

Tom Braden

A Nonpartisan Impeachment Vote

The smart and fashionable thing to say in this town about the impeachment of Richard Nixon is that it will succeed or fail on the basis of politics. The cliché proves a cliché. Thus, the man who says, "It will be a political decision," proves that he is "an astute and long-time observer."

I say something else. I say nonsense. I hope nobody ever refers to me as "an astute and long-time observer" because at that moment I shall know that I have become a stuffed shirt; and stuffed shirts always have pompous answers to tough questions.

I'm not saying there won't be politics in the impeachment decision. Impeachment is political in the broad sense of the word. That is why the founding fathers did not turn the question over to the courts to decide.

But to believe that 435 congressmen will make up their minds about Richard Nixon on the narrow ground that he is a Republican; that if they are Republicans they will therefore vote in his favor; and if they are Democrats, they will vote against him, seems to me the equivalent to believing that 435 congressmen don't give a damn about their Constitution or their country. I don't believe this is so.

President Nixon is most certainly trying to make it so. Nothing can so improve his chances for escaping impeachment as to make the public believe that the process is a popularity contest between two major parties. That way, he can evoke the mandate of 1972; that way he can talk about how, in politics, "one must fight again and never quit." That way he can talk about "the cause."

But in impeachment there is no cause. There is only an officeholder up against the judgment of his peers, who will be trying to decide whether there is cause to try him for violating his trust on the charge that he committed high crimes and misdemeanors against the United States.

High crimes and misdemeanors have

to be criminal offenses, the President is saying. This is Mr. Nixon's second line of defense. What he means is that the subornation of nonpartisan agencies of government and their use against anyone whom he regarded as an "enemy" is not an impeachable offense because it is not a criminal offense.

Under Mr. Nixon's definition of an impeachable offense, the President could literally turn this republic into a monarchy and not be impeached unless he personally committed a murder or a burglary along the way.

But I do not believe that 435 congressmen will accept the President's definition any more than I believe they will accept the verdict of the pundits that the impeachment process is nothing more than partisan politics. For if they accept either definition, they will change their form of government and since all of them, or most of them, are students of government, they know this.

Surely, if Richard Nixon—on the basis of evidence already in the public domain—does not deserve to be impeached, then no President of the United States will ever be impeached. We may as well amend the Constitution and strike the provision for impeachment.

The impeachment club has only once been used, and it has seldom been used even as a threat. But if it is removed as a threat, future Presidents will take office knowing that for four years at least—and if they are both clever and crooked, they can stretch it to eight—they can do whatever they please.

They can make undeclared war; they can break the laws; they can amass a private fortune; they can turn the agencies of government upon their critics; they can spy upon their enemies. They will not even have to argue that they did all this for "the national security," or that their assistants did it and they were not aware. If Richard Nixon is not impeached, future Presidents will not need his excuses.

So it may be that there are congressmen who will vote upon the question of impeachment in the narrow political sense. But I think most of them care about their country and will be asking the question, "What did Richard Nixon do?", rather than reminding themselves to which party the President belongs.