

Russell Baker

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A Proposal Simply to Sweep the President Under

A New Haven man writes that while he believes impeachment of the President might be an excessive reaction to the scandals known as Watergate, some lesser response is certainly called for. He proposes impoundment of the President.

The proposal is certain to provoke hot debate among Constitutional lawyers, for the United States has never impounded a President before, and the absence of precedent would create great confusion about procedure. The impoundment concept, of course, has been thoroughly popularized by President Nixon himself, although not in the context to which our New Haven correspondent alludes.

Nixon, in fact, is a strong proponent of impoundment. He has argued persuasively that although the Constitution may not explicitly authorize impoundment, the right to impound is legally

inherent within that noble document.

What is impoundment? Essentially, it is nothing more than the setting aside—the sweeping under the rug, if you prefer colorful metaphor—of certain awkward aspects of government which have been authorized by law. Thus President Nixon has chosen to impound—simply not to use—money which Congress had voted for programs which the President believed uneconomical.

Although the law seemed to require that the money be spent, under the impoundment right which the President detected in the Constitution he was able to set the law aside.

In impounding a President, therefore, we would simply set him aside, sweep the President under the rug as it were, on the assumption that although he may have been authorized by law, it is a bit

too awkward to go on maintaining him.

Impoundment is preferable to impeachment for many reasons. Impeachment is messily legalistic and politically disagreeable. If successful, it ends in the President's removal from office. He is succeeded by a Vice President who, abruptly ornamented in all the trappings of the Presidency,

abandons his graceful Vice Presidential humility and turns into another President as surely as the Son of Kong succeeds the fallen King Kong.

An impounded President, on the other hand, is still there, like impounded money voted by Congress. If we need a President we can still make use of him, just as the President can still make use of Congress's impounded money should need arise. He is available, like money in the bank, but tucked away in the safe deposit box and no longer bestriding the narrow world like an LBJ.

It would be foolish for a layman to guess at the legal procedures which lawyers might insist upon for carrying out an impoundment of the President. Being lawyers, they can be counted upon to devise a maze of procedure that would snap Ariadne's thread. It is not hard, however, to suggest

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the Constitutional Rug

the broad outlines of process.

First, some sort of statement declaring that the President has been impounded must probably be issued. President Nixon always issues such declarations when impounding money; it seems only good form to grant him the same courtesy.

Second, some justification for the deed should probably be issued in the original impoundment declaration. President Nixon commonly justifies impounding money on ground that Congress has been extravagant in voting to spend it and that the country cannot afford Congressional wastefulness.

This raises the question whether financial extravagance may be the sole justification for impoundment. If so, a case is easily made against most presidents.

In President Nixon's instance, there is the profli-

gate use of private jetliners and helicopters for incessant travel between Washington, Florida and California. In the latter state he has purchased a house so inadequate for presidential habitation that the public was later required to chip in \$176,000 of the cost of a new heating system, a beach cabana, gazebos and landscaping to increase police security of the property. A President who commits us all to a million dollar house without even consulting us is not spiritually removed from a Congress that commits us all to billion-dollar programs of which the President does not approve.

An impounded President, of course, would have the right to go to the Supreme Court and argue that his impoundment was unconstitutional. However, he would have to take a taxi to get there.

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