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Congress' Burden

Now that a serious impeachment investigation is in the offing, Congress has assumed the duty of assuring the public that justice is done in the Watergate affair. It is a heavy burden for a body that shows all the weaknesses of any other committee of 535 souls.

It is to Congress' credit that the House has overwhelmingly voted to finance the impeachment investigation at \$1 million. If the investigation itself seems competent and fair, it could do much to clear the air. But the hassle over President Nixon's meetings with Congressmen, and the confusion over the creation of a special prosecutor, are not encouraging omens on the kind of investigation we are likely to see.

As the House was voting funds for the investigation, Democratic leader Thomas O'Neill was criticizing Mr. Nixon for meeting with congressional Republicans. The President, Mr. O'Neill charged, was trying to influence the grand jury that would hear his case. Yet the President still is President, and it is his responsibility to build political support to run the nation. Dealing with Watergate certainly is part and parcel of this task. Surely it is unreasonable to expect the President to cloister himself while the House waits until January or later to take up the charges against him, which charges in any event remain unspecified. That the President is explaining himself must be rated a plus, especially after all the charges of presidential isolation, regardless of the audience he chooses.

A more apt criticism would be that in meeting with audiences based on party affiliation, Mr. Nixon is trying to depict Watergate and impeachment as purely partisan issues. The Democratic leadership would be on firmer ground in making this criticism if Democrats had taken greater pains to avoid partisanship. If they are serious about impeachment, a moment's thought and a little arithmetic should convince them that the absolute key is taking along a good number of Republicans. If Democrats ignore this point, they will be seen as wanting not to resolve the crisis but to wield a partisan club.

Congress is also showing a lack of direction in coping with the issue of protecting a special prosecutor. Its favorite idea was to have the courts appoint a prosecutor, who would also be charged with giving Congress anything relevant to impeachment. But two of the judges who would be involved in such an appointment have made it clear they want nothing to do with it, that they see their job not as prosecuting but as judging.

Here again it seems to us the answer is a serious impeachment investigation. We see little reason to conclude that a special prosecutor within the Executive Branch could not investigate and if appropriate prosecute, say, John Mitchell or John Ehrlichman. As a practical matter, Leon Jaworski has considerable leverage in resisting pressures to slow such investigations. The real problem comes in investigating the President himself. Investigating the President is the prerogative of Congress; that is why the Founding Fathers created the impeachment power.

Yet so far Congress has shown little disposition to put most of its chips behind the impeachment investigation. This is partly due to a lack of leadership, both on the House Judiciary Committee and more broadly in the Congress as a whole. But we sense that a great many in Congress do not really want a serious investigation. Some of them are afraid that the point will come when they must say, yes, there is evidence for impeachment. But others are equally afraid that the point will come when they must say, no, there is no evidence for impeachment.

It is the habit of Congress, as of other committees, to avoid difficult decisions whenever possible. But considering the duty to reassure the public that our system of government can cope with the extraordinary difficulties it faces, we hope that Congress can somehow find the leadership that will enable it to reach a clean decision, based on an investigation that is competent, bipartisan and above all open-minded.