

COMMENT,
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Clark Clifford

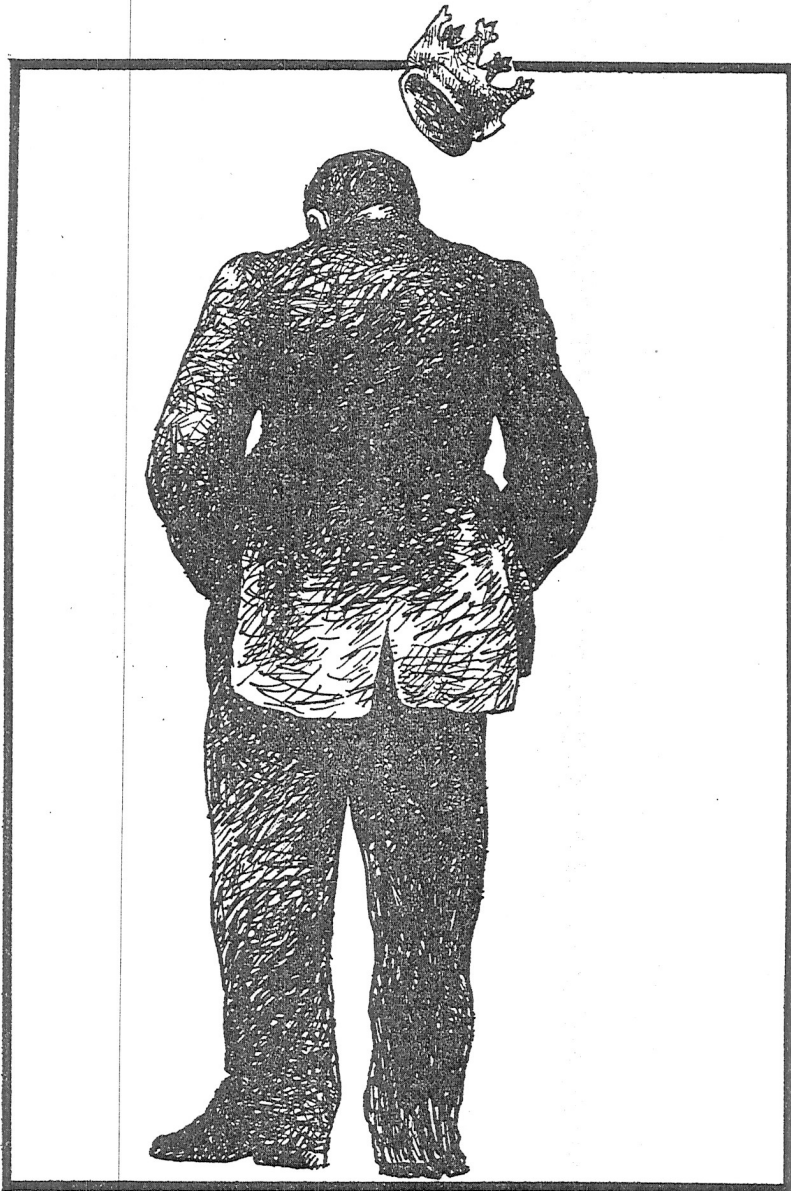
A Government of National

WASHINGTON — As each new chapter in the Watergate tragedy unfolds, I have an increasing sense of grim foreboding as I look at the future. The extent of the damage already sustained, and the worsening of the Administration's posture as further revelations occur, emphasize the fact that this is no time for partisanship. This is the time for Americans to work together to save this country.

Under our system of government, a President cannot function without the confidence of the American people. Parliamentary systems recognize this fact and a government resigns following a vote of no confidence. Under our system, however, the country finds itself facing three and a half years of spreading paralysis.

The executive branch virtually has ceased to function, and I cannot see it getting any better, only worse. It seems clear that the statements and testimony already made public are only the visible tip of the iceberg. Much more damaging facts will be revealed as additional witnesses tell their stories and as men, faced with the forbidding prospect of lengthy prison sentences, decide to tell the truth.

But we already know enough. We can see that the damage done to the Nixon Administration is irreparable. For over four years, power has been inexorably drawn into the hands of a few men in the White House. As their power increased, so did their contempt for our laws, our institutions, our form of government and the traditional American policy of fair play.



Brad Holland

The public's loss of confidence is widespread and increasing. The credibility of Mr. Nixon has been seriously affected by four public statements he has made which are sharply contradictory. The public senses that additional admissions are made only as new revelations appear. The American people also are becoming increasingly aware of the harm sustained by our institutions of government. The factors, together with disclosures regarding illegal acts in last year's election, have created a serious crisis.

