



"Another Such Victory, and I am Undone."—Pyrrhus.

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### By Benjamin Levine

"Short of the sword [impeachment] is the extreme remedy, and was intended for the worst political disorders of the executive department. Nothing but treason, official bribery, or other high crimes and misdemeanors made so by law, and also in their nature of deep moral turpitude, which are dangerous to the safety of the state, and which palpably disqualify and make unfit an incumbent to

remain in the office of President, can justify the application [of the impeachment provisions of the Constitution of the United States]."

So spoke Senator Garrett Davis of Kentucky while casting his vote during the impeachment proceedings brought against President Andrew Johnson more than one hundred years ago. These timeless and timely words serve to cause us to ponder the desirability of this ultimate solution to President Nixon's woes—a "solution" being discussed by an increasing num-

ber of persons including members of Congress and national political leaders of both major parties.

Those serving as the prosecution committee during President Johnson's impeachment proceedings said that an impeachable high crime or misdemeanor is one which is, in "its nature or consequences, subversive of some fundamental or essential principle of government, or highly prejudicial to the public interest, and this may consist of a violation of the Constitution, of law, of an official oath, or of duty, by an act committed or omitted, or, without violating a positive law, by the abuse of discretionary powers from improper motives, or for any improper purpose."

Although President Johnson's problems were clearly political, being based on the struggle for power between the Chief Executive and the Congress during the Reconstruction Era following the Civil War, the accusations against him were reasonably specific, including a violation of an act of Congress resulting from an attempted firing of a Cabinet member, conspiracy to usurp power, libelous utterances against Congress through the use of such terms as a "radical Congress," and questioning the legal authority and power of Congress.

Familiar charges? Perhaps. In any event, armed with charges such as these and the working definition quoted above, Congress came within one vote of the two-thirds necessary to impeach the President of the United States — a strong majority clearly believed Johnson to be guilty of enough wrongdoing to justify his removal from office.

Here we are a century later, faced with a President whose integrity has been brought into serious question, who has publicly asked for support and who has been told that his integrity will remain in question until he truly comes clean—and that he hasn't yet.

Can an adequate case be made out against our President of a century later which, in the words of Maine Senator William P. Fessenden of the Johnson Congress, will "be free from the taint of party; have no reasonable ground of suspicion upon the motives of those who inflict the penalty, and address itself to the country and the civilized world as a measure justly called for by the gravity of the crime, and the necessity for its punishment?"

Whether President Nixon has been guilty of "deep moral turpitude" sufficient to satisfy Senator Fessenden's standards remains to be seen, but I think that it is in the interest of us all for the gossip and muted whispers of impeachment to be brought under control quickly in order to preserve the honor and prestige of the office of President of the United States.

Once a duly constituted and properly independent investigation digs out enough to determine whether the matter should be pursued further, the debate about impeachment can properly take place. In the meantime, we should get on with tending to the business of the country.

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