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The Missing Proponent for Impeachment

Fanny Burney, the 18th-century novelist and friend of Dr. Johnson, was present at the impeachment trial of Warren Hastings whom she supported. This is her account of the impact made by Edmund Burke's opening speech for the prosecution:

"He interested, he engaged, he at last overpowered me; I felt my cause lost. I could hardly keep on my seat. My eyes dreaded a single glance toward a man so accused as Mr. Hastings; I wanted to sink on the floor, so that they might be saved so painful a sight. I had no hope he could clear himself."

That comment says, by the force of negative comparison, the main thing there is to say about the impeachment process now under way in the House Judiciary Committee. The central fact is that so far nobody has been setting out in clear dramatic fashion the case against Mr. Nixon. The critical question now is whether the committee can generate for the Nixon impeachment somebody to play the role Burke played in organizing the charges against Hastings. Solid political reasons explain why no clear proponent of impeachment has so far emerged out of the committee inquiry. In fighting his case, Mr. Nixon and his lawyers have tried to make it seem that only highly partisan Democrats, with no thought for the majesty of the presidency or the goodness of American life, believe there is a serious impeachment issue.

To meet that tactic, the leading figures on the Judiciary Committee have gone out of their way to avoid partisanship and to show respect for the presidency. Thus committee chairman Peter Rodino keeps emphasizing that the inquiry is not an adversary proceeding. "We seek evidence, not confrontation," he said for the umpteenth time last week.

John Doar, the committee's chief counsel, personifies the tone Mr. Rodino seeks to set. Mr. Doar, a Republican himself, is a one-step-at-a-time man who constantly seeks to avert his gaze from what the end result might be. "Button up the evidence" is Mr. Doar's favorite phrase.

Even the partisan liberal Democrats on the committee—for example, Jerome Waldie of California and Father John Drinan of Massachusetts — have not



By Mike Peters for the Dayton Daily News

"Impeachable offense? . . . Oh just put treason, high crimes, that sort . . . Obviously a President won't be breaking and entering or cheating on taxes."

been pushing for impeachment. Indeed, the only figure in the inquiry who seems to see the full dimensions of the case is the minority counsel, Albert Jenner—which may be why some partisan Republicans have sought to oust him from his post.

So far, the neutral I'm-just-getting-the-facts-not-reaching-any-conclusions approach has worked well. Efforts by the White House to divide the committee along partisan lines have been beaten back overwhelmingly.

In one critical decision last week, the committee voted 37 to 1 to subpoena the actual tapes of presidential conversations instead of accepting the transcripts furnished by the White House. The lopsided nature of the vote has worked to isolate the senior Republican on the committee, Edward Hutchinson of Michigan, as the one

member who has already made up his mind against impeachment.

But the antiseptic, nonadversary approach carries some clear liabilities. In the absence of a steady lead, of some Toscanini orchestrating the case for impeachment, issues that are secondary if not utterly trivial take on exaggerated importance.

A good case in point last week was the issue of whether or not the President excised from the transcript of his tapes remarks offensive to ethnic minorities. A similar example was whether there were cut out from the transcripts threats against The Washington Post and its lawyer, Edward Bennett Williams. While useful bits of information in proving the importance of having the original tapes as against the transcripts, neither of these issues

can be said to be central to the impeachment inquiry.

Such diversions are particularly damaging because the case is intrinsically complicated. Even those of us who have been obliged to pay close attention miss important points—witness the belated discovery by an outsider that two versions of the same section of the same tape had been included in the official transcript.

Congressmen and senators have as a leading quality an inability to concentrate on details—a short attention span. So unless the committee can develop an adversary proceeding with a cutting edge, unless it can bring forth an Edmund Burke who can arrange details in a coherent pattern, the whole case of impeachment is apt to dissolve in a swirl of confusion.

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