

Nonpartisan Mr. Jenner

The grounds cited by Republican members of the House Judiciary Committee for easing out Albert E. Jenner Jr. as their chief counsel and replacing him with Sam Garrison, a former member of Spiro T. Agnew's Vice-Presidential staff, display a dangerous misunderstanding on their part of the nature of the impeachment process. Representative McClory of Illinois, second ranking Republican on the committee, explains that it was necessary to replace Mr. Jenner because, "he has taken a strong position pro-impeachment entirely in line with the Democratic leadership. . . . Consequently, in order that the Republicans can be served, we need the action of, the partisan service of Mr. Garrison."

That view would be more appropriate if the committee were considering an ordinary piece of legislation sent up by the Administration or a proposal introduced by the Democratic leadership, but it is totally inappropriate in an impeachment inquiry.

It is, however, of a piece with the intense and sustained White House strategy to force raw partisanship into the impeachment debate. The drumfire of attacks on the committee for its supposed partisanship by White House staff members has been unrelenting. Just last Saturday, for example, Presidential counselor Dean Burch characterized the Judiciary Committee's proceedings as "a black spot on jurisprudence." It is impossible that members of Congress have failed to get the message from the hints of both President Nixon and Vice President Ford that they will be selective this fall in offering their support to Republicans running for Congress.

All of these efforts fit into a grand design to demean the impeachment process—not to mention the Congress—by jamming it into the mold of a partisan squabble which requires of Republicans loyalty to the President rather than fidelity to the Constitution. By shunting Mr. Jenner aside, the Republicans on the committee played right into that reprehensible strategy.

It is clear that the Republican members are entitled to the best advice obtainable on the law of impeachment and on the meaning of the evidence and it is also clear that they have a right to make a judgment as to the quality of the legal services being rendered to them.

But the constitutional law of impeachment is not Democratic law or Republican law nor should the evidence be subject to partisan analysis. The beneficiaries of the impeachment process—whichever way it comes out—ought to be the people of the United States. Though partisanship may serve their interests well in other contexts, it has no place in the impeachment debate.

Representative Wiggins of California, another member of the Republican minority on the committee said, "Bert Jenner has seemed to have forgotten who his client is in this case." In dismissing a man who called his shots as he thought the Constitution and the interests of the public dictated, it seems it was the Republican minority, not Mr. Jenner, who forgot who the client is.