

Post 10/25/73

Can Mr. Nixon Govern?

By turning the White House tapes over to Judge John Sirica, President Nixon has brought himself—and the country—a breathing spell. The congressional and judicial pressures against his authority are now slightly eased.

But whether he can continue to govern abides as a question. Everybody will still want to think seriously about the possibility of using the present circumstance to organize the retirement of Mr. Nixon in favor of a person capable of giving the country more dependable and steady leadership.

To be sure, the turning over of the tapes is a great relief. It proves that the combination of pressure from the public, the Congress and the courts can force even the most powerful and resolute official to back down.

It also shows that the country is not beyond shocking. There are developments—and the firing of Special Watergate Prosecutor Archibald Cox is one of them—so repugnant that they set in motion a tidal wave of opposition. The taste for freedom and the bias toward constitutional government are not dead in this country. We have proved worthy of the founders.

Still the tapes comprise only a narrow part of Mr. Nixon's troubles. Few knowledgeable people believe that they can resolve anything in an unambiguous way. Many savvy persons felt that all along the President was using them as a device to foil investigation of other more important matters.

So there remain some immediate problems associated with the Watergate investigation. The most pressing by far is the need for an independent prosecutor. Mr. Cox was clearly on the trail of highly explosive material pointing toward criminal action by the President himself, his friend Charles Rebozo and several of his closest political associates.

The Justice Department, which is under the President's orders, cannot possibly conduct an investigation that inspires public confidence. It is surprising that Assistant Atty. Gen. Henry Petersen, who is now in charge of the case, could, of all people, imagine otherwise. For Mr. Petersen is himself a witness in the case and is particularly sensitive to the problem of conflict of interest. There is simply no substitute for an independent prosecutor—preferably Mr. Cox himself. So the incipient moves in the Senate to establish that office will surely go forward.

More important, there is the question of Mr. Nixon's general standing in the country. The effort to stamp out Mr. Cox shows that the President and his praetorian cohorts under Gen. Alexander Haig have lost touch with public opinion.

In the first two days after the Cox firing, Western Union reported some 72,000 telegrams to the White House. The majority was apparently running heavily against Mr. Nixon. While there is no breakdown from the White House, the flow to House Speaker Carl Albert is suggestive. Of the first 156 wires that came to his office, all called for ouster of the President.

Mr. Nixon was not even in touch with the thinking of his own party. Hours before the President decided to turn over the tapes, Bryce Harlow of the White House staff met with the Republican Caucus in the House of Representatives. Hardly any members were prepared to stand up for the President. The one resolution offered called on the President to rescind the order firing Mr. Cox and to comply with the orders of the court.

Partly because he was out of touch with opinion, Mr. Nixon for the last six months has been leading the country at a dizzying pace over a staggering course of crazy developments. Time and time again he has been driven to the brink of crisis. Our standing in the world has been diminished as a result, along with respect for authority in this country. And for what?

Not certainly because of the tapes. That issue could have been settled months ago. The hard issue, the issue that will not down is the apparent involvement of the President and his closest associates in the various scandals with Watergate. Either Mr. Nixon has something to hide, or he likes confrontation and crisis for its own sake.

In any case, there is now no rapport between the President and moderate opinion in the country. Mr. Nixon can only stumble for the next three years. So it would be a blessing for all of us if a way could be found—perhaps through the continuing vacancy in the Vice Presidency—to drive a bargain whereby Mr. Nixon withdrew to make room for some other leader.