

## Watergate and the Future of American Politics

# The Aborted Nixon Revolution

by Hans J. Morgenthau

Watergate will make and destroy political fortunes. It will send some men to jail and keep others out of it. It will add disturbing and spicy details to those already revealed. It may even tell us in the end who knew what when. All this is important in the short run. But much more important is the future of the American political system, put into question by Watergate as it has not been since the Civil War.

Watergate has violated the principles upon which our system of government rests in four different respects. It has attacked American democracy directly by depriving the minority of a chance to compete on approximately equal terms with the majority. It has undermined American democracy indirectly by the use of two devices familiar from totalitarian systems of government. It has duplicated certain official, statutory investigative and law enforcement agencies with secret, unofficial ones, exempt from normal legal restraints; it has justified the disregard of constitutional and statutory restraints with concern for "national security," which in this context is a synonym for the "national emergency" by which fascism justified the destruction of the democratic order. Finally its conservative pretenses have masked nihilistic destruction.

It is of the essence of democracy that the minority of today has a fair chance to become the majority of tomorrow and that the minority of tomorrow has a similar chance to become the majority the day after, by competing on approximately equal terms with the majority in free elections. In this competition the government, representing the majority of the last elections, has a built-in advantage; for it monopolistically controls the instruments of organized violence, it occupies

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a privileged position vis-à-vis the media, and the concentration of varied and potent instruments of power and influence in the hands of modern government gives it a leverage which the minority party cannot match. In order to compensate for this built-in advantage the government's use of it is hemmed in by constitutional and statutory restraints. The effectiveness of these restraints is predicated upon a moral restraint defined by the Founding Fathers as "republican virtue," which is as essential to the democratic order as it is rare in the perspective of all of recorded history. The democratic order requires that those who hold power are willing to give it up, and that those who aspire to power will accept defeat under the rules of the Democratic game. That act of renunciation presupposes an ethos that puts respect for the democratic order above the desire to hold on to or acquire power.

That ethos has been absent from most political regimes during most of their history. It has been the exception to the rule of fraud and force. That is to say, in most states during most of history, men have tried to gain power and hold on to it by hook or crook, and more often than not the struggle for power was decided by who could kill whom. If one beholds the contrast between the bloody and rotten canvas of history and the spectacle—rare, delicate and noble—of a defeated incumbent surrendering the keys to the White House to his successor or of a defeated candidate going back to where he came from, nursing his wounds in silence, one becomes slowly and painfully aware of what Watergate has done to American democracy.

Devoid of that ethos the perpetrators of Watergate have put their desire to hold on to power above observance of constitutional and statutory restraints. They have taken the first steps toward the transformation of American democracy in the image of authoritarian and totalitarian regimes where the struggle for

power is carried on through the fraudulent use of democratic procedures, culminating in the suppression of dissent and the physical elimination of the dissenters. In order to put the temporary minority at a permanent disadvantage and thereby transform the majority's temporary hold on power into a permanent one, the powers-that-be have at their disposal two types of instruments: legal ones, used for purposes at variance with the purpose of the law; and illegal ones claimed to serve, and to be justified by, a higher national purpose.

It is not a violation of the law for the White House to suggest to the Internal Revenue Service to audit the income tax returns of certain individuals or to request the Federal Bureau of Investigation to report on certain individuals or to "screw" its "enemies" in general through the discretionary use of executive and regulatory agencies. Nor is it illegal for the administration in power to use these instrumentalities in order to favor its "friends." These practices, antedating the present administration, do not violate the letter of the law; they abuse the law by employing the enormous powers which the law gives to the government for partisan purposes alien to the law. For the government uses the law not for the purpose of at least approximating justice as defined by the law, but for the purpose of perpetuating its own power as well as the minority status of the opposition. The fault of the government is moral rather than legal.

The present administration shares those sins with its predecessors although there can have been few, if any, who abused the laws for political rather than personal purposes so flagrantly and systematically and on so extensive a scale as this one. The identification of the minority with the "enemy," a concept belonging to the world of warfare rather than legitimate competition, and the compilation of lists of "enemies," reminiscent of the Roman proscription lists, gives one an inkling of the extent to which the democratic ethos has been ignored by the present administration. Yet that administration has added to the traditional sins of partisanship novel transgressions for which there is no precedent in American history. In order to understand the nature of these transgressions it is necessary to make two observations, one concerning the ultimate purposes of the present White House, the other pointing to the limitations of the abuse of the law as a partisan instrument.

It is crucial to the understanding of the unique character of Watergate that predominately the transgressions were not committed for private gain but for political advantage. In other words we are not dealing here with manifestations of the private profit motive overwhelming the public sphere. We are dealing with a political organization which has one aim: to keep itself in power by means fair or foul. Yet it is the very logic of this aim that has compelled the organization

to supplement means fair or foul with means constitutional or unconstitutional, legal or illegal.

It is in the very nature of the abuse of the law as an instrument of political competition that it is limited by the restraints of the law. If the IRS or FBI refuses to do your bidding, being loyal to both the spirit and letter of the law rather than to your personal and political fortunes, you have three choices: you can reconcile yourself to having been stymied by the ethos of the bureaucracy; you can change the personnel of the bureaucracy, which is a slow and hazardous process; or you can create your own bureaucracy, unencumbered by legal restraints and subject only to your will. If the stake is not personal enrichment or even personal power but rather the perpetuation in power of the organization to which you belong and to which you have given your ultimate allegiance, the compulsion toward the third alternative is well-nigh irresistible. Thus fascism and Nazism, putting the triumph of the "movement" and the perpetuation in power of the leader above all other considerations, created a peculiar system of government, called suggestively by Professor Ernst Fraenkel of the Free University of Berlin "the dual state," in which the official statutory agencies of the government, subject to legal restraints, are duplicated by agencies performing parallel functions, which are organized by the ruling party and responsive only to the will of the leader.

