

A Question on Impeach Trial

Washington

Senate Republican and Democratic leaders clashed sharply yesterday over whether a Senate impeachment trial of the President could go over to the next Congress if it were not completed before the present 93rd Congress expires next January.

Senate GOP leader Hugh Scott (Rep.-Pa.), GOP whip Robert P. Griffin (Rep.-Mich.) and GOP policy committee chairman John Tower (Rep.-Tex.) said that an attempt to carry over a trial in the Senate from the 93rd Congress to the 94th would raise grave constitutional and legal questions as to the validity of the proceedings.

Scott said one major problem is the possibility that a carryover could nullify the existing common law principle that an accused person is entitled to have the same judge and jury throughout

his trial. Next year, some present senators will have left office, while several new senators will have been elected.

Sharply disagreeing with Scott's analysis, Senate majority leader Mike Mansfield (Dem.-Mont.) and whip Robert C. Byrd (Dem.-W.Va.) said the Senate, which carries over two-thirds of its members from one Congress to the next, is a "continuing body" and could validly carry over an impeachment trial from this Congress to the next.

The issue isn't a small one.

If the trial could not go over until next year and the whole procedure would have to start in the House from the very beginning, there could be months of delay that could ultimately affect whether the President would be removed from office or not.

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