

The Clifford Plan (Cont.)

By Arthur H. Dean

In an article on this page on June 4, Clark Clifford, former Secretary of Defense, put forth an ingenious proposal that President Nixon and Vice President Agnew resign their offices to permit the formation of "a government of national unity." This result could be accomplished, he suggested, through the mechanism provided by the 25th Amendment to the Constitution for filling a vacancy in the office of the Vice President. Thus, Mr. Agnew would resign first, Mr. Nixon would appoint a new Vice President subject to confirmation by both houses of Congress, then Mr. Nixon would resign and the new Vice President would succeed him. Mr. Clifford further proposed that Mr. Nixon should select his successor from a list of "three qualified individuals" named by Congress.

Apart from the broader issues it raises, the constitutional legitimacy of Mr. Clifford's proposal would appear to be more formal than substantial.

The amendment was intended to provide an appropriate means for maintaining an orderly succession to the Presidency when a situation of necessity exists, not to provide for the replacement of a duly elected President whenever men knowledgeable about public affairs might consider such a replacement desirable. Moreover, the amendment does not itself speak of the President's appointing a new Vice President from a list of qualified individuals submitted by Congress (or any other body) but vests the appointment power exclusively and mandatorily in the President, and the President alone, subject to confirmation by a majority of both houses of Congress.

At the beginning of his article Mr. Clifford suggests, "Under our system of government, a President cannot function without the confidence of the American people. Parliamentary systems recognize this fact and a government resigns following a vote of no confidence."

The parliamentary system was well known to the framers of the Constitution who were not "inexperienced doctrinaires," and because of the unsuccessful and trying years under the Articles of Confederation when the Federal Government could not legislate unless all of the states agreed, the Founding Fathers were well aware of the differences that separated the Thirteen Colonies and of the risks to a new Republic of following the parliamentary system and having the Gov-

ernment fall upon a vote of no confidence. Consequently, they opted in Article II, Section 1, for an independent Executive Branch headed by a President and Vice President, each elected for a fixed term of four years.

Mr. Clifford's proposed course of action thus runs contrary to one of the most basic decisions made in the Constitution.

Similarly, it ignores the basic principle that the people themselves have the sole right to choose the President through the electoral process on the basis of their own weighing of whatever considerations they may deem material. At the time of the 1972 Presidential election, the Watergate break-in had received widespread publicity. Much more, of course, is known now, and Mr. Clifford may be correct that even at this point we have merely seen more of the tip of an iceberg.

With respect to national stability and the effective functioning of the executive branch, which are Mr. Clifford's stated concerns, it would appear that the resignation of President Nixon after his bold and long-needed intervention in foreign affairs would most likely cause greater instability than his continuance in office, unless further properly corroborated revelations make it clear to the leaders of Congress that he must either resign or be impeached. Even then, there would appear to be no substantial basis for demanding the departure of Mr. Agnew, who, so far as is known or even suggested, has had no part in any aspect of Watergate or improper methods of surveillance.

Mr. Clifford's new President "of outstanding ability and the highest character" would nevertheless be an unknown quantity to the country and the world. Until his views on a multitude of important questions were developed and made known, public uncertainties could be so great as to cause a sharp economic recession and a severe dislocation in the conduct of foreign affairs. At the same time, Mr. Clifford's description of the benefits to be derived from selection of a new President seems unduly rosy.

Mr. Clifford's whole proposal is, of course, based upon the premise that both the President and the Vice President would be willing to resign and turn the Government over to a President who might well be of another party and whose views on basic questions of policy might differ drastically from their own. I am not sure of the reality of this premise or of its acceptability at this time to the American public.

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Tomorrow's Op-Ed Page will be devoted to readers' comments on the Clifford article.