

'Life-Size' Presidents

By Tom Wicker

IN THE NATION

Senator Walter Mondale of Minnesota is proposing the appointment of a national commission to recommend ways and means of making the Presidency "open and accountable to the American people and to Congress." The need for a "life-size" Presidency is clear, but who needs another national commission?

Senator Mondale's basic point is that, however bad Mr. Nixon may be personally, the real trouble is that something has gone wrong with the office itself in a 36-year trend toward a Presidency "larger than life and larger than the law." Anyone who thinks that kind of imperial Presidency has been subdued by Watergate should have listened to Mr. Roy Ash, the Nixon budget director, on Sunday's "Meet the Press."

Mr. Ash said that President Nixon was going to go right on impounding Congressionally appropriated funds, despite the fact that he has lost all but five of about thirty court tests on the issue, since the Administration is convinced that it will ultimately be upheld by a favorable Supreme Court decision.

What's more, Mr. Ash said, if Congress devises new legislation to make his own important job subject—as Cabinet offices are—to Senate confirmation, Mr. Nixon will veto it whatever its form. Why? Because directing the budget "is such an integral part of the President's office." Congress, like Mel Laird, can keep its cotton-pickin' hands off economic policy and the single most important instrument for controlling it.

So the imperial Presidency is alive, if not altogether well, and living luxuriously at 1600 Pennsylvania, Camp David, San Clemente, Key Biscayne and Grand Cay. And Mr. Mondale is right on target in saying that this Presidency ought to be made more responsive to the people and to Congress—"take down the fence around the White House," Eugene McCarthy used to say—without damage to its essential powers.

But another national commission? After the Warren, Kerner, Eisenhower, Scranton and innumerable other commissions? Their major accomplishment, it is not too cynical to say, is a series of generally admirable reports gathering dust in the White House basement; while the danger they suggest is that the appointment of a commission and the publication of a report give the impression that a problem has been solved.

Even if more could be expected from the commission Mr. Mondale envisions, it is hard to see why it is needed. The major steps that need to be taken are available already, any-

time Congress wants to take them; and while their precise form may be debated, like any other legislation, there is no particular mystery about what needs to be done.

First and foremost, a limit has to be put on the President's—any President's—power to commit the nation to war with no more authorization than his own definition of national interest and security. War-powers legislation already has been passed in both houses, and the real test will come when Mr. Nixon vetoes it. But no one who has lived through the last decade needs a commission to tell him or her that if the President could not send troops to battle whenever he chooses, he could not so easily wrap himself and all his works in the flag; hence he could not so easily command national obeisance or invoke patriotism in support of mere policy.

Second, Congress has to complete a job it set out bravely to do before Watergate seemed—but only seemed—to obviate the necessity. Congress has to devise the kind of budgetary machinery and controls for itself that will make it impossible for a President to say that Congress has neither the administrative means nor the political will to control Federal spending. It is only because he can accurately make such a charge that Mr. Nixon also can make a plausible case for impounding funds and maintaining exclusive executive control of budget-making and keeping.

Congress also must assert its right to confirm Presidential nominees for immensely important offices—such as the budget director's—that may be created by Executive order. The Nixon-era battles over G. Harrold Carswell and L. Patrick Gray show how important the power of confirmation can be. And this power could be greatly augmented if Congress also would extend and regularly insist upon its right to question high officials of the executive branch.

These steps alone would go far to cut the Presidency to "life size," without impairing its necessary powers and flexibility. But they leave one area in which a thoroughgoing study by an independent commission might prove helpful—that of "national security" and its various agencies and techniques.

Such broad questions as the missions of the C.I.A. and the F.B.I., such narrow questions as the Government's power to wiretap without a warrant, have long needed to be reconsidered fully, dispassionately and in relation to one another. Watergate has made that clear, and Congress could easily force such a necessary review.