

By William Safire

## ESSAY

WASHINGTON—Most readers of Washington tea leaves say that the House of Representatives will vote to impeach the President about mid-July, around Bastille Day; the Senate will begin its trial a month later. Toward the end of September, in this scenario, conservative Republicans and Southern Democrats would make up that "one third plus one" necessary to acquit.

That prospect pleases many. The President would be most severely rebuked but not driven from office; Congressmen running in the fall could point to their votes to throw him out (or, to Nixon supporters, "to give him a fair trial") and the majority of the public, dissatisfied with the President but not wanting his head on a plate, would have enjoyed a ripsnorting show with a happily inconclusive ending.

The trouble with the conventional wisdom is that it is as chancy as drawing for a "gut card" to fill an inside straight. Contrary to the wishful thinking of most of the President's moderate adversaries, and antithetical to the Nixon strategy of sacrificing votes in the House to hold on to votes in the Senate, there is a good chance that impeachment will gather a momentum of its own—one that the President's foes and friends together will not be able to stop.

If Richard Nixon is impeached by the House, there is an increasing possibility that he will be convicted by the Senate, indicted by a grand jury, convicted by a petit jury and sentenced to a term in jail.

Whoa. Only one American in six, according to Time magazine's latest poll, wants to see the President impeached at all; the vast majority of Americans, including many who urgently wish he would resign, do not want to see the President in jail.

But consider the logical consequences. If the House were to impeach, there would be a blitz to switch four or five Senate votes now in the Nixon column that, with impeachment's momentum behind it, might well succeed.

Since impeachment could only succeed centered on an "indictable crime," such as obstruction of justice, it would then be impossible to sing hail to a new chief and go home; if Congress found President Nixon guilty of a specific crime, then the special prosecutor would be duty-bound to seek indictment of private citizen Nixon for that crime.

No citizen is above the law, the prosecutor would argue with great logic: ex-President or no, a crime requires that justice be done. Since Mr. Nixon is not the type to plea-bargain or assert anything but his innocence, it can be expected that a District of

Columbia grand jury would indict and a D.C. petit jury would convict. And the ensuing public clamor for clemency would not necessarily restrain a judge from entering the history books by imposing a short jail sentence.

Far-fetched? Somewhere along the line, would there not be a deal, a resignation, a bill of abatement, a hung jury or an accident to stem the flow of consequences? Perhaps.

But perhaps not. I have taken the reader down this highly hypothetical road to show that it can happen here and to urge some consideration of the consequences of impeachment.

The impeachment lobby does not want the public to think about the consequences to the nation of an imprisoned ex-President, for good reason: fear of arriving at the ultimate destination might cause us to turn off at the first exit. One step at a time, say the impeachers; let justice take its course; it is not helpful for them to admit the possibility that the paths of impeachment lead but to the clink.

Then, of course, would come revulsion: What have we done? That question would quickly change to "What have they done?" In this "Ox-Bow Incident" reaction, the majority who only wanted a President rebuked or censured would blame the politicians for the incarceration of a political opponent.

The Representative who voted for impeachment would then be hard put to explain that all that flowed from his vote had nothing to do with him.

Before the grand inquest becomes the grand inquisition, let us stop to think. Are we ready to go all the way?

The nation is not in such present danger of tyranny for us to set a precedent for the legal overthrow of elected leaders, and to open the possibility for their absolute degradation. Does anyone seriously suggest that the Nixon experience of the last year is not enough to deter some future President from taking a similar course, that only legal punishment will make the point?

Liberals who have fought Mr. Nixon over the years have a special responsibility now to take the long view. To consider all the consequences—including those that seem as remote as impeachment itself did not so long ago—before running the risk of being gripped by the momentum of retribution.

The road we are on is a rumor-greased expressway with fewer exits than we think, and—as Jefferson wrote to Madison—"Impeachment has been an engine more of passion than justice."