

Impeachment: Judging the

In learning from history, it is important to draw the exact lesson. "The cat who sits on a hot stove," wrote Mark Twain, "will not sit on a hot stove again. But neither will he sit on a cold one."

History tells us the impeachment of Andrew Johnson was wrong. It does not follow that impeachment is wrong.

Yet some of my colleagues are coming close to saying so. I think particularly of Stewart Alsop, writing in the current issue of Newsweek. "A President should not be thrown out of office," Alsop says, "for being, in the opinion of his opposition, a bad President." That, Alsop writes, "would change the whole American system . . . in a desperately dangerous way."

Alsop would be right, it seems to me, if he were talking about the impeachment of Andrew Johnson, because the case against Johnson was 20 vetoes in three years. That was the only case.

Should a President be impeached be-

cause he sought to thwart the will of the majority party? That was the question Johnson posed and Americans decided that the answer was no, and they have been sorry ever since that anybody brought it up.

But nobody is suggesting that Richard Nixon should be impeached for being "a bad President" or trying to thwart the majority. Certainly not the House Judiciary Committee, which has only said it wishes to examine specified notes and documents which might bear upon a crime. Do not the indictments of nearly all of the President's closest and principal associates justify this request?

Alsop is worried lest we set a bad precedent here as well: ". . . we may well wind up with a presidency so feeble . . . that the legislative branch might only make charges involving criminality to have access to every scrap of paper, secret, personal or otherwise, in the executive branch . . ."

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But the legislative branch has made no charges of criminality. Crime in the White House has been charged by grand juries. And the legislative branch has not asked for every scrap of paper. It has asked for specific scraps of paper which testimony of indicted men suggests are in the President's possession and which, for all the public knows, may prove him wholly innocent of crime.

It is crime we are talking about, not being "a bad President" or, like Johnson, out of favor.

Alsop suggests that Mr. Nixon must not be impeached except by the plain English of the Constitution: "Bribery, Treason or other High Crimes and Misdemeanors." Again, a splendid defense for Andrew Johnson. But is it of any use to Richard Nixon?

"The people understand that treason and bribery are great offenses, and that a ruler guilty of them should be deposed," said Johnson's counsel, Wil-

liam Everts, in his argument before the Senate. "They are ready to believe that there may be other great crimes and misdemeanors touching the conduct of government and the welfare of the state. But they wish to know what the crimes are. They wish to know whether the President has betrayed our liberties . . . They wish to know whether he has made merchandise of the public trust or turned authority to private gain . . . None of these things are charged, imputed or even declaimed about . . ."

It was a brilliant argument and it brought Sen. Grimes to a declaration: "If the question was whether Andrew Johnson was fit to be President, I should answer no. But the question is whether Andrew Johnson has committed a crime. Quite clearly, he has not."

Can anybody say that about Richard Nixon?