, however, when the Senate refused, by one vote short of the necessary two-thirds, to convict President Johnson.

The two most recent impeachments, which led to the removal of Federal judges in 1913 and 1936, were based on misconduct that was not illegal. But constitutional experts noted that Federal judges hold office for life during "good behavior" and thus their conduct can be measured against a standard broader than innocence of criminal wrongdoing.