

THE NATION

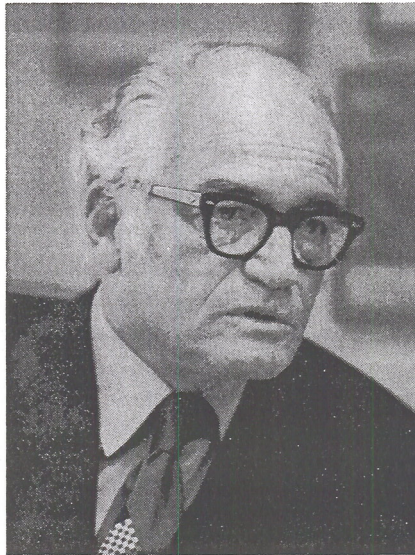
tion or impeachment and trial (*see box*).

New calls for resignation came from such diverse sources as Massachusetts' Republican Senator Edward Brooke, the *Detroit News*, the *New York Times* and the *Denver Post*. "The Right Report," an ultraconservative Washington newsletter, claimed: "Conservatives are in almost unanimous agreement that President Richard Nixon should not be impeached, but a significant majority wishes he would resign—after Representative Gerald Ford has been confirmed as Vice President." Argued the *Times*: "He has been trying to 'tough it out' for too long at too great a cost to the nation. As long as he clings to office, he keeps the presidency swamped in a sea of scandal and the American public in a morass of concern and confusion."

Discarding Tradition. Yet resignation as a resolution of the crisis was also sharply challenged as going beyond the Constitution and allowing too many uncertainties to remain about the precise nature of the President's transgressions. Among those making the point was Republican Senator Howard Baker, vice chairman of the Senate Watergate committee, who said that to suggest resignation was "to discard the American tradition, indeed the English tradition, of the presumption of innocence."

One of the nation's most influential conservative columnists, James J. Kilpatrick, also rejected resignation, but urged the House to impeach. "The time

WALTER BENNETT

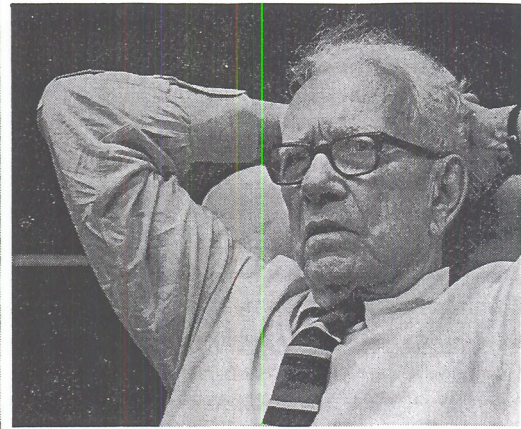


SENATOR BARRY GOLDWATER
A solemn debate.

has come, much as a longtime admirer regrets to say it, to proceed with the impeachment and trial of Richard Nixon," wrote Kilpatrick. "Nothing else will clear the poisonous air and restore a sense of domestic tranquility."

Although the debate is valid and valuable, the Constitution offers no barrier to resignation. Article II specifically envisages it in the clause: "In case of removal of the President from office, or of his death, resignation, or inability to

STEVE NORTHUP



SENATOR GEORGE AIKEN

discharge the powers and duties of said office . . ." Some of the preference for impeachment comes not only from conservatives but from Nixon's old enemies. And some of the latter seem motivated more by a desire to punish the President than to reach a resolution of an intolerable crisis in Government.

As the pressure grew, Nixon at week's end turned from the energy crisis to take specific steps to check the adverse flow of opinion. He was getting a wide range of friendly advice that the time had come to lay his cards on the table, but it was not clear what he could do—or what good it would do at this late hour. Still, he summoned top Republican members of Congress to the

Impeach or Resign: Voices in a Historic Controversy

Should President Nixon resign? Should he be impeached? Or what should he do to prevent either? Last week those once unthinkable questions were argued in a solemn and unique national debate. Excerpts from the most notable opinions:

SENATOR PETER H. DOMINICK, Conservative Republican from Colorado: There can be no more deals and no more technical arguments about evidence. Nothing short of complete disclosure will be adequate to restore the confidence of the American people. The President should divulge everything he has personal knowledge of and should permit complete access to all tapes, papers, files, documents and memoranda which have been requested by the Senate Watergate Committee and the special prosecutor. I am reluctant to talk about impeachment, but the genie is already out of the bottle, and it cannot be put back in. The confidence of the American people cannot be restored until the impeachment question is disposed of, and this must be done as quickly as possible.

