

House Members Differ on Key Point

Washington

The House Judiciary Committee, which will meet Tuesday to work out ground rules for an inquiry into the possible impeachment of President Nixon, appeared yesterday to be headed toward party-line split on a central issue.

The Democratic majority on the committee reportedly agreed at a meeting on Wednesday that the constitutional grounds for impeachment — "treason, bribery or other high crimes and misdemeanors" — were not limited to violations of criminal law.

But the senior Republican member, Representative Edward Hutchinson of Michigan, said he thought a President could only be impeached for criminal wrongdoing. He said that the issue was a "threshold question" that the committee must decide before proceed-

ing with the investigation.

The question of what constitutes an impeachable offense has been fundamental in each of the dozen cases in the nation's history in which an official has been impeached by the House of Representatives and subjected to a trial by the Senate.

Republicans on the Judiciary Committee appear to have been troubled by the declaration of the Democratic chairman, Peter W. Rodino Jr., of New Jersey, that the panel would undertake the "broadest possible area of inquiry."

Rodino was preparing to secure the records of a number of congressional committees which have investigated Nixon administration controversies or scandals. They included, he said, the Senate Watergate Committee, and the House Committee on Armed Services, Banking and Currency, Gov-

ernment Operations and Ways and Means.

Their interests have ranged from the secret 1969 and 1970 bombing of Cambodia and the involvement of the Central Intelligence Agency in domestic matters to the 1972 Watergate burglary and the financing of Mr. Nixon's re-election campaign.

The history of impeachment offers few guidelines for defining "high crimes and misdemeanors." When the House of Representatives voted in 1868 to impeach President Andrew Johnson, it construed impeachable offenses as follows:

VOTE

"An impeachable high crime or misdemeanor is one in its nature of 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 an improper purpose."

That broad construction failed to stand as precedent, however, when the senate refused, by one vote short of the necessary two-thirds, to convict President Johnson.

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