

# The Hearings, Phase I

The first phase of the Watergate hearings is nearing an end. An ironical celebration of this approaching silence (which will be near-deafening), was provided by Rep. Robert F. Drinan, the left-wing priest-member of the House from Massachusetts.

Father Drinan is the first man who has made a positive move to Impeach President Nixon. Last week he dropped into the hopper of the House of Representatives a resolution to the effect that "Richard M. Nixon is impeached of high crimes and misdemeanors." This bold act was followed by a good deal of public moralizing by Father Drinan.

As Father Drinan was thoroughly well aware, a quite different procedure

was wide open to him. He could have made a point of privilege at any session of the House. He could have risen instantly to offer a differently worded motion. He could have secured an immediate debate. If the House had then given him a one-vote majority, the impeachment of the President would now be under way, in a special House committee named to prepare the next stage.

As it was, Father Drinan's silently offered motion was silently referred to the House Judiciary Committee. That committee's chairman, Rep. Peter Rodino (D-N.J.), promptly let it be known that he would do nothing about the Drinan motion. But of course, that was what Father Drinan expected.

Father Drinan, in fact, took wholly fake action, instead of serious action, for an unconfessed but perfectly practical reason. He knew quite well that if it came to a real test between House members favoring the President's impeachment, versus those opposing impeachment, the advocates of impeachment would hardly command 10 per cent of the total vote. This would have been too seedy a showing for Father Drinan's taste.

Careful investigation shows that the situation in the Senate is precisely the same as the situation in the House. Father Drinan's fakery-for-a-headline is only interesting for two reasons. First, it was not shown up at the time. Second, it offers the most decisive proof of the real situation in Congress at the moment.

All this is important because of its bearing on the political future. After the first phase of the Watergate hearings, a lot more senatorial investigating will no doubt be done, no doubt revealing a lot more unpleasant and/or shocking facts. But in the first phase, by the sensible motion of Sen. Herman Tallmadge of Georgia, all those who could incriminate the President have been called to the stand. All those of much significance have now said their say, too.

Unless the courts hold against the President in the matter of the famous tapes, the effects on the President can therefore be estimated with accuracy. The president is not going to be impeached. He is not going to resign or be destroyed, either. He is going to continue to be President.

On present prospects, however, the President is going to be crippled—and it is always bad for this country to

have a crippled president. A lot of people who ought to go to jail are also going to avoid jail as a delightful consequence of the Senate committee's hearings.

One good thing—one wonderfully good thing—has, of course, come out of the Watergate exposure. The ghastly White House system that produced Watergate could have been dangerous in less abjectly incompetent hands. It was fortunately destroyed before it became dangerous. But that had happened before the Senate hearings; so it would be interesting to know what practical result the Senate hearings have accomplished.

There are some who believe that, by crippling the President, the hearings will give the Congress its necessary chance as one of the co-equal branches of the U.S. government. This is a famous constitutional doctrine of the American left. But when political groups take high stands on the Constitution in this country, it is always wise to watch out. The last time it happened was when the American right tried to use the Constitution as a noble crutch, after the debacle that produced President Franklin Roosevelt.

The fact of the matter is that Congress is grossly unfit to manage this country's affairs. Macaulay wrote long ago, "a crowd of five or six hundred people . . . (is always) unfit for executive functions." The Congress knows this, too, as shown by a recent survey of congressional opinion. This is, in fact, why it is dangerous to have a crippled president. Put in these bleak terms, the equation gets pretty complicated.