

Agony and Pride

Members of the House Judiciary Committee have been eloquent in conveying their sense of agony and awe at the decisions which chance has called upon them to make this summer of 1974. Less evident, but equally justified, is the sense of confidence among legislators and the observing public alike over the way this solemn and fateful political process is operating within the democratic structure.

After months of dreading the process of impeaching a President of the United States, Americans have growing reason to be proud of it. The gruelling ordeal through which the American political system has already been dragged is leading to an expression of its ultimate strength—a point not lost on observers abroad, in totalitarian Russia as well as western democracies.

A remarkable and comforting continuity can be traced between the deliberations of the Federal Convention on July 20, 1787, and the House Judiciary Committee debate which opened 187 years and three days later. At Philadelphia Gouverneur Morris of Pennsylvania and Charles Pinckney of South Carolina "moved to strike" the impeachment clause from the emerging Constitution. Mr. Morris argued for greater "specificity"—he wisely avoided the use of that word—of impeachable offense; Mr. Pinckney and Rufus King of Massachusetts worried that impeachment by the legislature would "effectually destroy [the President's] independence."

But Edmund Jennings Randolph of Virginia warned that "the Executive will have great opportunities of abusing his power," and Benjamin Franklin of Pennsylvania concluded that impeachment "would be the best way . . . to provide in the Constitution for the regular punishment of the Executive when his misconduct should deserve it, and for his honorable acquittal when he should be unjustly accused."

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Nearly two centuries later these same concerns are being voiced by the political heirs of the Founding Fathers. Yet, as in 1787, the need for impeachment is clearly recognized; the question is how best to go about it.

Moving through virtually uncharted legal terrain, today's inquisitors must decide for themselves what constitutes an impeachable offense, what rules of evidence must apply, what due process is necessary in cases of "injuries done immediately to the society itself." But everyone watching can see that the Committee is not behaving in the slightest degree like a "kangaroo court" or a "lynch mob," as President Nixon's aides once tried to make the nation believe.

The public debates so far have given ample detail to justify the general statements of the articles; the only regret would be that in the too-few minutes assigned for televised explanations there could not be somewhat more rounded and fuller presentations for the persuasion of the viewing public that surely has not waded through all the printed documentation.

As several committee members have stated, no one should want to experience this process of impeachment more than once in a lifetime. The best way of ensuring that this will be the only impeachment witnessed by anyone now alive is to carry it through in the orderly and dispassionate way it has begun. The pride of America lies in the confirmation that the Constitution is not a dead letter, neither in the liberties it defines nor in the means, however little used, it assigns for the preservation of those liberties.