

Rhodes Says Cause For Impeachment Need Not Be Crime

By Mary Russell
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House Minority Leader John Rhodes (R-Ariz.) said yesterday that an impeachable offense need not be a crime, but could be an act that would constitute a violation of the oath of office of the President or a clear violation of the Constitution.

Rhodes's view brings him closer to the view taken by a Justice Department study and a House Judiciary Committee memo. It also puts him at odds with the ranking Republican on the Judiciary Committee, Rep. Edward Hutchinson (R-Mich.), who refused to endorse the staff memo and contends, "There should be criminality involved."

The Justice Department study, part of which was released yesterday, said that a President might be impeached for a gross abuse of office but not simply "maladministration."

Rhodes, speaking before the National Press Club, said, "My own feeling is that if the Founding Fathers wanted to go so far as to allow the impeachment of a President for other than an indictable or very serious offense, they probably would have left the word 'maladministration' in the draft of the Constitution instead of taking it out and substituting the words 'high crimes and misdemeanors'."

"So I don't think as far as the Presidential situation I would go so far as to say it's whatever offense the House of Representatives thinks is sufficient at the time. I do feel that it probably goes beyond an indictable offense, that it probably would encompass an act or set of circumstances which would constitute a violation of the oath of office or a clear violation of the clear portion of the Constitution."

The position Rhodes took yesterday differs considerably from the position he took on Dec. 21, when he was quoted as saying he believed the Constitution required that to be impeached a President must

be found guilty of an "indictable offense," a crime spelled out by law. But an aide contended that Rhodes has always believed and stated that a violation of the oath of office or a clear violation of the Constitution were impeachable offenses. "He concluded that after reading the Federalist Papers last fall," the aide said.

Despite Hutchinson's opposition to the Judiciary Committee staff memo, other Republicans on the committee did not support his view. Rep. Robert McClory (R-Ill.), second ranking minority member, said he could imagine crimes that would not be grounds for impeachment and impeachable offenses that would not be crimes.

Rep. Thomas F. Railsback (R-Ill.), said an impeachable offense does not have to be a crime, but it is difficult to determine the standards for impeachable offenses other than crimes. If it is limited to crimes, then the President clearly knows when he overstepped the bounds, Railsback said. If some other grounds are used, some less precise standard, then it can lead to impeaching a President simply because his actions are unpopular, he added.

Rhodes also said yesterday he was "confident" the White House would furnish all relevant material to the Judiciary Committee, and that there would not be an "impasse" between the committee and the White House.

He made a distinction between furnishing material to a federal court, where "there are people who can be affected and whose right to an honest trial can be affected by evidence which might or might not be given by the White House," and the Judiciary Committee proceedings, where "there is only one question, that is whether or not the President of the United States committed a high crime or misdemeanor."