

SFC  
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# How Are Chances For Impeachment?



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A GREAT DEAL of murmuration continues in Washington on this whole prospect of impeachment — impeachment in theory, and impeachment in fact. My impression is that the President's fortunes are looking better on either approach.

Murmuration is defined as an act of murmuring, which is to say, the muttering of low complaints; grumbling. That is largely what we are doing now.

For a variety of reasons, the movement to impeach Mr. Nixon and to oust him from office is losing its momentum. A great many members of Congress would like to be shed of the President, but their ambition is now badly tangled in theory, fact, timing, politics, and human inadequacy. Instead of charging toward impeachment, the House is merely drifting toward impeachment. It is possible that the House will never get there.

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PART OF THE trouble lies in leadership. The last time the House undertook to impeach a President, a century or so ago, a strong and implacable voice summoned the House to its duty. No such voice is audible on Capitol Hill today. Peter Rodino, chairman of the House Judiciary Committee, is not a Thaddeus Stevens nor was meant to be. If the impeachment movement were going anywhere, we ought to be hearing Catonian cries. Instead, we are hearing — murmuration.

Another difficulty arises from a general confusion on the theory of impeachment. The leading theory, propounded by all the experts, is that when it comes to ousting a President, an "impeachable offense" is something broader than a "criminal offense." But that theory causes great uneasiness. The situation is different as to the removal of federal judges.

Under the Constitution, judges serve "during good behavior." The common-sensical implication of that provision is that judges therefore may be removed on a finding of bad behavior. In every impeachment proceeding of this century, the House has confirmed that view: It has charged judges with "misbehavior."

No such amorphous charge constitutionally can be brought against a President. Here the House is limited to "treason, bribery, or other high crimes and misdemeanors." In the view of some members, it is not enough to demonstrate that a President has behaved badly. Any such notion would fundamentally alter our structure of government: It would give us Presidents who serve at the pleasure of the Congress.

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IN THE END, legal theories may count for less than political realities. Questions of theory provide tidbits for law professors to munch on, but the politicians who make up the House have other fish to fry. Putting aside the law and the evidence, the practical question is likely to come down to this: Is impeachment popular? Do the people want to see Mr. Nixon removed from his office?

The polls suggest that the question is close. The time factor grows increasingly important. It now appears that Rodino's committee will not act before August. This timetable could compel an up-or-down vote on the floor immediately before the campaign adjournment in September.

But the longer the House murmurs and fidgets, while the President flies boldly around the world, the more likely it seems that Mr. Nixon will survive this crisis after all.

**Arthur Hoppe is on a week's vacation.**