



What It Will Take to Impeach

— Joseph Alsop

AS THESE words are written, it is uncertain whether President Nixon will or will not drive the house judiciary committee to subpoena White House tapes and other records.

The vote of the House of Representatives for or against a bill to impeach the President may perhaps depend upon the outcome. But the reasons for this are all but universally misunderstood, if one can accept the judgment of the wisest, most experienced Democratic leaders of the House and Senate.

First of all, certain facts are needed to put what has happened in rational proportion. Quite a long time ago, to begin with, the President's lawyer, James D. St. Clair, asked the special counsel of the judiciary committee, John Doar, to narrow the scatter-shot approach of the committee's original request for no less than forty-two complete tapes of Presidential conversations.

★ ★ ★

PRESUMABLY, St. Clair quite rightly pointed out that the committee had no more right to know about the President's opinions of the policies of the late President Pompidou than you or I have to know about the private conversations of our neighbors. Probably because of the peculiar composition of the committee's Democratic membership, Doar had trouble replying to the demand that he ask only for what was truly relevant.

Two weeks therefore passed before a reply to the White House was drafted and approved by the judiciary committee chairman, Representative Peter Rodino. It was only when this letter was presented to

the judiciary committee, that representative Rodino made his threat to use the subpoena power in case of White House obstruction. In sum, the long prior delay was primarily the work of the committee, and not of the President.

But the only practical question is just what will persuade a majority of the House of Representatives to vote for a bill of impeachment.

Seeming concealment by the White House will in fact persuade a majority of the House of Representatives that the President has something criminal to conceal. There is the heart of the matter. But please note that word, "criminal." It is the crucial word.

★ ★ ★

YOU can in truth ignore whatever has been said about the proper grounds for impeachment by Doar, or St. Clair, or Ford, or the usual vocal advice-givers from the grisly groves of academe. In the long run, in the opinion of the few House leaders who have always correctly judged the House of Representatives, a bill of impeachment will not be voted unless a majority of members feel the President has been guilty of an indictable crime.

By the same token, nothing can prevent the House from voting a bill of impeachment if the President's guilt of an indictable crime is believed by a majority. The same rules apply, one must add, to the Senate — but they apply to the Senate with extra force, because two thirds of the senators need to be convinced of the President's criminality.