

# The Creation of Vacuums and

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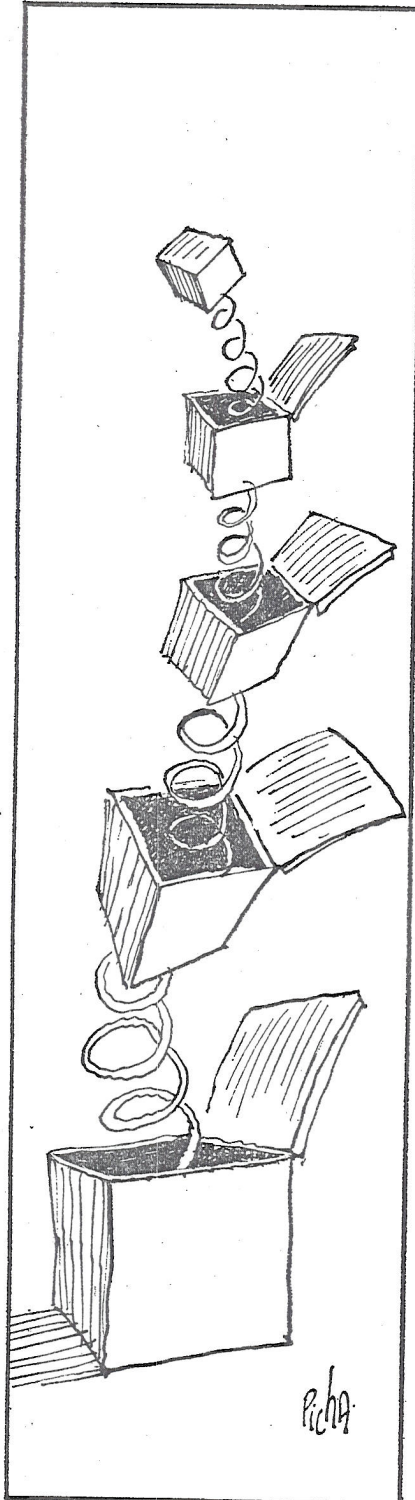
By Eugene McCarthy

The Presidency (not the personal one of Richard Nixon, but the constitutional office) has become a public trust. The principal responsibility for making it again an effective instrument of government rests on political leaders and officeholders, especially on those who are members of the Congress of the United States.

If the United States had a parliamentary government, the Nixon Administration would have fallen months ago. As things are, that Administration remains in office but as a hollow shell of government, without power excepting in a negative or residual sense, and without respect either at home or abroad. Many of its former top-ranking officials are under indictment. Others have resigned. Cabinet members and other agency heads are shifted from one post to another, with Elliot Richardson as the designated pinch-hitter. (In the introductory remarks at a recent commencement in Washington the president of the university said that he had asked the Secretary of H.E.W. to give the commencement address, had been accepted by the Secretary of Defense and then refused by the Attorney General. In each case the person involved was Elliot Richardson.)

Fuel shortages threaten the country. The dollar declines daily in the foreign exchange markets. Inflation continues its upward climb. The stock market has reached the edge of panic. Unemployment figures remain chronically high. The bombing and the war go on in Southeast Asia. The Justice Department continues to lose case after case in the courts of the land, whether the case involves action against the Berrigans or Dan Ellsberg, or Administration attempts to defend its impoundment of highway funds or O.E.O. money. The Administration meanwhile hangs on. It cannot sink and will not swim.

What is to be done—what can or should be done? It has been suggested, principally by columnists and editors, that the President should resign. Some go so far as to recommend this, even with the prospect of an Agnew succession. Others, such as Clark Clifford, have proposed more complicated procedures, politically unrealistic, and of questionable constitutionality. A few members of Congress have tentatively mentioned the possibility of impeach-



ment, and major publishing houses are rushing to get out books on the subject.

Unless something not now indicated comes out of Justice Department actions in the Watergate case, or unless the Senate hearings turn up surprising new facts, the President is not likely to resign nor is there much

likelihood that he will be impeached. In any case, if either of these things were to happen the state of the Presidency would not be significantly improved in the short run or the longer run.

Congress should proceed on the assumption that the President will not resign and that he will not be impeached, and seek to establish conditions which will make it easier for the President to carry out his responsibilities, and more difficult for him not to do so. Congress must create vacuums and pressures.

There are two critical areas in which Congress and political leaders should direct their attention. One is the economy and the other the administration of justice. Four years ago the Congress passed legislation providing for stand-by wage and price controls. President Nixon announced that he was opposed to the passage of the legislation and also that he would not put it into effect. A year and a half ago he set up the Wage Price Control Board and began to use the authority he said he would not use. A similar but more comprehensive approach should be followed now. Congress should pass new legislation providing for stronger and more comprehensive wage-price-control authority. It should give the President the right to impose more effective credit controls, provide for selective excise taxes, either on a schedule basis or as stand-by authority. It should give the President the discretionary trade and tariff authority that he is asking for, and, most important, should pass legislation giving the President the authority, with both time and percentage limitations, to impose a surtax on individual incomes and on corporate profits.

Action in the area of justice is more difficult, because it must be positive, because it involves personalities and politics. First of all the Attorney General should be above partisan politics. Elliot Richardson has not yet proved his impartiality. The President should commit himself to giving a full report on the extent to which the Justice Department and its agency, the F.B.I., in his Administration and in recent Democratic administrations, has been used for quasipolitical purposes and conducted nonpolitical investigations of questionable legality.

The next head of the F.B.I., before being confirmed, should be committed to making this report and to conducting the agency in the future with abso-

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lute respect for the law and for the Bill of Rights. The director of the F.B.I. should be required to make a full report of his agency's activities to a special Congressional committee in the way in which the C.I.A. today is supposed to report. The practice if not the law by which high-ranking military officers hold positions of power and of decision in the C.I.A. should be changed, and the lines of jurisdiction between that agency and the F.B.I. clarified by law and by executive commitment.

The rest can be left to Henry Kissinger and to the private corporation now running the Post Office Department and to the Indians if they again take over the Interior Department.

Eugene McCarthy is a former Democratic United States Senator from Minnesota, and former candidate for Presidential nomination.