

TESTIMONY OF ROBERT F. DRINAN, S.J.
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BEFORE THE HOUSE JUDICIARY COMMITTEE
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The situation before the House Judiciary Committee today is entirely different from the scene in 1974. At that time the country knew that there was lawlessness in the White House. Abuse of power and criminality were apparent to the American people.

The procedure followed by the House Judiciary Committee in 1974 was, however, even-handed; months of hearings took place with the President's lawyer, Mr. James St. Clair, always present and free to make comments and ask questions.

Today the scene is startlingly different. No investigation has been done by the House Judiciary Committee, nor have any fact-finding hearings been held. The 21 Republicans have no support whatsoever from the 16 Democrats. In addition, two-thirds of the nation continue to be opposed to impeachment.

In 1974 the members of the Democratic majority had constant conversation and dialogue with the Republican members. The Democrats were aware of the intense problem the Republicans had with the impeachment of a Republican President. But eventually six or seven of the Republicans voted for one or more articles of impeachment.

Another difference: the House Judiciary Committee in 1998, unlike its predecessor in 1974, has allowed its agenda to be dictated by the calendar. Strategy has been determined not by the need for thoroughness and fairness but by the convenience of ending the process before Christmas of this year.

The House Judiciary Committee in 1974, furthermore, did not vote for all of the proposed articles of impeachment. A serious charge was made that President Nixon had back-dated his taxes in an effort to take advantage of an exemption that had been repealed. Only 12 members

voted for the proposition that this was an impeachable offense. Twenty-four members, including this writer, voted that this misconduct, almost certainly a felony, was not impeachable.

The dignity of the majesty of the Rodino committee was not out to embarrass or humiliate President Nixon. What we were required to do was painful. But we worked, debated and finally voted. The people of America could see that the process was deliberate, bi-partisan and measured.

The only time in American history that has seen anything like the process this fall before the House Judiciary Committee occurred in 1868 when President Andrew Johnson was impeached by the House. The consensus of history is that the Johnson impeachment was partisan and was a mistake. Its failure in the Senate did not prevent a weakening of the independence of the presidency.

The American people who are so overwhelmingly opposed to impeachment may be becoming aware of the dreadful consequences that would happen to America if the House approved of impeachment and sent articles to the Senate. The entire nation knows that there are not 67 votes in that body to convict.

But the country could be paralyzed for some six months. The workings of the Supreme Court would be harmed because the Chief Justice would have the constitutional duty of presiding at the trial. The Senate's program would be held up and the whole country would be immobilized.

The House cannot pretend that it has only to act like a grand jury and send the articles to the Senate for trial. There is no historic or constitutional justification for that position.

The House has a unique role in impeachment. The vote cast by each member will be the most important vote cast by that person as a member of Congress. History will discover and record whether that vote was done for partisan reasons. A vote to impeach in this case would have dire consequences for years and even decades to come.

Almost 70 percent of the nation and virtually every Democrat in the Congress are opposed to impeachment. These groups believe firmly that even if all the allegations in the Starr Report are true there are no impeachable offenses.

The American people and the Democrats in Congress have a right to be listened to. They have not agreed with any reasons for impeachment set forth by the Republican leadership in the Congress. The nation has a right to demand that an impeachment effort with no bi-partisan support should be reconsidered.