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Court nominees show Nixon has retained demagoguery

WASHINGTON — As a veteran of World War II the President of the United States may once have heard the words of a postwar ballad which celebrated the returning GI:

"He was a jerk when he went into the service; he was a jerk acquaintances would say; his deportment wasn't nice; he engaged in certain vice . . ."

It was a good-natured song and its point was that the discipline of the service was insufficient to change a man's character: "Believe us there are limits," it pointed out, "to even things that Nimitz, Halsey and MacArthur could do."

The song comes to mind because so much has been written about the "new" Richard Nixon, tested now in the crucible of the Presidency, and therefore a changed man, incapable of choosing the lowly paths which once helped him to prominence while outraging the moral-minded, even among his own party.

The new Nixon, so the President's admirers say, would be incapable of calling the late Dean G. Acheson "dean of the College of Cowardly Communist Containment," or of suggesting that Harry S. Truman was "a traitor (long pause) to the principles of his party."

The experience of being President of all the people — so the logic of new Nixonism goes — is at once chastening and edifying, giving a man fresh light, as with Chester A. Arthur, who reached the pinnacle as a bagman for New York bosses and became as President a reasonably scrupulous public servant.

No doubt there is something in this logic. Any Washington observer can testify to instances of presidential kindness and warmth.

And yet there is about Nixon the President, as there was about Nixon the presidential aspirant, certain tendencies to demagoguery which outrage right-mind-

edness.

Consider the explanation which White House aides are suggesting as the "real story" of Supreme Court nominations. Nixon, the story goes, had no intention of naming Judge Lillie or Friday to the court. Putting out their names was merely good politics, permitting the President to tell large blocs of voters — in the case of Judge Lillie, women voters; in the case of Friday, Southern voters — that he had good intentions but had been forced to yield in the face of certain knowledge that the Democratic-controlled Senate would not confirm.

To believe this story, it is necessary to believe, in the words of the postwar song, that Nixon's "deportment isn't nice." It is necessary in short to believe that he has not the slightest respect for other people.

For according to the logic of the explanation, he floated the names of two persons whose reputations he knew would not pass muster. He also involved busy and public-spirited members of the American Bar Association in a useless expenditure of time and energy in checking on the qualifications of two persons he had no intention of nominating.

It is not a pretty story. It is not even as pretty a story as the only alternative story is, which is that the President actually did intend to nominate to the court two people whom the bar association thought unqualified. Whether you believe the first explanation or the second doesn't matter very much. Neither one lends credence to the proposition that holding great office makes a man great-minded.

No doubt Richard Nixon has changed in many respects but last week's events give point to the Biblical dictum: "A man cannot by taking thought add a cubit unto his stature."