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James Reston

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# The Politics of Impeachment

Washington

**YOU CAN HARDLY** pick up a paper these days without reading about some move or countermove in the White House or the Congress that is supposed to influence the outcome of the impeachment proceedings against President Nixon.

Usually these are side issues, having very little, if anything, to do with the evidence for or against impeachment and conviction, but they are important tactical moves that could be influential or even decisive on the final judgment.

Item: Senator Jacob K. Javits (Rep.-N.Y.) recently took note of what he called "rumors" and "indications" that President Nixon was trying to tailor administration policy to woo the support of a "conservative bloc" of senators large enough to forestall his conviction, that is, one-third plus one of the Senate's 100 members.



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"It would be very tragic," Javits said, "if the President began to play 'impeachment politics' with domestic legislation and foreign policy, and I feel there are enough indications of this concern."

Item: The President is mounting a very active campaign by his intervention in the Michigan congressional election campaign and by his recent diplomatic and personal activities at the memorial services in Paris for the late President Pompidou of France, to persuade public opinion that he is an effective campaigner at home and an indispensable campaigner for peace abroad.

**WELL, ALL THIS** is very interesting and understandable. The idea is growing here, and apparently even within the White House, that the House Judiciary Committee, and maybe even the House itself, will vote out articles of impeachment, and that the issue will finally be whether 34 members of the Senate will finally save him.

Nobody can blame the President for trying to save his political life, for demonstrating his personal energy, his political support, for appealing to public opinion in his television meetings with selected and sympathetic audiences, even for trying to turn the judicial impeachment process into a partisan split, which, if successful, would assure enough votes to block conviction in the Senate, if not impeachment in the House.

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**BUT THE SENATE** has a different obligation, namely to act as a jury on the evidence, without regard to these side issues, and that obligation was written out in the Senate manual on the "Standing Rules, Orders, Laws and Resolution Affecting the Business of the United States Senate."

The rules for impeachment trials in the Senate manual, recognizing that this is a wholly different and extraordinary procedure in the Senate, insist that each member take a new oath before hearing the evidence and casting his vote.

The section reads as follows: "Form of oath to be administered to the member of the Senate sitting in the trial of impeachments: I solemnly swear (or affirm, as the case may be) that in all things appertaining to the trial of the impeachment of \_\_\_\_\_ now pending, I will do impartial justice according to the Constitution and laws: so help me God."

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**THIS BRINGS** us back to the central question, and puts the side issues in their place. It is also a reminder that, when we get into trouble in this country and begin to divide on personal or emotional issues, we are not without tradition, that there are rules to guide us, carefully defined by generations that have gone before.

This oath is a rebuke to members of the House or Senate who tell the press and television that they have made up their minds that the President should resign or be convicted or exonerated.

The case for reading the rules and the Constitution again in these tragic times is very strong. For somehow the past has anticipated the present even better than we have understood it ourselves.

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