

Lions of Liberty

When the House of Representatives considers a possible impeachment, it acts as a grand jury for the whole nation. In that awesome capacity, the authority of the House is supreme. When busy as it usually is with the passage of legislation, its work can be vetoed by the President or reviewed and overturned by the courts. But sitting as the body considering an impeachment, the House is accountable to none but the people at the next election. The Executive and the judiciary have no responsibility save to assist the House as best they can. The Constitution has designated the members of the House for the uniquely serious duty of serving as the lions of liberty. They are to guard against "treason, bribery and other high crimes and misdemeanors" on the part of those officials who may be subverting the free government they were sworn to uphold.

In deciding to forward the confidential report of the Watergate grand jury to the House Judiciary Committee, Federal Judge John J. Sirica has properly recognized the overriding importance of the House's impeachment function. The report summarizes such facts about President Nixon's involvement in the Watergate scandal as the grand jury learned in the course of its lengthy investigation.

It would have been yielding to a meaningless technicality if Judge Sirica had accepted the argument of John J. Wilson, the attorney for H. R. Haldeman and John D. Erlichman, that only special grand juries can hand up special reports and that this was an ordinary grand jury. Further, it would have reversed the natural hierarchy of importance if Judge Sirica had decided that risk of pretrial publicity prejudicial to Messrs. Haldeman and Ehrlichman, the President's agents, precluded his providing the House with material evidence concerning the President himself.

Although an appeal is possible, it is highly unlikely that the appellate court or the Supreme Court would overrule Judge Sirica's decision. President Nixon is the principal person discussed in the report, and he chose to leave the decision to Judge Sirica's discretion. Whether, as many believe, Mr. Wilson was arguing the President's case by proxy is a speculation that carries no judicial weight.

Mr. Nixon's effort in his recent round of news conference and speeches to appeal for broad public support while resisting the Judiciary Committee's request for additional evidence has only served to impel members of the House to a deeper awareness of their unique constitutional responsibilities. As Representative John Anderson of Illinois, chairman of the House Republican Conference, made clear in a Sunday television appearance, the President's strategy is a mistake. Impeachment decisions are going to be made by the House and later, if necessary, by the Senate.

Those decisions have to be comprehensible and acceptable to a large majority of the public, for the members of Congress are properly sensitive to public opinion. But in reaching those decisions, the members are going to be guided by the law, the facts and their own sense of their constitutional duty. They are not going to be swayed by manufactured cheers in airport hangars or by soft answers to soft questions on the luncheon circuit.

The longer Mr. Nixon tries to intimidate and confuse and obstruct the members of the Judiciary Committee,

the more likely he is to make them -- and the other members of the House -- more proudly conscious of their rarely used but decisive power as lions designated by the Constitution to defend the structure of free government.