

Politics, Morality and Impeachment

On the occasion of his recent State of the Union message, President Nixon said: "One year of Watergate is enough." He urged Congress and the nation to concentrate on our major national and international problems. Despite the President's plea, however, a good deal of the nation's attention remains focused on Watergate and the other scandals of his Administration. Moreover, the House Judiciary Committee has made some progress in its deliberations on the matter of impeachment and has asked the President for certain evidence relevant to his personal involvement in Watergate and the other scandals. Unfortunately, Mr. Nixon's replies to the House Judiciary Committee strongly suggest that he thinks impeachment, like Watergate, should be put on the sidelines of national concern.

Such a view is unacceptable. The moral and political issues connected with the Watergate conspiracy, the President's subsequent conduct and the whole matter of impeachment are among the most important problems confronting the nation. At stake is our commitment to holding the highest public official in the land to his oath of office, to basic standards of decency in political conduct and to the constitutional limits on the powers of his office. If we do not require the President to conform to these standards, we will have dealt an irreparable blow to American political and moral ideals.

As matters now stand, we do not have the evidence to decide whether President Nixon is guilty or innocent of the extremely serious abuses of power that have been charged against him by his opponents. Even the recent indictments of seven of his closest aides do not establish the President's guilt, nor even the guilt of those indicted.

Despite the continuing absence of public proof beyond a reasonable doubt, there are grounds for suspicion that the President was personally and deliberately involved in flagrant abuses of Presidential power committed by members of his Administration. The President has offered no satisfactory explanation of his role in these events. He has only grudgingly cooperated with the prosecution of his aides. He has cooperated even less with the investigation of his personal involvement. His constant invocations of national security and executive privilege are obviously far too self-serving to dispel the cloud of suspicion he and his aides have brought upon the Oval Office.

Given the gravity of the charges and the probability of the grounds for suspicion, there is no reasonable political or

moral choice but to take impeachment seriously and give it a very high degree of national priority. The question of impeachment, however, is no simple matter, and taking it seriously means that we must be willing to grapple with its complexities. The burden is bearable only because of the paramount importance to the nation of a just resolution of the issues.

At the very outset, we must determine which Presidential offenses are impeachable and which are not. The Constitution defines impeachable offenses as "Treason, Bribery, or other high Crimes and Misdemeanors." Treason and bribery are clear enough, but what about high crimes and misdemeanors? At the very least, the specification of charges in the Constitution means that the President is not to be removed from office just because a majority of the House of Representatives and two-thirds of the Senate do not want him to be President any longer. Impeachment is not a Congressional referendum on the desirability of the President.

On the other hand, a review of English and American legal history makes it quite clear the impeachable offenses include much more than statutory crimes. The contention that President Nixon cannot be lawfully impeached and convicted unless he can also be judicially convicted of a statutory crime flies in the teeth of the language, history and purpose of the impeachment clause.

Impeachable offenses lie somewhere in the middle between Congressional displeasure and judicially provable crimes. Because that "somewhere" has not been firmly fixed by precedent, the nation must establish a precedent. If we do not do so now, we will surely have to do so in the future.

Without prejudging President Nixon's guilt, we think that certain of the charges against him fall clearly into the category of the kind of offenses for which a President would deserve removal from office by impeachment and conviction. For example: Stealing a national election by unscrupulous political conduct and coercive solicitation of campaign contributions. Waging an unauthorized war. Subverting the Bill of Rights by a deliberate, persistent campaign of political espionage, paid for at public expense and involving wholesale invasions of the privacy and property of individual citizens. Deliberate, persistent suppression of evidence necessary to enforce laws the President is sworn to enforce.

None of these offenses is mentioned by name in the text

of the Constitution. No President has ever been impeached for any of them. And everyone of them may be false, as charged against President Nixon, or impossible to prove. But these offenses are the kinds of subversion of constitutional government and the kinds of violation of the Presidential oath of office that the impeachment clause of the Constitution was surely designed to provide a remedy against.

