

# An Agenda For the New Year

By Tom Wicker

As a New Year begins, members of Congress are finding that the home folks are not necessarily more interested in impeaching Richard Nixon than they are in the shortages of gasoline and fuel oil. That is mixed news for Mr. Nixon; it may mean less impeachment pressure for the moment, but the more unpopular he is on any grounds, the easier it will be for Congress to impeach him on Watergate grounds. As the numerous trials of his ex-subordinates begin, moreover, a daily flow of Watergate headlines, and perhaps revelations, may well keep the impeachment issue vigorously alive.

Nevertheless, whether or not Mr. Nixon is impeached, whether or not he is removed from office, many of the basic problems disclosed by the Watergate matter and all its unsavory links will remain. As Charles Mathias of Maryland put it in a notable Senate speech on Dec. 20, "The discovery of the Watergate burglary laid bare a much larger threat to our basic rights . . . the intensity of the problems that have beset us have caused serious men to consider seriously whether democracy can survive or whether national security as narrowly defined will supersede the Constitution."

One step to prevent that from happening has been taken already—Congressional passage over Mr. Nixon's veto of the War Powers Act. With all its limitations, the measure is still due notice to him and to his successors that neither Congress nor the public wants any more Presidential wars, decided upon in secrecy and carried out in duplicity. And if Presidents cannot so easily make war as a matter of Presidential policy, they cannot so easily create among Americans a wartime mentality—the spirit of "anything goes" in the name of victory.

Much more remains to be done; Congress is the arena; the New Year is the time, while the shocking disclosures of 1973 are fresh in memory and before a change of parties or Presidents or both—however such a change might come about—creates the illusion that the problem has been solved. It is as important to correct the situations of which the Nixon men took advantage as it is to bring the guilty to trial—perhaps more so.

First, there must be thoroughgoing review and, where necessary, shake-up of the vast national security apparatus that has grown up *outside* the armed forces during the Cold War period. The Nelson-Jackson bill to establish tight Congressional supervision over any and all Government agencies engaging in any kind of domestic political surveillance is an excellent example of what needs to be done. Congress has also to follow up on the pledges of Attorney General-

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designate Saxbee and the new F.B.I. director, Clarence Kelly, to cooperate in developing clear statutory guidelines for the F.B.I. in any political surveillance it undertakes; these guidelines ought specifically to prevent the F.B.I. from using its counterespionage mission as an entering wedge into the surveillance of domestic political dissent.

The C.I.A. ought not to escape the same tough scrutiny; in the age of détente and the opening to China, does it any longer really need a "department of dirty tricks," particularly when we have seen how easily that department's techniques and attitudes can be perverted into domestic political tactics? Senator Mathias also is proposing legislation that would prevent any exceptions to the First, Fourth, Fifth and Ninth Amendments unless carried out under Federal court orders issued only upon a showing of probable cause of a crime to be committed; that would bar any form of wiretapping, for example, except under court order.

At least two substantial institutional reforms are needed and are within the political power of Congress to accomplish quickly. The power of Senate confirmation ought to be extended to nominees to powerful offices created by Presidents by executive order; it makes no sense, and tends to close a supposedly open Government, for a Domestic Council director, an O.M.B. director, a National Security assistant—all in jobs created by Mr. Nixon and not confirmed by the Senate—to have more authority than the constitutional officers of the Cabinet, who must be confirmed.

The other "most needed" reform is for Congress to put its own house more nearly in order by establishing budgetary machinery that will enable it to be an active partner with the Presidency in developing coherent budgetary policy. Without such ability, Congress will never regain anything like equal status with the executive branch—a balance the country needs if it is to sustain a system of divided and therefore limited government.

Reforms in campaign finance are of at least equal importance, but are not as easily defined or arrived at; probably no more complex issue will face Congress in the New Year. That is no excuse for the legislators not to grapple with it, at long last.

Since the New Year is also an election year, the people themselves can—if they will—exert some pressures on these and other questions. It is easy enough to turn one's back on politics in the bitter conviction that all politicians are bad; the harder truth is that no government will ever be much better than the people it represents.