

White House



UPI Telephoto

PRESIDENT NIXON

They yelled '3 more years'

Washington

Lawyers for President Nixon concluded yesterday that the Constitution not only requires a finding of criminal conduct, but criminal acts of "a very serious nature" to provide grounds for presidential impeachment.

Putting substance behind President Nixon's earlier vow to "fight like hell" against impeachment and his argument that he can be impeached only for criminal

conduct, the White House

lawyers drew a very narrow interpretation of the constitutional question.

It places the White House in direct opposition to the conclusion drawn by the House Judiciary Committee's impeachment inquiry staff. That study found a President liable for impeachment for acts not necessarily indictable under criminal law.

In a 61-page analysis of the constitutional standards for presidential impeachment prepared under the direction of James D. St.

Clair, the White House argued:

"The use of a predetermined criminal standard for the impeachment of a president is also supported by history, logic, legal precedent and a sound and sensible public policy which demands stability in our form of government."

Carrying the argument one step further, the lawyers asserted, that "not only do the words (of the Constitution) inherently require a criminal offense, but one of a very serious nature be

Impeachment Report

committed in one's governmental capacity."

The study submitted to the impeachment inquiry staff at noon yesterday is the third such study of the question done by the government.

Earlier the committee's staff examined the same historical and legal background and concluded that impeachment could rest on many acts that are not specifically spelled out in criminal law.

The other study, carried out by the Justice Department, merely concluded that

an impeachable offense is open to both interpretations.

A number of similar studies have also been done by legal groups and other organizations, nearly all of which support the broad view adopted by the impeachment inquiry staff and a majority of both Democrats and Republicans on the judiciary committee.

Citing many of the same sources relied upon by the House committee lawyers in arriving at their entirely contradictory conclusion, the White House lawyers

said, "The evidence is conclusive on all points; a President may only be impeached for indictable crimes."

To conclude otherwise, they argued, would expose the executive branch of government to the threat of "political impeachments."

Representative Peter W. Rodino Jr. (Dem-N.J.), Judiciary committee chairman, said St. Clair's analysis was not solicited and was accepted only at his request.

But Representative Edward Hutchinson of Michi-

gan, the ranking GOP committee member, said he would give St. Clair's brief "equal weight to the staff report."

The St. Clair analysis went back to English common law to find its precedents and distinguished between political impeachments and the judicial process for dealing with criminal offenses committed against the government by men in high stations.

New York Times

San Francisco Chronicle 9

★ ★ Fri., March 1, 1974