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# Senate Proposal on Impeach Reform

Washington

Senate majority leader Mike Mansfield (Dem-Mont.) proposed yesterday that the Senate scuttle its 106-year-old rules for impeachment trials and adopt a new set of permanent rules.

While existing rules don't provide any clear guidelines on how much proof is needed to find a president guilty before ousting him from office, Mansfield wants the new code to require

"clear and convincing evidence" of wrongdoing.

His "clear and convincing evidence" standard steers a middle course between the much harder-to-prove standard of guilt "beyond a reasonable doubt" used in criminal trials and the much easier-to-prove standard of guilt based on "preponderance of evidence" used in civil cases.

Mansfield's proposals were made in a letter to the Senate Rules Committee,

which begins study today on whether to revise the old rules in preparation for the possible trial of President Nixon.

Accompanying Mansfield's letter was a total redraft of the impeachment rules, including many concepts from the federal codes of criminal and civil procedure. The new rules, intended for use in any future trial, made these key revisions in existing procedures or standards:

- The chief justice, who presides at impeachment trials of Presidents and who voted to break ties on procedural matters in the 1868 impeachment trial of President Andrew Johnson, would be barred from any voting whatever in the future.

- Televising of the proceedings would be permitted on recommendation of the leadership with approval of the full Senate.

- Any evidence that would be admissible under federal criminal and civil statutes, under administrative law, under court rulings or under the rules of evidence of general jurisdiction of the states, would henceforth be admissible in impeachment trials.

In addition, the Senate could, by vote of its own, rule whether to admit contested portions of evidence.

In the present case, this would make admissible all material on the White House tapes and such hearsay evidence as was relevant to the specific charge at trial. Existing impeachment code rules don't have any general rules on evidence; they leave these up to Senate vote.

- If authorized in advance by the House, articles of impeachment could be amended in the Senate to include new specifics to back up general impeachment charges, but the basic charge itself couldn't be altered.

- The senators would be designated as "judges" to emphasize that they decide matters of law as well as fact.

- The person being tried would be given ten days to enter his plea after receiving a summons, and neither the president nor vice president would be permitted to withhold evidence on national security or state secrecy grounds, although the Senate could go into closed session to hear such evidence if

it chose. None of this is spelled out in current rules.

- The final debate before the vote would take place in open rather than closed session, with each speaker granted ten instead of 15 minutes of time.

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