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Impeachment Is a 'Slippery Slope'

For the removal of a President who has defied the laws and the courts, impeachment is the only recourse. The fantastic weekend that saw the Department of Justice stripped of authority brought into sharp focus what many of us had long suspected.

The President's determination to

hold the tapes and relevant documents secret, with his proposed compromise a sham, shows his clear intent to try to insure that his confederates, indicted or about to be tried, shall go free. Their lawyers can claim that the relevant evidence on which to base their defense is not available and there must therefore be a mistrial.

A summary will not be the equivalent of the documentary evidence. Archibald Cox made this point in his press conference shortly before he was fired by the President as special prosecutor. Only the documents, or the pertinent parts of the documents, would suffice in the series of prosecutions Cox intended to bring.

Lawyers for former Attorney General John N. Mitchell and former Secretary of Commerce Maurice Stans, the two Cabinet members indicted in the Vesco affair, have already indicated that this will be their defense. With efforts to extradite the principal, Robert E. Vesco, from his hideout in Costa Rica frustrated and the plea of the absence of relevant evidence, the two former cabinet officials will in all probability have the benefit of a mistrial.

What is happening has the look of something like a concerted plot. If this sounds slightly paranoid put it down to the general atmosphere that infests the Nixon administration. The Halde-
mans, the Ehrlichmans and the others testify to the President's innocence of

any wrongdoing in Watergate. He in turn, by holding back the evidence, makes sure they escape conviction. To cinch this mutual protective society the President had to go all the way and fire Archibald Cox, an honorable man determined to do what he considered his duty.

This triggered the resignation of Attorney General Elliot Richardson who had put his integrity on the line in support of the special prosecutor in his confirmation hearing. Richardson's deputy, William D. Ruckelshaus followed suit by refusing the President's order to fire Cox.

With the highly charged emotions growing out of these happenings, impeachment proceedings are likely to move wittily in the House of Representatives. But there should be no illusions about the danger of this weapon. To shoot to kill the king and miss, as dictatorial societies in the past often demonstrated, was to guarantee sterner repression of whatever rights may have previously existed.

By a simple majority the House can vote a bill of impeachment. But conviction in a trial by the Senate must be by a two-thirds majority. Consider what this means. Thirty-four senators could bring about acquittal. The political pressures to save a man and the party would be great.

In the only previous impeachment of a President—that of Andrew Johnson,

who succeeded to the office on the assassination of Abraham Lincoln—politicians played a principal part. The vote to convict in the senate was 35 to 19, one short of the necessary two-thirds. Because of the weakness of the case Republicans had joined with Johnson Democrats to bring about the narrow acquittal.

If he were tried and acquitted there would be no brake whatsoever on the President's power—save public opinion. This is to suggest that Nixon might follow the example of Vice President Agnew and resign from the office.

At a moment when uncertainty of authority can least be afforded due to the uncertainty in the Midwest, the government is in a shambles and the public shocked and unsure of the future. Vice President-designate Gerald R. Ford could hardly have done anything else than endorse the action of the man who tapped him for the No. 2 post. But this is certain to delay confirmation by the Senate and the House.

In the interval the heir to the office is Speaker of the House Carl Albert, a clubbable character who can hardly be said to have the strong qualities of leadership that would be demanded of any successor. That a nation with inherent greatness should find itself on this slippery slope is the tragedy.

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Drawings by Oscar Berger

Archibald Cox