

# A Very Big Riddle Seeks an Answer

THE RESIGNATION of President Nixon, at a time when the House Judiciary committee had recommended impeachment but the Senate had not yet acted, left unanswered the prime constitutional question raised by that piece of history, namely: Just what is an impeachable offense?

The committee's intensive inquiry had looked at that question repeatedly as its members argued over the intent of the founding fathers when they cited "treason, bribery and other high crimes and misdemeanors" as the grounds for impeachment. Some held, as did the President and his attorneys, that an indictable offense, evidence of criminal culpability, was the sine qua non. Others put forward "serious failure to discharge constitutional duties" as adequate, and some harked back to the early-day pronouncement of Congressman Ford that an impeachable offense is "whatever a majority of the House thinks it is."

In quest of further clarification, Congressional Quarterly has interviewed two influential California members of the committee, Congressman Charles E. Wiggins, Republican from Southern California, and Congressman Jerome Waldie, Democrat, from the Bay Area. The choice is notable, inasmuch as Wiggins was perhaps the most articulate of Nixon's defenders and Waldie was a leader of the pro-impeachment forces and author of the first impeachment measure to be introduced.

THE TWO FORMER ADVERSARIES are in agreement that the big question was never answered. Waldie said the committee was unable to find the answer and concluded that it was "the responsibility of each member" to define "impeachable offense."

Wiggins had persisted through the long debate that impeachment could not and should not be recommended without "legal evidence of a criminal act" — evidence that the astounding White House tapes did not produce. He seems now to have significantly modified that position.

"I think I'm prepared to say that the needs of the country are not adequately served by confining impeachment solely to criminal acts," he told his interviewer. "A President should be impeached, for example, for simply failing to discharge his duties."

He amplified his new position by asserting: "If the political realities require the removal of the President for the good of the country — a pretty big standard — then we must find the mechanism to do so."

WALDIE AND WIGGINS agree that the impeachment proceedings left the presidency undamaged. Waldie thinks they made the "next impeachment" easier, because "We have seen that the country doesn't collapse with impeachment." He also thinks that Congress should have proceeded with the impeachment even after Nixon resigned, and that is highly debatable.

There is a distinct possibility that a long drawing out of this already divisive episode in U.S. history would have torn the country dangerously apart. On the other hand, it might well have filled a persistent constitutional vacuum by giving the big question a still needed answer.