

A Question of Timing

By James Reston
New York Times

Washington

The conventional view here now is that this is the beginning of the end for President Nixon, but between the beginning and the end — between voting articles of impeachment in the House Judiciary Committee and voting conviction in the Senate — lie many political struggles and legal tangles that could go on for months.

A News Analysis

Time, with its unpredictable events and changing moods, could be a critical factor. For example, the impeachment trial of President Andrew Johnson in the Senate lasted three months — from Feb. 25, 1868 until May 26, 1868, and this raises a key question.

Does the authority of the present 93rd Congress expire at midnight on Jan. 2, 1975, as Senator Henry Jackson of Washington says it does? And if so, would an uncompleted trial in the Senate have to start all over again? Jackson says "yes," and insists that the entire question would have to go back to the House Judiciary Committee in the 94th Congress.

Senate leaders, of course, are trying to speed up the process by drafting rules for the trial that would avoid this complication, but the timetable is no wholly in their hands.

For example, if the House votes to impeach the President around the end of August or the beginning of September, the President will ask for time to prepare his defense before the Senate.

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Washington

An elaborate schedule for listening to 19 taped White House conversations was distributed to all 435 members of the House yesterday by the House Judiciary Committee.

A member wanting to

United Press

The majority leader, Senator Mike Mansfield is thinking that two weeks would be sufficient for this preparation, but if the President asks for a month or even longer, it would be hard to deny him the time he requests.

Also, while the Senate can set rules that avoid filibustering the issue by droning on with irrelevant material, it would be difficult to deny the President and his attorneys the opportunity to call as many defense witnesses as he likes, another time-consuming process.

It is even possible that the trial could get into procedural arguments, such as over the authority of the present Senate after January 2, in which case the President could claim that he was denied due process and refer the argument to the courts.

Presumably, common sense would prevail at some point in this process, but a long trial cannot be ruled out, and this presents the awkward process that the President could be impeached by the House in

hear all of the controversial recordings would have to spend at least three hours a day for four days wearing the earphones. The House is tentatively scheduled to begin debating a resolution of impeachment of President Nixon August 19.

August and then have to try both to defend himself and exercise his executive duties for a period of months.

As a result of these potential difficulties, Washington is now full of proposals about how this nightmare can be avoided. In fact, you can hardly run into a congressman these days who doesn't have some suggestion about what the President should do to change the present trend toward impeachment, government paralysis, and conviction. Among the suggestions are the following:

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should go before the House and Senate personally, respond to questions and defend himself. The theory is that this would influence the house, the senate and the television audience in his favor.

- Failing this, he should go on television from the White House and argue his case directly to the voters.

- If impeached by the house, he should resign rather than risk a long paralyzing trial in the senate and the interruption of the government's other urgent business.

- Finally, that he should refuse to resign on the ground that this would seem

a confession of guilt which he does not feel, but concede that the impeachment and the preoccupation with the scandals have destroyed his

- Senator Barry Goldwater thinks Mr. Nixon capacity to govern and forced him to the conclusion that he should get out and recommend that vice president Ford be made acting president under the 25th amendment.

One side argument for resigning or stepping out under the 25th amendment is that he would retain his \$60,000 a year life-time pension, plus his wife's \$20,000 a year lifetime pension, plus almost \$100,000 a year in expenses, even if impeached, but would only retain a far smaller pension as a former naval officer, congressman and vice president if convicted by the senate.

All this presumes, of course, that the president is still determined to fight the case out by every legal device at his disposal, as he has indicated he would do. For a few hours, his men in the White House were suggesting the opposite, that he was thinking seriously of asking the house to skip the impeachment debate and send the issue on to the senate for a speedy trial.

But this would have meant that the president was asking for unanimous consent in the house to impeach him, and was quickly abandoned as a useless gimmick. It is still possible, of course, that he will resign or take the 25th, since he has said so many times that he wouldn't, but the likelihood is that he will fight it out to the end and take his chances.

He has always been a gambler and a fatalist who thinks something unforeseen may turn up, and since the in the past, it is still far too unpredictable and the unlikely have often saved him early to assume his conviction.