

Letters to the Editor

NYTimes Separation-of-Powers 'Shibboleth'

JUL 25 1973

To the Editor:

Here is one citizen who must cry out at last against the mindless invocation of the shibboleth of the separation of powers that we have been treated to in public discussion of the Watergate affair.

I say mindless because to genuflect before the separation of powers, as if it were the embodiment of canonical doctrine or revealed truth, is to deny ourselves the information we need to have if we are to make it possible for our national Government to function effectively again. [Editorial July 24.]

I say mindless because it is chiefly owing to the separation of powers that we have been brought to our present pass. As the separation of powers now operates, the President is irresponsible, because unaccountable, and does very nearly as he pleases in everything that matters: Congress prefers, and is able, to evade responsibility for anything that matters and busies itself with what does not, and the Supreme Court rides herd over the results as best it can, after the fact and with very little responsibility or accountability of its own.

And I say mindless, above all, because to repeat the ancient litany of

the separation of powers is to blind ourselves to a perception of what needs to be done. The task that Watergate confronts us with is not to preserve the separation of powers in its hour of peril but to seize the opportunity presented by its hour of peril to get rid of it and open the way to some reform of our governmental institutions at one of their weakest points.

We can certainly try to be prudent about it. Even something so minimal as breaking down the precedent of executive privilege and establishing some limited obligation of the President to appear before Congress from time to time to explain his policies and answer questions would be an enormous step forward. But we must get on with it. If we do not, we shall only have it all to do later in some other situation of governmental breakdown.

I repeat a phrase Lincoln used often in his correspondence during the months after his election in November 1860: "The tug has to come & better now than later." GORDON M. JENSEN
Chairman, Department of History
University of Hartford
Hartford, Conn., July 18, 1973