

The Vice Presidential Vacancy . . .

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Every political crisis produces, among other things, a rash of ill-considered statements. By way of illustration, consider the suggestion, now being widely offered, that the Congress should delay action on the nomination of Rep. Gerald R. Ford to be Vice President. There have been arguments that Congress has no obligation to take up a nomination made by a President who faces possible impeachment proceedings. There has been talk of holding Mr. Ford as a hostage for better behavior by the President. There is the possibility—which some apparently find quite tantalizing—that the congressional Democrats, by failing to confirm Mr. Nixon's nominee, could engineer the elevation of one of their own, House Speaker Carl Albert, to the presidency if Mr. Nixon should be unable to complete his term—and thus sweep their party into a position of power it could not come even close to winning in last year's election.

The first point to note about this entire approach is that Speaker Albert quite properly is having none of it. Mr. Albert said Tuesday that the House should act on the Ford nomination quickly and that a new Vice President should certainly be confirmed before formal impeachment proceedings, if any, are begun against the President. The Speaker's concern is doubly understandable because events have placed him in a very awkward spot. As long as the vice-presidential vacancy remains, Mr. Albert faces the prospect of having to play a leading role in impeachment proceedings which could put him in the White House. Similarly, as long as his nomination is pending, Mr. Ford has such an intense and involved personal stake in the proceedings that it would, in fact, be fitting for him to take himself out of any argument over impeachment—rather than lead the defense of the President in the House, as he is now doing.

The situation is doubly entangled in the House because the Judiciary Committee must deal with not only the Ford nomination, but also the impeachment investigation and the issue of a special prosecutor. In contrast, the Senate Rules Committee is not overburdened and should be able to process the nomination expeditiously. It would be useful for the Senate to take the initiative—and to take its lead from majority whip Robert C. Byrd's statement the other day that the nomination should not be held up, but should "rise or fall" on Mr. Ford's own qualifications for the vice-presidential post.

Such calls for prompt action reflect a sound understanding of the obligations imposed on Congress by both the 25th Amendment and the current low state of political affairs. In political terms, the last thing that the country wants or needs is any more distress, disunity and narrow partisanship. All this would certainly result from an attempt to hold the nomination of Mr. Ford as hostage, either to Mr. Nixon's future performance or in anticipation of the President's impeachment. Moreover, it would be profoundly wrong—and probably self-de-

feating as well—to try to turn impeachment into a congressional coup d'etat which would install a Democrat in the White House. That would be precisely the sort of cynical, exploitative abuse of power which the American people are now reacting so strongly against.

In contrast, there are large national benefits in the course which Speaker Albert advocates—the prompt completion of the investigations, the hearings, the committee reports, the floor debates and the votes in both houses on the nomination of Mr. Ford. Settling the issue of succession would remove one source of public uncertainty. It would also demonstrate that the Congress can perform responsibly at a time when a sense of responsibility is a precious commodity in public life.

Prompt action on the nomination also happens to be the only course which satisfies the letter and spirit of the 25th Amendment. The whole intent of Section II of that amendment is to insure that the nation will almost always have a Vice President—someone chosen specifically for that particular job, and able to bring both a reasonable degree of competence and some measure of continuity to the presidency if called on to assume that post. In other words, Section II of the amendment was approved so that the Speaker of the House would *not* henceforth be next in line to become President, except if an almost unthinkable disaster should remove both President and Vice President simultaneously from the scene. This reform acknowledged the fact that Speakers of the House, however able and experienced, are elected for a different job by a different, smaller constituency and sometimes, as now, by the opposition party.

Those who favor blocking the nomination of Mr. Ford, and keeping Speaker Albert next in line, are thus urging a course which Congress and the states specifically repudiated by approving the 25th Amendment. They are also pressing a course fraught with the most dangerous kind of political mischief. It is interesting to recall that the possibility of such perilous partisan sport was discussed during the Senate floor debate on the 25th Amendment in 1965. Then-Sen. Ross Bass (D-Tenn.) suggested that a Congress controlled by the opposition "would have much more of a problem in confirming the recommendations of the President if we knew . . . that one of our own people would go to the job next." The situation, Senator Bass said, "becomes a political bomb." To this Sen. Birch Bayh (D-Ind.), floor leader for the amendment, replied:

I have more faith in the Congress acting in an emergency in the white heat of publicity, with the American people looking on. The last thing Congress would dare to do would be to become involved in a purely political move.

It is up to Congress to show that such faith was justified.