

Impeachment Vote: No 'Crass Politics'

By Lou Cannon

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If congressmen were to vote the interests of their political parties, Democrats would wind up voting against the impeachment of Richard Nixon and Republicans would vote for impeachment.

This, at least, is the tentative conclusion of members of the House Judiciary Committee, many of whom insist that Republicans would be far better off in both the 1974 and the 1976 elections with Gerald R. Ford in the White House.

"If one would be crassly political, a badly discredited President at the head of the Republican Party in the '74 elections would do great damage to all the Republican candidates," says Democrat Rep. Don Edwards. "A new man experiencing the traditional honeymoon that the generous American people always offer to a beginning President can aid these candidates substantially."

"Quite apart from the merits or the law, the presence of Richard Nixon in the White House is probably good politics for the Democrats," says Republi-

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can Rep. Charles Wiggins. "The alternative is Jerry Ford. Given two years as President of the United States, Ford would be commanded by the Republican Party to run for President and he would be very tough for any of the Democrats on the horizon to handle."

Both Wiggins and Edwards are California attorneys and members of the House Judiciary Committee, but the similarities end there.

Wiggins is a conservative, whose recently reapportioned district lies wholly within Orange County and who believes that Mr. Nixon "has not conducted himself substantially differently than any other President of the United States"

Edwards is a liberal from San Jose with a long record of opposition to Mr. Nixon. He was the first congressman to support the presidential candidacy of Eugene McCarthy and is the former national chairman of Americans for Democratic Action, one of the organizations pushing hardest for Mr. Nixon's impeachment.

Neither Wiggins nor Edwards would accept the description that the House Judiciary Committee is part of a "lynch party forming up on Capitol Hill," the words used by White House spokesman, Patrick Buchanan to describe the impeachment proceedings.

Both congressmen say that their own

individual decisions—and the ultimate decision of the House—will be based on the evidence. It is no secret, however, that Wiggins would take a lot of convincing to vote for impeachment and that Edwards is a probable pro-impeachment vote. Both men see impeachment as part of a larger political though not necessarily partisan process, one that is reflected in their own definitions of what constitutes impeachment conduct.

"I would not be willing to write down on a piece of paper a standard of impeachable conduct that would be applicable for all time because the language would have to be so vague as to be almost meaningless," said Wiggins. "I think, short of a crime, that it's possible for a President to so abuse his office that for the good of the country he ought to be impeached. This has to be tested in a historical perspective so that it is clear the President is doing something other Presidents have not done."

"Impeachable conduct," says Edwards, is "such outrageous conduct by the President that it is impossible for him to govern effectively or to retain the confidence of the people."

Such definitions are less broad than the view expressed by then-Minority Leader Gerald R. Ford during his attempt to impeach Supreme Court Justice William O. Douglas. In a speech

on the House floor on April 15, 1970, Ford denied impeachment as "whatever a majority of the House of Representatives considers it to be at a given moment in history."

But the definitions given by Wiggins and Edwards—and nearly every member of the Judiciary Committee has one of his own—are sufficiently imprecise to permit for varying and frankly political interpretations of what constitutes impeachable conduct.

"It's certainly unjudicial to declare a position before the evidence is all in, but we aren't starting from scratch," says one Republican member of the committee who is scornful of Minority Leader John J. Rhodes' suggestion that anyone who has expressed an opinion on impeachment should disqualify himself. "If you eliminated the members who had no opinion on what Mr. Nixon has done, you couldn't get a quorum in the smallest committee of the House."

Rep. George Danielson (D-Calif.), a former Los Angeles trial lawyer and ex-FBI agent, makes a similar point.

"I'd have to be intellectual eunuch not to have an opinion after a year of Watergate, but it doesn't mean I don't reserve a final judgment," says Danielson.

He compares the impeachment process to an adding machine on which additions and subtractions are being made continually but on which the

"TOTAL" button isn't pushed until all the entries are complete.

Some members have come fairly close to pushing that button.

"There are some Democrats on the committee who would vote to impeach Nixon today," says Rep. William L. Hungate (D-Mo.). "And there are a few Republicans who wouldn't vote to impeach Nixon if he were caught in a bank vault at midnight."

Among the Democrats who have declared emphatically for impeachment are Reps. Robert Drinan of Massachusetts and Jerome Waldie, a California gubernatorial candidate. On the other side, ranking Republican member Edward Hutchinson of Michigan has said: "We've got only one President and impeachment of a President is something the country can't afford."

Politically, a few members of the committee represent districts that have already delivered a clear-cut verdict on their opinion of Mr. Nixon, if not on impeachment. For instance, the largely black Detroit district of Rep. John Conyers (D-Mich.) gave George McGovern 86 per cent of the vote in 1972 and Mr. Nixon only 14 per cent.

At the other end of the political spectrum, the district represented by Rep. Trent Lott (R-Miss.), favored Mr. Nixon by 87 per cent to 13 per cent.

The situation is largely blurred in many other districts.

"I have the gut feeling that an impeachment vote is unpopular in the South but that many members from the Northeast think that their re-election would be enhanced by such a vote," says Wiggins. But he believes that the question is a more complicated one.

"There are many Democrats who rely on Republican votes to win and many Republicans who rely on Democratic votes," says Wiggins. "In these cases impeachment is just a tough vote."

A similar view was expressed outside the committee by a conservative Republican from a Southern swing district who termed impeachment "the kind of issue where you could lose your old friends without making any new friends."

The congressmen meant that hard-core Republicans who man the precincts and work in his campaigns would desert him because of an impeachment vote while hard-core Democrats would continue to oppose him just because they don't like him.

Democratic members also complain that they have much to lose politically and little to gain.

Edwards says that impeachment is a "no-win situation" for the Democrats, who will be accused either of partisanship if they impeach Mr. Nixon or of keeping him in the White House for election gains if they don't.

The political difficulty of an impeachment vote is the reason that a majority of the House turns up "undecided" in recent survey by National Observer and United Press International, according to analysis of these polls by Democratic Study Group staff director Richard P. Conlon.

Conlon believes that the 45 per cent Republican undecided vote is a poor augury for Mr. Nixon, since "one would think that the safest place for a loyal Republican would be to be against impeachment."

Conlon believes that members who have taken an undecided stance will follow the recommendation of the Judiciary Committee.

"... It seems clear that the House will do whatever the Judiciary Committee recommends because the official committee recommendation will provide them protection for what many see as the most dangerous vote they will ever have to cast in their political careers," Conlon concludes.

Some Judiciary Committee members believe, however, that they have more room to vote their consciences and their convictions on impeachment than on many other issues.

Danielson said many of his constituents have urged him to do what he thinks is right on the impeachment vote.