Given the charges, the suspicion and the availability of a remedy, we find the conclusion inescapable that the question of impeachment must be given the same high priority accorded to our other first-rank national and international concerns. The President cannot function effectively with respect to those other concerns until the charges have been refuted and the suspicion dispelled. If it is within his power to clear himself, he owes the nation the vindication of his integrity. It is time for the President to recognize that we cannot keep faith in him unless he keeps faith with us.

Tricky Road to Peace

In the Middle East, the peace dove has taken two short flights in the direction of its traditional goal in recent weeks and, quite possibly, a much longer one in the opposite direction. On the positive side must be counted the decision of Egyptian President Anwar el-Sadat to resume diplomatic relations with the United States. Equally welcome has been the remarkable feat of our itinerant Secretary of State Henry A. Kissinger in getting adamant Syria to discuss with Israel the disengagement of their respective armies on the Golan Heights. One has to be less than euphoric, however, over the decision of Israeli Prime Minister Golda Meir to step down. That development, though later retracted, suggests a worsening political crisis within Israel that could well end up jeopardizing whatever progress has been made in the direction of peace.

The resumption of diplomatic relations by Washington and Cairo will end the six-year estrangement that had its origins in the June, 1967, Middle East war. But more than that, it is an indication of the new mood of confidence that prevails in Egypt. It suggests that country's desire to have an end to bitter confrontation in the Middle East, provided its Israeli-occupied territory is returned. Coupled with moves toward the reopening of the Suez Canal and the emphasis being placed in Cairo on the economic rehabilitation of the Suez area (and of the nation itself, for that matter), this development on the diplomatic front offers

concrete evidence that President Sadat is serious about negotiating a just and honorable peace in the Middle East.

Syria, as Mr. Kissinger well knows by now, has proved a harder nut to crack. But that was to be expected. The fact that the Secretary of State did crack it is a tribute to his diplomatic skill as, bit by bit, he painfully constructs a pattern of peace and negotiation in the Middle East. He secured from Syria that list of Israeli prisoners of war and won from the government approval for the International Red Cross to visit them. The opportunity now exists, moreover, to reach some kind of agreement, similar to that concluded at Suez, on disengagement of forces on the Golan Heights. The significance of such an achievement is that, for the first time in 25 years, hard-nosed Syria has expressed a willingness to talk with Israel. This has been a real breakthrough. Given the unpredictability of Syrian politics, however, and the possibility in this land of *coups d'état* that the government, like so many of its predecessors, could easily be toppled, the ice is bound to remain disturbingly thin in Syria.

No thinner, however, than in Israel itself. When Mrs. Meir announced her decision to bow out of the picture on March 3, the news stunned the Israeli Labor party and the nation itself. It meant, as far as domestic politics was concerned, that she would decline to continue as Prime Minister in the next government and the likelihood of new elections to resolve the deepening political crisis in Israel. Any such development would be bound to compromise Israel's stance in any future negotiations with the Arab states. For, if Israel finds it impossible to achieve viable government at home, how could any such government approach sensitive negotiations secure in the knowledge that it had a mandate from the people? The fact that Mrs. Meir has heeded the efforts to dissuade her may have eased the situation, but it has not resolved her problem of putting together a government that speaks with an assured voice.

For Mrs. Meir, the choice was not an easy one to make. She could throw in her hand or form a minority government. After much persuasion, she opted for the latter course. The problem now is that her minority government can count on no more than 58 of the 120 seats in the Knesset. Mrs. Meir will probably continue to court the religious parties, which would give her ten more seats and a majority. The long-dominant Labor party, however, remains uncertain of itself.

One can only hope that Israel will resolve its internal political crisis. Though still far from the final goal, we have come a long way in the Middle East since Mr. Kissinger began his shuttle diplomacy. It would be a tragedy to see what has been achieved go down the drain.

