

# The Earthquake

By Anthony Lewis

BOSTON, Sept. 26—It is as if we were living a chapter of history, with fresh revelations of a system's crisis at each turn of the page. The Agnew drama disposes of the claim that we were somehow past the crisis of American institutions. Even after these past months, it hits with the force of an earthquake—and one that will not shake Spiro Agnew alone.

For reasons both legal and political, the Vice President's proposal that the House of Representatives investigate bribery charges against him was never a starter. But it did do something. It showed how grave a part the Agnew problem may play in a broader challenge to President Nixon's authority.

Congressmen are not equipped by nature or function to conduct the equivalent of a judicial inquiry. Speaker Carl Albert was quite correct when he rejected the Agnew proposal as premature, but the reasons would remain if Agnew renewed it after an indictment.

When there is a case for impeachment, the House must perform its constitutional duty. But here there is a large legal doubt. Does the Constitution contemplate impeachment for offenses before a man took office, as alleged in Agnew's case? The only precedent, the case of Vice President Schuyler Colfax in 1872, said no. It seems unlikely now that the House would undertake what amounts to an impeachment proceeding with no clear legal object at the end.

On the other hand, the legal advice given Agnew that he cannot be put to a criminal trial while in office has some weight. To compel evidence from a President or Vice President, or even to indict one, is one thing. But the strongest reasons of state argue against the idea that the man who controls our defenses should be held for days or weeks in a courtroom, and the same may be true of one who may at any moment assume the Presidency.

Those legal assessments, if correct, present a terrible political prospect: criminal charges hanging over the Vice President of the United States, unresolvable, for more than three years. That is more than this country ought to bear.

The obvious way out is resignation. That asks a good deal of Spiro Agnew; he would be giving up his constitutional defenses to any criminal charges. And the solution has a more profound flaw: It would offend the fundamental American sense of fairness.

Agnew may or may not have taken bribes as a Maryland official; we have not seen the evidence. The crime, if such it was, is not to be condoned.

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## ABROAD AT HOME

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But it involves only personal enrichment, not an assault on the Constitution. And so, if he were forced from office, Americans would be bound to make some resentful comparisons.

It was not Spiro Agnew whose agents sought to rig the 1972 election by sabotaging the opposition party's choice of a candidate.

It was not Agnew whose plumbers broke into a psychiatrist's office in search of material to smear a criminal defendant.

It was not Agnew who offered a job to the judge presiding over the trial of that defendant.

It was not Agnew who taped all the conversations in his office without advising others.

It was not Agnew who ordered wiretaps on highly respected officials and journalists.

It was not Agnew whose Cabinet members and lawyers and closest personal aides committed acts for which they now face prosecution.

It was not Agnew who said the courts should deal with Watergate and then withheld critical evidence from them.

It was not Agnew who bombed a neutral country in secret, who enlarged the Indochina war and kept it going for four more years, who hid the facts from Congress.

The country knows who "it" was. It understands with great clarity that the source of the trouble rotting America's natural optimism and decency is not Spiro Agnew but Richard Nixon.

Americans have been reluctant to face the uncertainty and the threat to political legitimacy involved in changing a President. Those are wise concerns, but they have been overtaken by facts.

The uncertainty and loss of legitimacy that afflict our politics now stem from Richard Nixon. Nothing that happens to Spiro Agnew can help. In the circumstances the only real solution is a complete and cleansing change: the resignation of both the President and the Vice President, and the succession by law of Speaker Albert or of someone chosen under the 25th Amendment.

That is an extraordinary remedy, but we are suffering from an extraordinary illness. The time has come to face the real problem—time especially for conservatives such as Barry Goldwater, who do not avert their eyes from difficult truths. One or more of them must sooner or later go to the President and tell him that the torment of the American system cannot end while he remains in office.