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Showdown in Congress

By Robert Bendiner

The 93d Congress returns for its second session to face a more distasteful task than any Congress has confronted since the 40th wrestled with the fate of Andrew Johnson. The question of whether or not to oust the President of United States is bound to fix the climate on Capitol Hill for months to come—unless Mr. Nixon should suddenly decide to make his whole Administration "inoperative." If the House Judiciary Committee votes out a bill of impeachment—a stronger probability with every unexplained minute of erased White House tape—that grim subject will dominate the session's agenda even though the legislative list includes major bills on energy, national health insurance, land use and the public financing of political campaigns.

Since the Christmas adjournment, Congressmen have been sounding the opinion of their districts with more than customary zeal. Some no doubt hoped only for a bolstering of their own positions in an agonizing situation; others, with an eye on November, may have been more interested in polling than in principle. The distinction harks back to Edmund Burke's classic injunction: "Your representative owes you not his industry only, but his judgment; and he betrays you if he sacrifices it to your opinion."

From accounts of the Congressional pulse-taking that has been going on, the stance advocated by Burke is what constituents most want their representatives to assume. Reports on these home journeys point to a widespread ambivalence, a reluctance to have the President humiliated, combined with a deep distaste for any more of those periodic excitements which might by now inspire the President to do an entire bookshelf of sequels to his "Six Crises." Underscoring both attitudes is an almost desperate insistence that the responsibility rests with Congress, that its members should do what they think best but do it quickly and get the nightmare over.

Only in certain districts of the Deep South, it appears from reports in this newspaper and elsewhere, is there an appreciable tendency still to treat Watergate as an indiscretion which decent folk think should simply be allowed to blow away. Far more typical is the comment received by a Republican Congressman from Iowa: "I think it's strictly up to Congress to decide on impeachment. If you don't know what to do, God help us."

That would seem to put the people's representatives squarely on the spot—Democrats as well as Republicans. The latter run the risk of being charged with betraying their party if they vote

for impeachment and with putting party above principle if they don't. The Democrats are open to accusations of "gutlessness"—already voiced—if they fail to press the case against the President and of taking part in a partisan lynching bee if they do press it.

The members know that if the impeachment question comes down to the wire, they will have to go one way or the other—and live with their decision for the rest of their political careers, though there is still a narrow margin for expediency in the House that is not open to members of the Senate. As the National Committee for an Effective Congress has pointed out, a vote against impeachment is the definitive vote, "the vote for final and ultimate acquittal," while a vote in favor of impeachment merely passes the buck to the Senate." It can later be explained to a Congressman's constituents either as a vote against the President or merely as a vote to give him a chance to clear himself, once and for all, before the only forum available to him.

The possibility that many fence-sitters will take this way out can hardly give comfort to Mr. Nixon's defenders. They cannot afford such expedient inroads into whatever is left of the majority of some sixty votes they were believed to have had a few months ago. If that majority has not already melted away, it must certainly have been diminished by the tampering with evidence now affirmed by tape experts in Judge Sirica's court.

In the tense and gloomy atmosphere of Capitol Hill it is easy to sense with what relief Congressmen of both parties and all persuasions would greet an announcement by the President that for the country's good he had decided to step down and put in full time on "Crises Seven Through Twenty." Representative Wilbur Mills, a major power in the House, is now urging that Mr. Nixon resign if the Judiciary Committee recommends impeachment "rather than put this country into the greatest schism since the Civil War."

If Republican leaders should join Mr. Mills in such a plea, they might indeed carve a way out for Congress, country and President. But if that is not to be, there could be worse consequences than the spectacle of Congressmen, deprived of all political certainties, standing up to vote their individual consciences, whatever the possible consequences. Who knows, they might even discover that the greatest political asset in a national crisis is not a private poll of opinion but a public profile in courage.

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