

Outrider: No grounds for impeachment

By GARRY WILLS

Some recent commentary on the prospect of impeaching President Nixon makes it look as if the impeachment proviso in the Constitution is of no use whatever. If a President is riding high, he cannot be impeached. If he is brought low, he is too weak to be impeached without disabling the country. We have to bow to him, or prop him up; we can never bring him down.

In that case, why does the Constitution bother to give the impeaching power to Congress? Well, the framers of the Constitution wanted to give the legislature, as the source of law, final authority — to it are given the supreme powers to make war, control the purse, and impeach members of the executive and judicial branches. For historical reasons, the President has become more powerful in day-to-day matters, and the Supreme Court more powerful as the source of final appeal; but the American fathers, with their experience of the British Ministry and its

courts, felt the legislature — and especially its more popular branch — best represented the people at large in setting the basic goals of society.

The original fear was that a President and his cabinet could, like King and ministry, override the will of the parliament — not enforcing the society's laws, but substituting a different program by fiat. It is this picture that lies behind the Constitution's list of impeachable offenses: "Treason, bribery, or other high crimes and misdemeanors." Misdemeanors could cover almost anything: the offense is left to congressional definition. Thus, impeachment differs from regular trial, in which the judge or jury convict of one or more specific crimes, subject to predefined law.

Much of the current talk about Mr. Nixon's troubles comes from a disposition to treat impeachment as a criminal trial — from which politics should be kept separate. Politics is the whole point of impeachment. We are

told, for instance, that President Andrew Johnson should not have been sent to impeachment proceedings by the House (and almost expelled by the Senate) because he committed no specific crime. (The removal of Secretary of War Stanton was in his power after all.)

But the Congress was saying Johnson's policy toward the South was not the nation's policy, as formulated by the Congress; it was a presidential way of making peace. What was wrong, here, was not the procedure of Congress, but the fact that the South was disfranchised and the North was vengeful in its moment of conquest. One can agree with Johnson's moderate aims (and wonder how Lincoln himself would have fared in pursuing them), yet admit that democratic procedure was on the side of Congress. Democracies can err.

Impeachment is never justified except to call a President back to national policy, when his opposition to that policy threatens grave immediate

damage, e.g., if the nation at-large had opposed the Vietnam war, it would have been worth impeachment to prevent his prosecuting the war. Actually, of course, the nation vaguely supported the war, at least on Nixon's terms. Democracies do err.

What has all this to do with the present? Well, some speak as if the revelation of Nixon's involvement in Watergate would demand impeachment automatically — as discovery of a crime obliges the authorities to indict. But there is no political reason for removing Nixon from office. He is not pursuing any policy gravely at odds with national purpose as that is articulated by the legislature. In that case, imposing criminal penalties on the President would be a frivolous act. Only a grave political purpose can justify the specifically political means of checking errant authority called impeachment. Watergate, no matter what Nixon had to do with it, affords absolutely no grounds for impeachment.

Co-governance: an end to 'student input'

By BOB RENO

For the time being we can forget about the tired old question of whether students are "ready for equality"; it's obvious that the majority of faculty members aren't. Although there may be some degree of truth in the notion that age and experience are prerequisites to emotional maturity, it's been made clear by recent faculty actions that neither can be by any means a guarantee thereof.

Not long ago the Emerald ran a story: "All-faculty committee to design co-governance system." From beginning to end, the article reflected the anachronistic and egocentric attitudes that so typically represent the faculty senate. I find this jingoistic thinking on the part of some faculty members totally objectionable.

First of all, I'm afraid the Emerald may have been following a false notion in its headline. Were those faculty senators responsible for the passage of the legislation (which has incidentally since been passed by the general faculty at a subsequent meeting) really concerned with the issue of co-governance, or were they simply interested in streamlining the existing system of inequitable university governance for the sake of expediency, to the continued exclusion of adequate student representation?

But even if they are considering co-governance, the attitude that faculty members alone, exclusive of students, can "design" such a system is so presumptuous and distorted as to portend inevitable failure of any co-governance system as long as this bad faith persists in faculty circles.

Webster's defines the prefix "co-" as "Together with, joint or equally." Co-governance as a concept spells out an end to token "student input" — to the patronizing attitudes of condescension that have traditionally typified the faculty-student relationship. But the way in which faculty members are approaching implementation of the concept threatens to adulterate it to the extent that the emasculated faculty version of co-governance may no longer be recognizable as such to students, the group responsible for initially raising and defining co-governance as an issue.

It's important to bear in mind that this is not a faculty-initiated issue. It was the Oregon Daily Emerald

student body that voted last term to establish a new (interim) ASUO Constitution, which officially cites the goal of next year's ASUO as the negotiation of an equitable system of university co-governance. But since that time faculty and administration groups have been quick to jump on the issue. The result is that the whole concept of co-governance as an issue is being totally coopted — transformed from a student initiated concept to an exclusive "faculty" issue. If a purpose or motive could be written in between the lines, it could only be to destroy completely the whole notion of co-governance as originally conceived.

These attempts to undermine the chances for a viable system of university governance are well exemplified by the above mentioned faculty decision to exclude students from the faculty committee appointed to study the issue. If faculty members were actually considering possibilities for co-governance in good faith, they'd obviously not have excluded students from even a mere preliminary study committee. It's just patently absurd!

But in this case, faculty senators made the right decision in terms of student interest, even if for the wrong reasons. (Ironically, Dr. Rousseve had been contacted by the ASUO co-governance negotiating team prior to the faculty senate meeting, and had been asked to withdraw that part of his motion which placed three students on the study committee.) So you have a false picture all the way around: those faculty members narrowly concerned with defending their interests against the "swarming hordes" of students have accidentally adopted the student position, while the self-styled defenders of student interests (well-intentioned if self-deceptive) were arguing for student representation on a committee from which students had specifically asked that they be excluded.

The problem lies in the common assumption that faculty members can define and decide student interests and positions — an assumption that's going to have to be dispelled, and soon. We see a great debate going on in the faculty sandbox (no less laughable than the recently abolished ASUO sandbox), with some fighting "on behalf" of the students and some against, but none of them have

thought to stop long enough to ask the students what they really want. Is this emotional maturity?

Why should students actually want to be excluded from the study committee? In light of all this manipulative behavior from within faculty and administrative circles, it's become obvious that the main threat to student interests is cooptation — not exclusion! Token student input is not a necessary stepping stone to meaningful student influence; it is a stumbling block — a special kind of tokenism that "puts us in our places" and keeps us there. (It was precisely this realization that led to the abolition of the ASUO Senate.)

The student body already has its mode of representation worked out regarding negotiations for co-governance. The ASUO Negotiating Team, established separately

from any faculty action, must remain separate if it is to avoid the cooptative grasp of the administrative bureaucracy of the university. The inclusion of students in any similar faculty bodies would only destroy the autonomy and credibility of the existing student negotiating team.

So to the general faculty we can only say "thanks" for their recent decision, with the understanding that any such thanks comes in spite of, and not because of, their intentions and efforts. We look forward to better faith in future faculty-student relationships than we've seen so far.

Note: Mr. Reno, an independent studies sophomore, is a member of the ASUO Co-governance Negotiating Team.

