

# House Committee Grasps a Nettle

THE HOUSE OF REPRESENTATIVES, which polls reveal as not at all inclined to impeach President Nixon, has nevertheless by the lousy margin of 410 to 4 given its judiciary committee carte blanche to determine if indeed he should be impeached.

In so doing, it has provided assurance that a year of Watergate will not be enough, and has dumped into the committee's lap a sackful of hard and hitherto uncrackable nuts to crack.

To begin with, the committee must decide what is impeachable and what is not, a decision calling for the discovery of just what the Founding Fathers meant by "high crimes and misdemeanors." It has asked its special counsel, John Doar, to submit a brief on the meaning of that cryptic phrase, and has already received an unsolicited study thereon from the Bar Association of New York City.

THIS CAREFULLY RESEARCHED document holds that impeachment is neither limited to nor intended to include criminal acts, which are matters for the courts and not Congress. "High

crimes and misdemeanors," it says involve official conduct that involves breach of trust, or serious abuse of power, or gross failure to carry out governmental obligations.

The study likewise cites the opinion of President Madison — more than somewhat pertinent at this particular time—that the President's power to remove executive officials makes him responsible for their conduct in office and "subjects him to impeachment, himself, if he suffers them to perpetrate high crimes or misdemeanors . . . or neglects to superintend their conduct so as to check their excesses."

Having answered this question to its own satisfaction the committee can then consider what it should do if the President should scorn one of its subpoenas, and how to extract from Leon Jaworski, the special Watergate prosecutor, pertinent information he holds but is reluctant on legal grounds to hand over.

IN TRAVELING this difficult course, the committee must avoid all suspicion that it is using impeachment as a partisan weapon. Its chairman, Peter Rodino, a Democrat, beseeches it do just that, saying: "Let us proceed with such care, decency, thoroughness and honor, that the vast majority of the American people, and their children after them, will say 'This was the right course; there was no other way.'"