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The Winner and Still the Champ

New Orleans

I HAVE BEEN on the road lately, flying the rib-eye circuit across the South, and distill this impression from a hundred conversations: Inflation may be Concern No. 1 in this region, but Topic No. 1 is impeachment.

In every gathering, the first question has to do with Richard Nixon: Will the old pro hang on to his title?



James Kilpatrick

\$130 million idol for the fans.

Given this obsession, it is not surprising to find that many Southerners look upon impeachment as a kind of novel spectator sport. It is Nixon in this corner and his collective opposition in the other. The Fight of the Century, folks, and how do you see the odds? After a few hours of such conversation, a political writer wants to yield to Howard Cosell.

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THE APPROACH may sound both cynical and superficial, but it has its advantages. There is this to be said of any sports event, that it is played by rules, that it is subject to referees or umpires, and that it winds up with a decision or a final score. However wildly the fans may disagree with the officials, the outcome is accepted.

And there is this above all: No matter how passionately the fans may view a particular event, they understand that a sports event is not the be-all and the end-all. If Tulane loses, the university survives.

It is no bad thing to look upon impeachment in this fashion. There has been entirely too much apocalyptic fulmination about the state of the President. If the House impeaches Nixon, and the Senate removes him from office, the Republic will survive. The old pro will have been toppled, but this is a familiar fate for old pros.

Such an outcome would elate the Nixon haters and crush the Nixon rooters, but so long as the fans had seen a fair match, played by the rules, in time the event would fade into the record books like last year's Superbowl — or last year's vice president.

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WHAT ARE THE RULES of this contest? The House Judiciary Committee is attempting to reduce them to writing now. Because not even his worst enemy has imputed "treason" to the President, it is clear that under the Constitution he could be impeached only for "bribery, high crimes and misdemeanors." The terms come from the vocabulary of the criminal law. The Constitution also speaks of "conviction" and of "trial." I take all this to mean that an impeachable offense must be a criminal offense.

If this is a reasonable construction, it follows that Mr. Nixon might fairly be impeached on such charges as obstruction of justice, evasion of taxes, acceptance of bribes in the guise of campaign contributions, or the misappropriation of public funds to his private benefit.

He could not be impeached for such actions as the bombing of Cambodia or the impoundment of various funds.

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IS THERE probable cause to believe the President has committed an impeachable offense? It seems to be highly doubtful. But if a majority of the House should vote to impeach, could proof of guilt be produced before the Senate? This strikes me as more unlikely still.

As a defendant on trial, Mr. Nixon would be entitled to every protection of due process of law — to the presumption of innocence, to cross-examination of hostile witnesses, to the exclusion of hearsay testimony, to a final instruction on reasonable doubt.

Will the old pro hold His Title? I am no Jimmy the Greek, but if you want to make book: Three-to-one the House will not impeach, fifty-to-one the Senate will not convict.

When the lights go down in the congressional Superdome, Nixon will be the winner, and like it or not, still the champ.

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