SENATOR BARRY GOLDWATER, Conservative Republican from Arizona: Let's not jump up and say impeach. Let's not jump up and say resign. Right now there is no evidence the President has done

anything wrong. I think the only way he has out now would be to show up some morning at the Ervin committee and say, "Here I am, Sam. What do you want to know?"

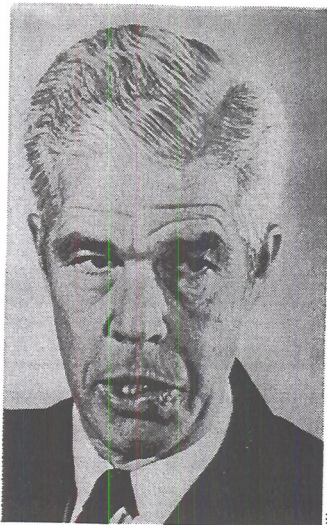
SENATOR EDWARD BROOKE, Liberal Republican from Massachusetts: I do not think that the country can stand the trauma that it has been going through for the past months. It has been like a nightmare and I know that he doesn't want to hurt the country, and I certainly don't want to prejudice the case. He might not be guilty of any impeachable offense. On the other hand, there is no question that President Nixon has lost his effectiveness as the leader of this country, primarily because he has lost the confidence of the people, and I think, therefore, that in the interests of this nation that he loves that he should step down, should tender his resignation.

SENATOR GEORGE AIKEN, Moderate Republican from Vermont: The White House has handled its domestic troubles with such relentless incompetence that those of us who would like to help have been like swimmers searching for a way out of the water only to run into one slippery rock after another. [But] those who call for the President's resignation on the

ground that he has lost their confidence risk poisoning the wells of politics for years to come. The men who wrote our Constitution were fully aware how waves of emotionalism, if given an easy electoral outlet, could reduce any political system to anarchy. To ask the President now to resign, and thus relieve the Congress of its clear congressional duty, amounts to a declaration of incompetence on the part of the Congress.

It is the President's duty to his country not to resign. It is the clear duty of the House, through whatever procedures it chooses, to frame a charge of impeachment and to set itself a deadline for the task. If a charge is framed and voted, the Senate's clear duty is to proceed in a trial with all deliberate speed. May I now pass on to this Congress advice which I received from a fellow Vermonter: "Either impeach him or get off his back."

THE REV. BILLY GRAHAM: I think if he totally levels with the people and admits that mistakes and blunders have been made, a great deal of the moral authority and credibility can be restored, but not all of it. Democracy must have a moral basis. If a criminal act has taken place and he is guilty, then he should be impeached. If you are going to have a democracy, you've got to take the people



SENATOR PETER DOMINICK

THE TAPES

Now a White House Inaudibility Gap

The confident White House lawyers had expected to clear up all doubts in about three hours of testimony. But as the second week of the unusual fact-finding hearings in Federal Judge John J. Sircica's Washington courtroom ended, the astonishing White House claim that two of the President's subpoenaed tapes had never existed remained a matter of controversy. Each time the battery of White House lawyers closed one testimonial gap, a new one opened.

The extraordinary drama pitted an experienced team of White House attorneys against two aggressive 30-year-olds from the special prosecutor's staff. Most of the tough questions were posed by Richard Ben-Veniste, a brash, curly haired lawyer with an imposing recall of past Watergate-related testimony. Last week, when the President's feisty personal secretary Rose Mary Woods (see box following page) was called, the questions were asked by Jill Vollner, an attractive miniskirted attorney whose queries were delivered with a gentle touch.

The testimony demonstrated again that President Nixon was speaking most loosely when he assured the Senate Watergate committee last July that the tapes are "under my sole personal con-

trol." Miss Woods had listened to some of the recordings at the White House, at Camp David and at Key Biscayne. H.R. Haldeman, Nixon's former chief of staff, received a bundle of tapes at an aide's home in Maryland and took them to his Georgetown residence. Once described by a White House official as being stored in the residential section of the White House, the tapes were now said to be kept in the Executive Office Building under the supervision of John C. Bennett, an assistant to Nixon's chief of staff, General Alexander Haig.

