

# WXPost House Gingerly Pokes at Impeachment

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At a meeting of House leaders in Speaker Carl Albert's office recently, someone happened to mention that they might someday be confronted with the task of deciding whether to impeach Vice President Spiro T. Agnew.

Someone wondered what the House precedents on impeachment are. Another congressman present said he thought he could speak for most of his colleagues.

"We're for the 'Calhoun precedent,'" he said.

That brought a round of laughter for, as everyone there knew, the "Calhoun precedent" calls for the members to avoid the subject of impeachment as if it carried the plague virus.

"Calhoun" was a running back on a terrible football team whose exploits were frequently described in joke-telling sessions by Lyndon B. Johnson. The team was being trounced. Its ball-carriers were being stomped by the opposition's defense. The coach kept yelling to the quarterback, "Give the ball to Calhoun! Give it to Calhoun!"

For three consecutive plays, other backs carried the ball and were buried in the mud. "Why don't you give the ball to Calhoun?" the coach insisted.

"Calhoun says he don't want the ball," the quarterback called back.

Impeachment is one ball the House seems not to want either. Its members see a messy, muddy brawl. "Our instincts are to hide under the desks," one member said. Albert is repeatedly asked by reporters what the House is doing to prepare for the possibility. He deflects them by saying there are House rules to take care of those things.

But the impeachment issue became more pertinent this week with the publication in Time magazine of a story indicating that the Ag-

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new case might land on Albert's desk after all.

Agnew is under investigation by a federal grand jury in Baltimore which is looking into allegations of viola-

tions of extortion, bribery, conspiracy and tax laws. Attorney General Elliot L. Richardson has said that he will make the decision on whether the Vice President can be indicted while in office or must first be impeached.

The magazine story said Richardson is leaning toward asking the grand jury for a mere report, not an indictment. The report would be presented to the House, the story said, as information for possible impeachment.

After the story appeared, the first tentative signs of action appeared in the House this week. At a meeting Tuesday, Judiciary Committee Chairman Peter W. Rodino Jr. (D-N.J.) informed his subcommittee chairmen that the staff had begun—very hesitantly, to be sure—to move on the impeachment question.

Presumably, an impeachment resolution would be referred to Rodino's committee, although some members believe that Albert might form a special select committee to consider Agnew's case.

Rodino said the Judiciary Committee staff has begun checking precedents on impeachment cases to find out how the committee would behave if it gets the case. (The House hasn't impeached anyone, not even a judge, since 1936.) It has also consulted with the leading academic authority on impeachment, Raoul Berger, a Harvard University law professor.

Rodino emphasizes that there is no rush for action. He has not consulted with Richardson or anyone else in the Justice Department, he said.

"We started the staff on this only so that the members (of the committee) would know that I'm on top of things," Rodino told reporters. "The members are starting to ask me all sorts of questions."

What sort of questions?

"Like, 'what is an indictable offense,'" he answered.

Rodino questions whether Richardson has the authority to make the decision to shift the case to the House for impeachment instead of prosecuting it like any other criminal case before the Baltimore grand jury. Richardson says there is a constitu-

tional question on whether a sitting Vice President can be indicted.

"All I see is that there are three branches of government," Rodino said. "He's (Richardson) in the executive branch. If it's in doubt, who should be the final arbiter? Should it be the prosecutor, who's a member of that branch, or should it be the courts? I still read this as a real up-in-the-air question."

Most members interviewed this week said they would want to avoid taking up an Agnew impeachment unless the evidence forced them to.

"I'd be very hesitant to vote for impeachment in the absence of truly compelling evidence," said Rep. Jim Wright (D-Tex.).

"Before supporting such an extreme measure, I would have to be satisfied beyond all reasonable doubt that the Vice President himself had committed some serious crime. For example, I'd have to be sure that Agnew was involved in extortion and that he knew he was involved in extortion. If the evidence was just that an aide took some money and did some favors in return in Agnew's name, I wouldn't vote for it."

Rep. Charles R. Mosher

(R-Ohio) says he rarely hears any discussion of possible impeachment. "I haven't given it much thought, but it would be extremely disagreeable. Nobody likes to pass on the evidence of someone else's crime, and that's magnified by the fact that it's the Vice President of the United States, and no matter how much I might have disagreed with him on issues, he is the Vice President of the United States and I don't like to believe that a man of that position is guilty."

In the last couple of days, Rep. Morris K. Udall (D-Ariz.) has participated in several conversations about who would replace Agnew if

he is impeached or if he resigns.

"The general feeling among Democrats is that Nixon should appoint a 'caretaker' and not someone who would immediately become the front-runner for 1976," Udall said. "It shouldn't be a John Connally." Udall figures that any ambitious politician selected by the President would be halfway to the 1976 presidential nomination as soon as he was confirmed.

A small group of Democrats met for several hours Wednesday afternoon in the office of Rep. John Conyers (D-Mich.). Conyers refused to discuss the meeting—he

jumped into a 'members only' elevator to avoid a reporter—but others present said the possible impeachment of both Agnew and President Nixon was discussed.

With the small group of liberal congressmen was Stewart Mott, a wealthy New Yorker, political contributor and current advocate of impeachment proceedings. The group talked about mechanics for impeachment, with some asserting that a drive should be started now against Agnew and others saying such a move would be premature.

"Don't worry, we didn't agree on anything," said one participant.