

# Nixon's impeachment plan

HEREWITH SOME QUESTIONS, assumptions, and suppositions concerning the events of the past few days.

Mr. Nixon was in very bad shape in recent days. For a while it appeared as though what one might call the Eagleton Effect was about to overtake him. One does not, as a Republican President, easily withstand, in a single week, calls for resignation from citadels of journalistic Republicanism in the Midwest, in the Far West and in Florida; and suffer the rebuke of the leader of the Republican forces in the House of Representatives and in the Senate.

The intense speculation that Mr. Nixon was about to resign prompted him to take measures very nearly desperate in character: he dispatched his own daughter to look the press in the face and say to them that they could take it from her, that her father did not intend to resign.

It is left to speculate what Mr. Nixon did privately. It is plausible to assume that he passed along the word to his remaining supporters in the conservative ranks of the House of Representatives that inasmuch as he would not resign, calls upon him to do so would be unavailing; and that he was prepared, now, to fight his battle not so much against impeachment by the House, but against conviction by the Senate.

The prediction now is that impeachment will be voted, so that attention fastens on the next stage in the dramatic development.

Here there are problems. On the assumption that several articles of impeachment will be voted, and that the rules that governed the disposition of the case against Andrew Johnson obtained, the Senate would be up against it.

Because there isn't enough time, between the vote for impeachment and the lapse of the Senate's legal life on Jan. 20, 1975, to follow the old procedure. This called

for the House "managers" (the prosecutors) to state their case on all issues, then for the President's defenders to state their case, after which a vote is taken issue by issue.

This is not chronologically feasible. There isn't the time. The Senate will have to change the rules to permit the transaction of an entire article of impeachment, one at a time.

What does this suggest? There is less and less talk these days of bringing up against Mr. Nixon some of the grand constitutional issues that were the favorites of the American Civil Liberties Union as recently as a few months ago. Questions like did he have the right to bomb Cambodia, or to impound congressionally voted funds.

At the other end of the spectrum are those charges against Mr. Nixon which one might describe as the chicken-thief charges: that he knew about Watergate, that he covered up on Watergate, that he suborned perjury, that he cheated on his taxes, that he did illegal favors for the ITT, that he took a bribe from the milk people.

Articles of impeachment based on this kind of activity, inasmuch as they do not place grave constitutional issues into contention, could perhaps be transacted more quickly.

In between the issue of executive authority to deploy the military and to impound funds, and the issue of formal executive misbehavior of a criminal kind, is the vexed issue of executive privilege. The guessing is that Mr. Nixon's lawyers will all but force the House to list this one as one of their points.

But the important development, surely, is this, that for the first time the White House appears to take it for granted that Mr. Nixon will be second President in American history to be impeached.