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Forcing Mr. Nixon Out of Office

Impeachment is only one of the weapons the country can use in meeting President Nixon's latest challenge to government by law. If only responsible officials show a mite of courage, a wide variety of other measures are also available.

The starting point is in the courts. The President has disobeyed orders issued by District Judge John Sirica and the Court of Appeals that, in the absence of an agreed compromise with Special Watergate Prosecutor Archibald Cox, he turn over the White House tapes in a specific and prescribed manner.

Under Article 42 of the Code of Criminal Procedure, Judge Sirica could now issue a contempt order against the President. He could also conduct hearings and appoint a special prosecutor—perhaps even Mr. Cox.

Such hearings would show that the Nixon proposal for filtering the tapes through Sen. John Stennis (D-Miss.), would, among other things, allow the leading Watergate conspirators—John Mitchell, John Ehrlichman and H. R. Haldeman—to get off scot-free. If nothing else, that subversion of the judicial process would make it uncomfortable for Sen. Stennis and Chairman Sam Ervin (D-N.C.) of the Senate Watergate Committee to continue their support for the President.

The House, which has been deferring to the Senate on all Watergate matters, is now also in position to take

effective action. The resolutions for impeachment which are now flooding in are, under normal procedures, referred to the Judiciary Committee under Rep. Peter Rodino (D-N.J.). Mr. Rodino could hold hearings, and as part of the hearings subpoena the White House tapes.

There is no good ground for the President to withhold any material from a duly constituted committee of the House considering an impeachment. If the President did refuse the tapes, the senior members of the House would, at least, be angry. Indeed, they would have a prima facie case for impeachment.

The Senate, itself, has a new cause for action. Mr. Nixon has unilaterally broken the compact whereby the Senate approved Elliot Richardson as attorney general on condition Mr. Cox be allowed to function freely as Watergate prosecutor.

The Senate Judiciary Committee, accordingly, is in strong position to hold public hearings on the firing of Prosecutor Cox—hearings that would demonstrate in detail the underhanded methods used by the White House. The full Senate, without prejudging the impeachment issue, could then censure the President for his breach of faith. Moreover, on the grounds of bad faith, the Senate could well hold up all presidential appointments including, with the House, the appointment of Gerald Ford as Vice President.

Then there is the continuing investigation of the Watergate affair. New evidence that the Nixon presidency is a kind of mafia operation emerges almost daily. The latest is the theft from the Federal Home Loan Bank Board of the files on a suspicious transaction with Charles Rebozo, the President's close friend who is already implicated in some highly dubious dealings involving money for Mr. Nixon given by the tycoon Howard Hughes.

With Mr. Cox out, the Justice Department now takes over the Watergate investigation. But all signs—including a refusal by the White House to give papers to Cox, the firing of Cox himself and the guard set up over the files in his office—suggest a continuing White House cover-up. If so, it seems doubtful that the Cox staff will stay on the job. Or for that matter Asst. Atty. Gen. Henry Peterson, who is now in charge of the investigation.

Finally, there is the action of citizen groups. The strong resolution against the President by the AFL-CIO will focus the thinking of scores of congressmen and many senators—including the Democratic presidential aspirant Henry Jackson. The American Bar Association has a role to play in demonstrating that the President is subverting the judiciary.

What all this means is that President Nixon has not merely generated rhetoric by his latest acts. He has set in motion a wide variety of procedures



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which work to bring down the house on his head. There are many possible ways to achieve the one acceptable resolution of the present crisis—the forcing out of the President. The only real question is whether the country's leaders, specially in the House or Representatives, have the courage to be free men.