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On Impeachment And the Firings

THE WEEKEND WAS like Pearl Harbor without the bombs. It was confusing, gorged with contradictions, and everybody talked at once.

Regardless of the twin central cores, Cabinet shakeup and impeachment talk, the spinoff talk of holding up confirmation of Gerald Ford until President Nixon purges himself, so to speak, was irresponsible and petty in direction.

For it must be apparent in any rational and sensible view, that we are sorely in need of a Vice President, and in case of impeachment proceedings we need one more than ever. Mr. Ford may or may not be the best man available for the job, but he should not be disabled because political antagonists wish to punish the President.

It is arguable Mr. Nixon was precipitate in forcing from office three of his top men involved in the Watergate affair at one fell swoop. It seemed overkill to sacrifice Attorney General Richardson and his deputy to be rid of Special Prosecutor Archibald Cox.



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THE TIMING WAS UNFORTUNATE, on the very eve of settlement of the perilous global crisis centered in the Mideast. If you will grant the point, you must concede the President's Washington action was an audacious gamble while Secretary of State Kissinger was framing joint Mideast action in Mos-

cow. Happily, the Kissinger mission remained divorced from Mr. Nixon's travail at home.

The complex legal, constitutional and ethical elements are too massive to be discussed here.

Let us then turn to the impeachment movement, which is not a matured design in the Congress or among the people, but a shocked and angry recoil of the President's critics over the aftermath of the tapes controversy.

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NOTWITHSTANDING, impeachment of the President by the House, let alone conviction by the Senate, is most unlikely due to the constitutional limitation on causes for impeachment — "treason, bribery or other high crimes and misdemeanors."

The last five words are operative. We know of high crimes, but what is a misdemeanor, low or "high"? The House made a false start to impeach President Andrew Johnson in December, 1867, when he fired War Secretary Edwin Stanton, but the charge was violation of the Tenure of Office Act, and impeachment was not successful until March, 1868. (Johnson was acquitted by the Senate by one vote.)

There is no tenure of office act today, and Presidents have dismissed or forced out of office Cabinet officers and other aides at will. Nor is failure to heed a court finding (on the tapes) a "high misdemeanor," though it may be contempt in some cases. But even the Supreme Court would think twice before citing a President for contempt.

Where then is the constitutional basis for impeachment? Certainly we don't need a false start, which is merely demoralizing. The President had every technical right to fire Mr. Cox for insubordination, though he might have accomplished it less abruptly, and with less disarray.

Let congressmen and other public men and politicians worry about the tapes, a legal mish-mash too bewildering for ordinary folk limited to 600 words.

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