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Bay Area Democratic congressman who last month introduced a resolution in the House of Representatives calling for the impeachment of the President.

Why Congress must consider impeachment

IT is regrettable that the President of the United States, by the acts he has undertaken in connection with the investigation of the Watergate and related incidents, has made it necessary for Congress to consider his impeachment.

I held this view on Oct. 23 when a resolution of impeachment was introduced in the House of Representatives under my sponsorship. Events of recent days have done nothing to change that point of view.

We can no longer avoid the conclusion that impeachment is the only legal and proper avenue remaining for us to preserve the integrity and form of our government as provided for in our Constitution.

The people of this country have every right to expect Congress to zealously protect our constitutional form of government. The people have a right to know the truth about activities — such as Watergate — which have subverted our free electoral processes. They have a right to expect the executive branch of government to be free from personal misconduct and to operate in conformity with the Constitution.

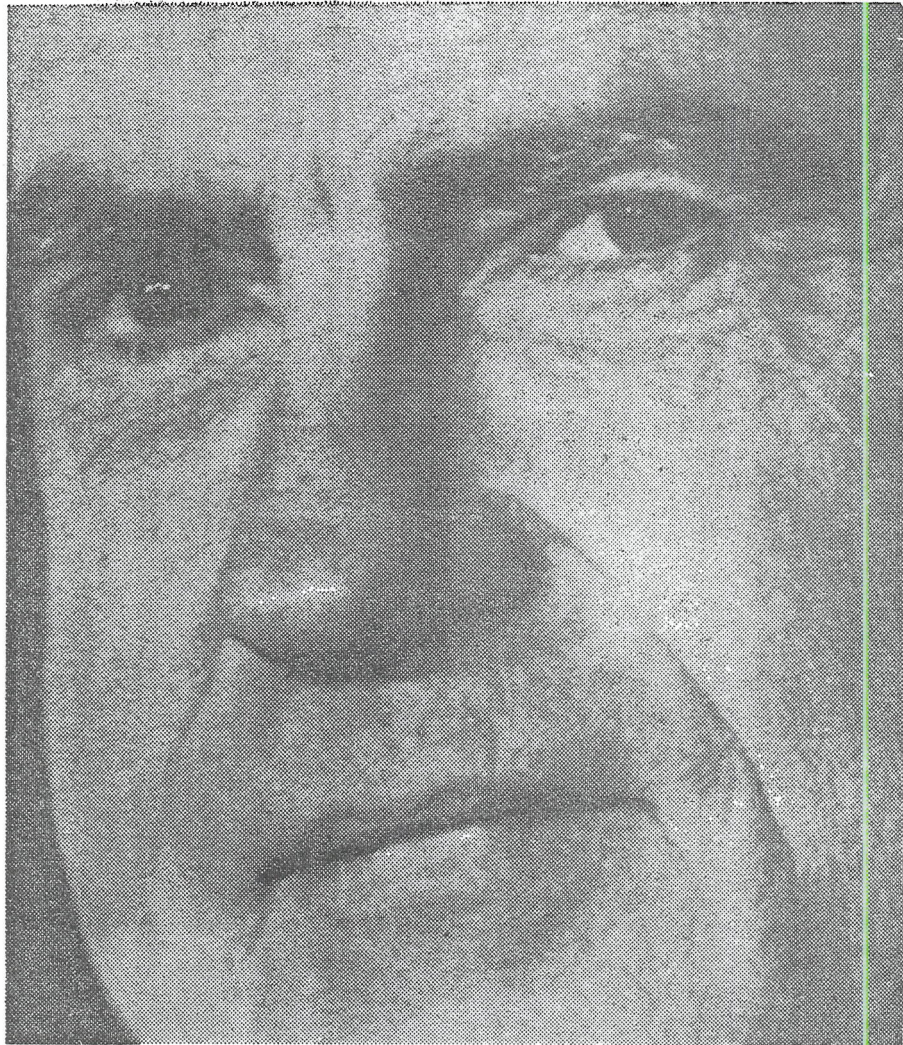
Finally, in order to preserve the very foundation of our legal and moral system, the people have the right to know that no member or branch of government — and no citizen — is above or beyond the law.

This essentially is the crux for the argument for impeachment in our day.

We are faced with a president who, by ignoring the Constitution and by obstructing justice, may limit or destroy these rights. By discharging Special Prosecutor Cox and thereby compelling the resignation of the two highest ranking members of the Justice Department, the President has made it clear he will not comply with the law as interpreted and set forth by a federal court of appeals. His record is clear in attempting to delay and obstruct the investigation of misconduct in the 1972 presidential election. The special Senate Watergate committee also has detailed testimony from at least one witness that the President knew of this misconduct long before the full body of facts were made known to the public.

The rapid events of the weekend which saw the departure of Mr. Cox, Mr. Richardson and Mr. Ruckelshaus from the Justice Department were not "Seven Days in May" but, tragically, only one day in October.

In Communist countries and fascist



dictatorships and other nations whose democracy is supposedly more fragile than ours, it is all too familiar for the head of state or the leader of a coup to announce that he has decided, in the best interests of the state, to dissolve the Legislature.

Last month, President Nixon announced that the process of justice in the United States was being dissolved, insofar as it relates to high crimes, obstruction of justice, and attacks on our electoral system that have come to be known as Watergate. This was a presidential coup directed at the rule of law on which the nation is based and at the judicial and legislative branches in their attempts to meet constitutional responsibilities.

Impeachment is NOT a course to be taken lightly. To shrink from it now, however, is to take our constitutional system and the rule of law lightly. Impeachment is the only avenue left. All other ways within our constitutional system for dealing with the scandal and crisis of Watergate have been tried and have now been ruthlessly cut off by the President himself.

The events of recent months, although often overwhelming in their day-to-day magnitude to digest, point out a clear case of action for impeachment.

The trial of the initial seven Watergate defendants is now universally acknowledged to have been a sham, shot through with perjury and obstruction of justice designed to protect the higher-ups in the White House and the Committee to Re-Elect the President.

President Nixon openly and quite defiantly chose to violate a federal court order to release tape recorded information which would have provided invaluable evidence in carrying out the case to its proper end. He only reneged when the public — through an

overwhelming show of opposition — made the lesson clear that enough was enough.

By dismissing Mr. Cox, the President showed his total disregard for an agreement honorably entered into by the prosecutor's office, Mr. Richardson and the U.S. Senate. This action came after his continual refusal to make all Watergate-related documents available to the Watergate committee.

In view of the myths that abound as to the various grounds for impeachment, I feel it appropriate to state why there are presently existing reasons for impeachment even if one assumes the absence of proof of indictable crime.

One of the grounds for impeachment is "high crimes and misdemeanors." Because these words are familiar in criminal law some persons have erroneously concluded that this ground of impeachment necessarily involves an indictable offense as that term is normally used. Scholars of constitutional law, and the Senate itself, have refuted that belief.

The country's founding fathers well understood that the institution of impeachment had a much broader base than the criminal law. Hamilton said impeachment was to reach misconduct of public men in abusing or violating some public trust. It was for injuries done immediately to the society itself. It was a method of national inquest into the conduct of public men.

In number 65 of the Federalist Papers, Hamilton pointed out that England and several of the states regarded the practice of impeachment as "a bridle in the hands of the legislative body upon the executive servants of the government."

At this very serious moment in our history, such a "bridle" does not appear to be an archaic tool of government.