



Nixon's Strategy On Impeachment

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THE PRESIDENT'S strategy for fighting against impeachment has now emerged. Mr. Nixon wants to tie the House and its Judiciary Committee in procedural knots. Unfortunately, given the character of the Congress and of the men handling the impeachment, that tactic might just work.

The telltale sign of the White House strategy was the refusal of Mr. Nixon's Watergate counsel, James St. Clair, to turn over the documents now being sought by the special prosecutor, Leon Jaworski. That stand foreshadows a similar refusal to make available material which the Judiciary Committee is seeking in the impeachment inquiry.

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THE special prosecutor, Jaworski, apparently has enough evidence to move on criminal indictments — especially since he is only going after lesser figures. But the Judiciary Committee and its counsel, John Doar, have to deal with the President himself. They have only begun to gather evidence.

The path toward further evidence traverses a zone marked by legal quicksands — a miasmic swamp of insoluble procedural problems.

One procedural issue already in view involves defining an impeachable offense. The Republicans on the Judiciary Committee have been insisting that impeachment would only be warranted if there was hard evidence that the President had committed a crime.

That argument has no standing in the Constitution nor in common sense. If there is an effort to reach committee agreement on defining an impeachable offense,

months would go by in haggling.

The second procedural trap is the issue of national security. It now appears that the White House will resist the Judiciary Committee's drive for further evidence on the grounds that national security is involved. And of course, if the committee makes elaborate efforts to define national security, it will choke to death in confusion.

A third procedural trap is confidentiality of grand jury material and the danger of advance publicity compromising the trials of Watergate defendants less important than Mr. Nixon. St. Clair has already used that issue to block access of the Senate Watergate Committee to the White House tapes.

He will probably make the same argument against a similar subpoena by the Judiciary Committee. And if the Judiciary Committee takes the argument step by step through the courts, years would go by before a decision was reached.

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TO BE SURE, the procedural issues have to be faced. Reasonable efforts can, and should, be made to define grounds for impeachment, to restrict material associated with national security, and to protect the rights of defendants in other trials. But there are higher considerations.

The impeachment proceeding which the House is now beginning is the ultimate safety valve of American democracy. In the final analysis, the requirements of an impeachment proceeding override other legal considerations, and that fact needs to be kept in mind by the Congress.