

William Rusher

# Okay, What Are The Grounds for Impeachment?

Washington

THE CURRENT RASH of suggestions and demands that President Nixon resign voluntarily serves nicely to direct attention away from the fact that his foes are fresh out of grounds for impeaching him.

Impeachment has been the real objective of Mr. Nixon's critics ever since the Watergate dam burst last spring. The trouble has been that impeaching and removing a president takes quite a lot of doing—so much, in fact, that it has never been done. For one thing, it is by no means clear what must be established, legally, to lay the foundation for such a momentous step. The Constitution says merely that the president "shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors."



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That certainly seems to be saying that it has to be something pretty serious. And the fact that the Constitution uses treason and bribery as illustrations of the kind of thing it has in mind, and says the president shall be removed from office upon "conviction" of such things, rather strongly suggests that the founding fathers were thinking of real crimes, rather than such esoteric shortcomings as a "loss of credibility" or an all-time low in the Gallup Poll.

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ON THE OTHER HAND, the very vagueness of the Constitution on the point has emboldened advocates of impeachment to argue, at various times over the years, that a president may be impeached for pretty much anything that sufficiently annoys a majority of the House of Representatives, and that he can be removed if two-thirds of the Senate can be persuaded to go along.

The truth is that nobody knows for sure what it takes to remove a president. But whatever might technically suffice, the impeachment lobby in Washington knows better than to suppose that it can whoop some jerry-built impeachment of Richard Nixon through the present Congress. The mood in Congress (I am not, of course, speaking of Bella Abzug) is somber, but far from homicidal.

It is dominated by the Democrats, who have every reason—and right—to give Mr. Nixon an awful bouncing around over Watergate; but the Democratic leaders have never seemed to me to be anxious to impeach and remove him. Rather, their strategy apparently has been to keep Nixon in the ring and up against the ropes for the remaining three years of his term.

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OF COURSE, it would be a different story if Mr. Nixon could be caught, or deliberately entangled, in some explicit violation of law. Twice this year that possibility seemed about to ripen: First in the spring, when the crimes involved in Watergate and its cover-up were traced to the President's closest advisers, and then again this autumn, when it seemed possible that he would defy a final court order to hand over the famous tapes. But the waves of Watergate stopped just short of the Presidential toes, and Mr. Nixon yielded in the matter of the tapes.

What grounds, then, remain for impeaching Mr. Nixon? For a time the impeachment lobby maintained a brisk yet rather desperate air. Don't worry, they have seemed to be saying, SOMETHING will turn up. Perhaps something to incriminate Nixon can be found among the seven tapes turned over to Judge Sirica; or maybe hanky-panky can be established in the case of the two tapes that seem never to have been made. There are other promising lines of inquiry under investigation, too—new ones, involving Bebe Rebozo and similar colorful types.

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BUT THE TRUTH was, and is, that for the moment the impeachment lobby, like the rattlesnake in the old expression, simply hasn't got a pit to hiss in. Hence those solemn calls for Mr. Nixon's voluntary resignation—a noble gesture indeed, since it would relieve his critics of the embarrassing necessity of giving some good reason why he should be impeached and removed.

Well, it's been an amazing year, and I have learned to be cautious about calling anything "impossible"; but I must say Mr. Nixon's voluntary resignation sounds implausible to me. He's a tough old bird, and well aware that he can insist on being nailed personally with something both big and explicit, to justify his removal. And that, at the moment, his critics just don't have.

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