Our problem is compounded by the fact that the present Administration has come to treat Congress as an inferior branch of the Government. Instead of finding a basis of working cooperatively with the legislative branch, Mr. Nixon has criticized the Congress, disregarded its authority and denigrated its importance in our system. I feel strongly that if he had chosen to work with the Congress, our country would not be in such dire

straits because of inflation, the loss of confidence in the dollar and his unilateral decision to bomb Cambodia and Laos and remain hopelessly entangled in Indochina.

Our country cannot afford to conduct its business in this manner any longer. Our problems at home are proliferating, while our position in the world is deteriorating. Every signpost indicates that conditions will continue to worsen on both fronts.

However, I suggest that the present posture of affairs is not hopeless. In searching for a solution, I recommend that we go to that noblest of all documents, the Constitution of the United States. It is there that the solution can be found. Although we do not have the parliamentary system, there is more flexibility in our Constitution than first meets the eye.

The 25th Amendment provides in Section 1 that the President of the United States can resign and, if so, he shall be succeeded by the Vice

President. Section 2 provides that when there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both houses of Congress.

Under the authority of this Amendment, Mr. Nixon could announce that he and Vice President Agnew had decided to resign. Mr. Agnew would then resign immediately. Mr. Nixon would then ask the Congress to present him with a list of three qualified individuals from which he would select a new Vice President. The three persons named by the Congress could be Republicans, Democrats or Independents, and would not have to be members of the Congress. Mr. Nixon would then select the person he preferred and appoint him Vice President. After the new Vice President was con-

Unity

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firmed by the Congress, Mr. Nixon would resign and the new Vice President would become President. In taking this action, there would be no implied admission of personal guilt on the part of Mr. Nixon, but simply a recognition that misconduct by high officials of the Nixon Administration has fatally compromised its ability to function in the national interest.

Under this plan, we would then have a President and a Congress that could function together successfully. The Congress would obviously have this in mind as it selected the three candidates. Also, the new President would have a mandate to consult with and work with Congress as a co-equal branch.

One caveat would be important. The Congress should insist that the person selected to become the new President agree in advance of his confirmation that he would not accept the nomination as a candidate in 1976. This would go a long way toward preventing a political struggle in the Congress, and the intervening Administration would also serve as a valuable interregnum while the two major political parties prepared for the contest in 1976.

The advantages of a new Administration brought into office in this manner are enormous. The new President could be a man of outstanding ability and the highest character. He could bring into the Government the ablest individuals in the country. He would have no political debts of commitments. He would not need to raise any money. There would not be any bought ambassadorships, but, instead, our best-trained and experienced diplomats could be appointed to foreign posts.

In short, such an Administration could make decisions based solely upon merit, and not upon obligations incurred in getting ahead.

There is a profound and pressing need for action that will restore the people's confidence in their Government. This would mean a new, clean slate, a new White House staff, a new Justice Department, a new, experienced and respected head of the F.B.I.

Also, many thoughtful persons believe that the Nixon Administration

cannot function effectively but they are reluctant to accept the two obvious alternatives. They are concerned over the traumatic impact of an impeachment proceeding, on the one hand, and their lack of confidence in Vice President Agnew on the other.

The promotion of Mr. Agnew to the Presidency would result only in a truncated operation composed of the remnants of the Nixon Administration. The present difficulty in attracting able men to serve in high Government office would be increased. It would not give the country the unity it so sorely needs. Also, Mr. Agnew's recent comment that the Watergate scandal was a "manufactured issue" has added to the ever-widening credibility gap.

The Congress could designate the three persons recommended in any way it chose. One of the simplest ways would be for the Speaker and the minority leader of the House, and the majority and minority leaders of the Senate each to appoint five members to a bipartisan commission which would confer and select the three names for Mr. Nixon's consideration.

Other Presidents have, in the past, placed the welfare of the country ahead of their personal political ambitions. President Lyndon B. Johnson, on March 31, 1968, informed the American people that he would not run again because of the division in the country over the war in Vietnam. On that occasion, President Johnson said: "What we won when all of our people united must not now be lost in suspicion and distrust and selfishness and politics among any of our people."

Under the recommended plan, Mr. Nixon could make a personal contribution of transcendent importance. It would be a magnanimous action, and would assure him a place in history for his unselfish dedication to the nation's good.

It could also transform the next three and a half years from years of bitterness, divisiveness and deterioration to years of healing, unity and progress.

Clark Clifford served for four years as White House counsel in the Truman Administration and as Secretary of Defense in the Johnson Administration.
