

Special Oath

Senate's Rules Of Conduct in Impeachment

Washington

If the House impeaches President Nixon, the Senate is ready to try him under 26 rules of procedure, including one that would permit a committee of 12 senators to question Mr. Nixon in the White House.

The rules go into minute detail on how the Senate must conduct itself during an impeachment trial. They provide for a special oath or affirmation, committing the senators to administer "impartial justice" when sitting as impeachment jurors.

One rule even provides for the unlikely event that a summons cannot be served on the accused in person. The writ would then be left "at the last known place of abode of such person, or at his usual place of business in some conspicuous place therein."

That would be the door at 1600 Pennsylvania avenue in Washington — the White House.

The rules have grown up over the years during the 12 impeachment trials conducted by the Senate since 1799. Only one impeachment trial involved a President. Andrew Johnson, whose three-month trial ended in acquittal by one vote on May 26,

1868.

The last Senate impeachment trial resulted in the removal from office of Halstead L. Ritter as a federal judge for the Southern District of Florida on April 17, 1936.

The President presumably would have to agree to undergo the senators' examination. He also has the choice, under the rules, of whether to appear in person during the impeachment trial or be represented by counsel.

If the Senate wished, it could issue its own subpoenas for the Watergate tapes. Mr. Nixon has refused to turn over to the House Judiciary committee. The rules give the Senate broad subpoena power during impeachment trials and the power "to punish in a summary way contempts of, and disobedience to, its authority."

The chief justice of the United States, who presides at a Senate impeachment trial, is responsible for seeing that the chamber is converted into a courtroom. This job includes providing space for the House managers, who will prosecute the impeachment charges, and for the President or his attorneys.

The House managers would be U.S. representatives, probably from the Judiciary Committee. There is disagreement about how many there would be, and one source said it is possible that Judiciary committee chief counsel Joan Doar could be a member of the prosecuting team.

The question of televising any trial has still not been resolved, but with the precedent of the House Judiciary Committee to guide them, the probability is that the House and Senate would also admit cameras.