Bennett, a retired major general who took over custody of the tapes from the Secret Service after the existence of the recording system was revealed last July, sounded militarily meticulous in testimony about his tape-guarding role. He placed notes of tape withdrawals in envelopes in his office safe and sealed them in such a way that "I would know if they had been opened." He also placed "two keys" to another safe that held the tapes in similar envelopes. Bennett seemed incredulous when Ben-Veniste recalled that Secret Service men had claimed that there were three keys. Asked if he could be entirely certain that all tapes returned were identical to those that had been withdrawn, Bennett re-

White House and talked to them spiritedly about his Watergate problems for nearly two hours. Representative John B. Anderson, chairman of the House Republican Conference, said that he was "very much encouraged" by the meeting. Nixon, he said, had indicated that he would make some public accounting of what is on his subpoenaed tapes after they have been screened by Judge Sircica and given to the Watergate grand jury. Nixon has also invited the 28 members of a national Republican "coordinating committee," convened by Republican National Chairman George Bush, to meet with him this week to discuss the impact of the scandal and how to try to shore up his shaky presidency.

into your confidence. You have to sit down and be friends with people who don't agree with you. This is a part of leadership. I pray for the President. I cry for him. If he asked me for spiritual advice, I'd give it to him. But he hasn't.

CLAIRE BOOTHE LUCE: If the President is innocent of the allegations made by the press, the press should not force him to resign. If he is guilty, the Constitution provides the way for bringing him to justice in the due process of impeachment and trial. The President is not above the law, but he is not below it either. He has his right like any other citizen to his day in court. The press has insisted repeatedly that Watergate has brought about a constitutional crisis. The way through that crisis is the way provided by the Constitution. The people, through their representatives, alone have the right to try and judge a President and throw him out of office if he is found to be guilty.

THE WALL STREET JOURNAL: The appeal of resignation is precisely that it requires no charge, no evidence, no investigation, no due process, no specific grounds. Is that the kind of constitutional precedent we want to set? We doubt that our institutions ought to evolve toward changing Presidents with every change in the public mood. The House of Representatives ought to proceed

with its impeachment investigation. If grounds for impeachment are found, so be it. But we are suspicious indeed of having a President forced from office in some extra-constitutional manner.

THE WASHINGTON POST: It seems to us that the case for resignation is not necessarily overwhelmingly stronger than the case for impeachment. For those who cry "resign" are asking Mr. Nixon to leave office without a formal, final resolution of allegations that have been, or might be, made against him. A President cannot be exorcised, as if he were some unwholesome spirit, merely repeating the incantation, "Resign!"

NEW YORK TIMES COLUMNIST TOM WICKER: The clamor for Richard Nixon's resignation is suddenly so deafening that it may drown out good sense and overwhelm due process. It risks a rush to decision rather than an exercise of judgment, and it proposes a constitutional short cut when the primary problem is that the Constitution already has been too often slighted or ignored.

Resignation would in no way resolve the question of Mr. Nixon's guilt or innocence; it would not even leave a clear sense of what the charges were, or should have been. Resignation might well insure rather than prevent continuing suspicion and bitterness in American politics. Mr. Nixon is as entitled to a day

in court as any man; he is entitled to judgment on the merits of his case, not to an assumption that he looks too guilty to govern.

NEW YORK TIMES COLUMNIST ANTHONY LEWIS: It is an illusion to believe that trials settle all doubts; history is full of cases to the contrary. How much more likely such a result would be in the impeachment of a President. There would always be a body of opinion doubting any verdict. Moreover, the very White House tactics that have obstructed the judicial search for truth about the crimes of this Administration would doubtless go on in impeachment. What is involved here is not a narrow, legalistic question of guilt. The United States faces a crisis of confidence in its President. The resolution of that crisis, whether by impeachment or resignation, will be a political act. The Constitution does not command either course; it explicitly envisages both.

President Nixon, of course, cannot be forced to resign; that decision is up to him. But if he should change his mind and decide to heal his country's wounds more speedily by resignation, no true consideration of legitimacy would demand that the United States go through the further trial of impeachment. Begin the process, yes; go on if we must. But to insist on impeachment would seem less like statesmanship than masochism.