That duplication is particularly pronounced in the field of law enforcement. The official police may arrest a man and release him for lack of evidence, or he may be convicted by an ordinary court to a term in prison; upon release by the police or the prison authorities he is rearrested by the secret police, tried by a special court and sent to a special prison or camp. While the ordinary police seek to apprehend persons suspected of a crime and while the proceedings of ordinary courts seek to establish the guilt or innocence of the accused and mete out punishment to fit the crime, the totalitarian bureaucracy has only one aim, to "screw the enemies," real or imaginary, of the regime and of the leader by harassing, confining or killing them.

The squads which the Nixon administration envisaged and in part organized for the purposes of eavesdropping, burglary, firebombing, forgery, opening of mail and other criminal acts were called upon to perform in a haphazard way the same functions which the highly organized and disciplined secret police have traditionally performed in authoritarian and totalitarian societies. That the organization of these squads was embryonic, their loyalty questionable, their performance sloppy, their overall scheme stillborn is a result not so much of personal deficiencies as of a peculiarity of the American political system that has saved American democracy before. The totalitarian organizations of Italy, Germany and the Soviet Union were imbued with a missionary zeal nourished by a charismatic leader or doctrine that carried a message

of salvation for the nation and the world. The message of salvation which America offers to itself and to the world is preempted by the promise of the Declaration of Independence of equality in freedom for all. Without it, as Lincoln clearly saw, there is no America. A man and a movement that would want to make itself the master of America by totalitarian means has a chance of doing so only in the name of democracy.

The totalitarians of the Nixon administration suffer from other disabilities equally fatal to their cause. They have no doctrine whatsoever in whose service they could have acted and which could have justified their actions in the eyes of the public. The *ex post facto* invocation of "national security" has failed to cover the misdeeds of the White House with a blanket of overriding necessity. Rather it has served the function of a transparent veil emphasizing what it sought to conceal. Again the difference between this abortive adventure in totalitarianism and the successful totalitarians of Europe is striking. For the latter were faced with genuine national emergencies to be dealt with in novel and perhaps unprecedented ways. Thus their destruction of democracy had a surface plausibility which is completely lacking in the Nixon enterprise.

One purpose alone united the totalitarians of the Nixon administration and moved them to action: the perpetuation in power of the President and derivatively of themselves. So narrow a foundation can support a gang of lawless politicians temporarily united by a common interest but it cannot support a popular totalitarian movement. Devoid of a transcendent goal to which the people at large could have rallied, these politicians failed by dint of their very selfishness and smallness of vision. If the Nixon administration had been successful, it would have impaired American democracy and might even have destroyed it. But it would have been unable to put anything in the place of what it had impaired or destroyed. The Nixon revolution, if it had been successful, would have been a revolution of nihilism, not of conservatism, in whose name it pretended to govern and as which it has been supported by conservatives.

**T**his contrast between pretense and reality is not accidental but evolves from the very nature of the American political system. Conservatism concerns either the philosophy and method of politics or its purpose. These two applications of the conservative approach to politics have been confused in contemporary American thought, yet they were sharply separated in the American political tradition. Conservatism of philosophy and method is part and parcel of that tradition. That conservatism holds that the world, imperfect as it is from the rational point of view, is the result of forces inherent in human nature. This being a world of opposing interests and of conflict among them, abstract principles can never be fully realized, but must be at best approximated through the ever

temporary balancing of interests and the ever precarious settlement of conflicts. Conservatism then sees in a system of checks and balances a universal principle for all pluralist societies. It appeals to historic precedent rather than abstract principles and aims at realizing the lesser evil rather than the absolute good.

On the other hand the conservative view of the purposes of politics endows the status quo with a special dignity and seeks to maintain and improve it. This conservatism has its natural political environment in Europe which, in contrast to America, has known classes determined by heredity or otherwise sharply and permanently defined in composition and social status, that have had a legitimate stake in defending the status quo or restoring an actual or fictitious status quo of the past. But for the defense or restoration of what status quo could the American conservative fight? The great majority of Americans, in contrast to the states of the Confederacy and other special interests such as the contemporary concentrations of private power, have never known a status quo to whose preservation they could have been committed. For America has been committed to a purpose in the eyes of which each status quo has been but a stepping-stone to a new achievement, a new status quo to be left behind by another new achievement.

American politics does not defend the past and present against the future; rather it defends one kind of future against another kind of future. While in philosophy and method conservatism is the most potent single influence in American politics, the purposes of our politics from the very beginning were unique and revolutionary, not only in the narrow political sense, but also in the more general terms of being oblivious to tradition. They have so remained, only temporarily disfigured by periods that were dominated by a conservatism of purpose and hence in the context of American politics spelled stagnation. Thus we have no conservative political party on the national scale because the number of conservative voters is not sufficient to support one. The best American politics can do from the conservative point of view is to mark time between the last and the next advance. To go back is to destroy the ethos of America, the *raison d'être* of the American polity, and the vacuum is filled by the amoral and lawless politicians of Watergate. Thus in a profoundly revealing paradox conservatism of purpose issues in a nihilism destructive not only of America's political life but of the decencies of political civilization itself. There is tragic irony in the spectacle of men bent upon a conservatism of purpose—which in the American context means no transcendent purpose at all—to be compelled by the very nature of the American polity to lay hands on those delicate constitutional, legal and political checks and balances which have given life to the American system of government and whose preservation all true conservatives ought to have at heart.