

How Much Is Enough?

By William Safire

ESSAY

The President has concluded he would lose a trial in the Senate as a result of the latest "firestorm." Since he has already admitted guilt, the question goes, why doesn't he quit?

Most of his staff is advising him to resign; Al Haig, I'm told, is presenting the national security argument—that a lengthy trial might invite international mischief—while Julie Nixon Eisenhower is urging her father to stay, fight it out, and look to history for vindication.

A third alternative under consideration is "taking the 25th," stepping aside temporarily in accordance with the 25th Amendment's provision for Presidents incapable of governing. In his Executive Office Building suite, Mr. Nixon is reviewing his choices about how best to lose.

There are several reasons why he should not resign, and staffers with heavy hearts—and inclinations to the contrary—have been providing him with lists of those reasons.

One reason is selfish: He would lose his White House pass. That sounds ludicrous—he might not have an actual plastic pass—but it means he would lose access to his papers and tapes, lose his Government counsellors, and perhaps lose access to the now-Vice President.

A more cogent reason is institutional: He believes that to let himself be hounded out of office would weaken the Presidency. Since he has done much to weaken it already, he feels that a stoical march down humiliation road to certain defeat might be a way of expiating his sin.

A third argument against resignation has to do with political loyalties. By hanging on the ropes, he makes it possible for his previous supporters to make themselves whole, as they go on television to demand his resignation or go on record voting his impeachment. Loyal Congressmen can now drown out the I-told-you-so's with the righteous boom of had-I-but-known.

Finally, there is history's reason, which carries the most weight with him at the moment. Mr. Nixon believes that what he has done may warrant censure, or even White House impeachment, but not the "extreme" of removal from office.

Since a Senator's vote in an impeachment trial would be both verdict (on guilt) and automatic sentence (on removal), the President might be able to convince a respectable minority of Senators to say "I think he was guilty of plenty, but not treason or bribery, and since he poses no threat to our liberty, I will not vote to remove him

from office."

The President's argument, directed at judges a generation or two from now, would pose the question: How much guilt is enough to justify removal? His would be a defense of degree, that would use the mandatory nature of the punishment (removal) as a weapon against the verdict, asking the Senate to acquit not because the defendant was innocent but because he was not guilty enough to justify the penalty.

Keeping in mind his realistic expectation of defeat, would such an agonizing period for the nation, and such a strain on the defendant, be worth it? Could anything be salvaged, for now or for later?

Perhaps. But weighing on the minds of the men advising him, and tipping the scales toward resignation as the current advice, is what can be called the Profumo problem.

John Profumo, the reader will recall, was the British minister who became involved with a prostitute, Christine Keeler, who included among her clients a Soviet diplomat. The security risk turned out to be inconsequential, but what ruined Mr. Profumo and nearly brought down the government was the fact that the man accused stood before the House of Commons and lied.

In his long, scorched-earth retreat; over the last year, President Nixon has taken positions "at variance" with the story as we know it now and as he might have known it then. Trying to prevent disclosure of his beloved plumbers may or may not be an offense worthy of removal, but deliberately misleading the American people over this long a period is not the sort of thing Presidents should be permitted

An argument can be made for occasional, emergency misleadership, and it is true that a President is not under oath when he makes a speech. But he is under a general oath of office, and there is a bond of trust between the man in the Presidency and the man in the street that makes sustained duplicity not only offensive, but removably so.

Mr. Nixon knows, as he considers the most suitable approach to his rendezvous with defeat, that it can be shown that he deliberately misled the American public. Above all, that is what he would hate to see impressed on a television audience.

To the question, "How much guilt is needed for removal?" the high crime of sustained, deliberate misleadership would be enough. The President thinks about that as he makes up his mind.