

# Rethinking the Impeachment Clause

After the present spell of self-congratulation over how the Constitution and the "system" worked in removing Richard Nixon from the White House subsidies, it may be in order to begin asking, with the future in mind, if it all worked well enough.

When euphoria yields to a more sober appraisal of the cataclysmic events of the last three years, it ought to be possible to see whether we should rest content with the existing machinery for saving the country from a disastrous President, or whether we should start thinking about simpler, speedier and less drastic alternatives for the laborious, protracted, uncertain and essentially cumbersome process of impeachment.

The comforting fact that all ended well this time is no guarantee that it always will. To the contrary. It is hard to imagine a more comprehensive or damning bill of particulars than the one developed against Richard Nixon, yet it took the better part of 1972, 1973 and 1974 to bring him to book, and even then he might well have survived had it not been for the incredible accident of the tapes.

During the last year or so, various bills were introduced in Congress providing for substitute or alternative ways of removing the President, but they were hastily drawn, inadequately thought out and, in the onrushing sweep of Watergate events, got little or no serious attention. Now, however, there is plenty of time to rethink and debate his critical problem.

While the founding fathers produced a wondrous Constitution, it has been notably improved by many of the amendments to it. Few articles gave the authors more trouble than impeachment and some of the delegates were clearly dissatisfied with the end result for reasons we now can more fully appreciate.

In any case, 1974 is not 1787. In an era when a country can crash from an

untended economic crisis or from sudden nuclear war, impeachment is too slow a process for rescuing the nation from a President who has so totally lost public confidence that he no longer can provide the necessary leadership.

More than a year ago, at a time when enough evidence had already been accumulated against Nixon to sink any other leader of the free world, Rep. Robert Drinan (D-Mass.) was generally considered a "nut" when he introduced the first impeachment resolution in the House. He seemed so far out at the time that no other congressman came forward to join him. If Watergate had happened in 1974 instead of 1972, Nixon probably could have lasted out his term.

In any other democratic country a fraction of Nixon's derelictions, along with his deception of the public and his subversion of the government, would have triggered the downfall of the leader in a short time; for most parliamentary governments have fairly flexible machinery for charging their leaders quickly and usually smoothly when conditions clearly require it.

In most countries it is assumed that the leader—whatever his other shortcomings—is not, in Nixon's words a "crook" so removal is usually reserved for loftier failures such as fatal misjudgment, intolerable incompetence or panic in a crisis. These are the kind of failures, rather than the Nixon aberration, that the United States like other nations, must be prepared to deal with in the future.

Aside from the sordidness of Watergate, and what might have been had it not been fortuitously discovered, the nation has weathered it extremely well, much better in fact than it weathered the creeping paralysis of the Herbert Hoover administration, which came close to plunging the United States into revolution.

Few living Americans can now re-

member those fearful years when a bewildered, panic-stricken President sat frozen in the White House for almost four years while a despairing people, helpless to remove him, fell prey to mass unemployment, bankruptcy, despair and suicide. Hoover could not have lasted six months in any other representative democracy.

The trouble with impeachment is that, even after Watergate, it still seems to many Americans like overkill for anything less than premeditated murder. Right up to the release of the June 23, 1972, tape revealing the presidential cover-up plot, the chief executive's supporters were arguing that he had not committed an impeachable offense under the Constitution.

Even ardent supporters of the Constitution, who were profoundly disturbed by Mr. Nixon's actions, feel the impeachment article is ambiguous and subject to different interpretations. Few would repeal the article, but Watergate has persuaded some that additional machinery should be considered to deal in a less ponderous, convulsive way with Presidents who have manifestly lost the confidence of the great majority of the citizenry, even though they may not be guilty of any outright crimes.

It's going to take a lot of time and argument to hit upon an acceptable alternative for there are literally dozens of possibilities. One, but only one, would be to give Congress the power to initiate a presidential recall election under certain conditions. Recall, after all, is as American as apple pie; any number of states and cities already employ it.

As matters stand now, the lasting lesson of Watergate is that future Presidents, based on the Nixon experience, have little cause to fear removal unless they commit obvious crimes and also provide the evidence to convict themselves.