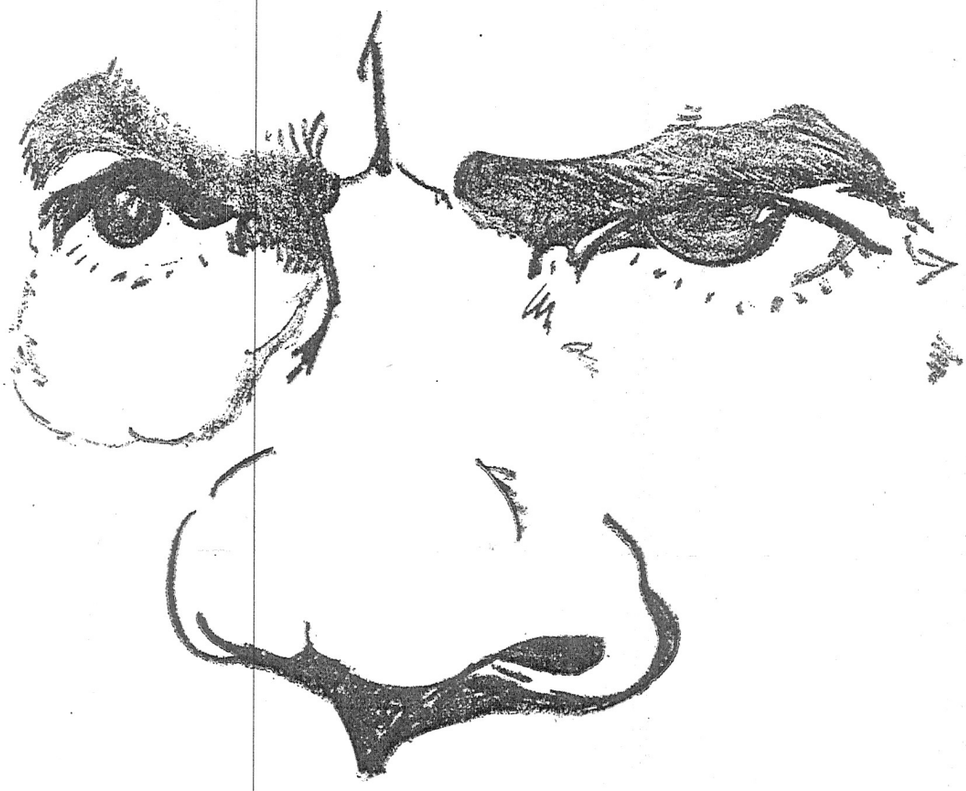
THE TRIAL OF PRESIDENT NIXON



Drawing by Peter Mikelbank

"Can a President govern effectively or at all if he systematically alienates himself from most of the rest of official Washington?"

By Nelson W. Polsby

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IN REFLECTING from a distance upon the tragedy of Watergate one of the most striking phenomena is the satisfaction that nearly everyone in Washington seems to be expressing over the dismantling of the high command of the Nixon administration. Assistants to the President — even cabinet officers — have fallen from grace before, but never, it appears, to such sustained bipartisan applause from McLean to Chevy Chase, from Georgetown to Hollin Hills. One wonders if the reasons for this can be found in certain characteristics of the pre-Watergate Nixon presidency.

It has been a strong presidency, but one uncommonly devoted to enhancing its power by attempting to cripple, discredit or weaken competing power centers in national politics. In certain respects, this aggressive posture toward competing power centers has been dictated by considerations of policy; in other respects it has been the consequence of President Nixon's administrative style; and in other ways, it appears to be the product of a genuine spirit of alienation between Mr. Nixon's values and those of his closest associates on the one hand, and the values and attitudes that dominate the thinking of leaders of most other Washington elite groups on the other.

For the nation at large, the unfolding Watergate revelations present a profound challenge to the people's sense of trust in their government. Even before Watergate, however, many leaders in our national political life just outside the presidential orbit may well have had to come to terms with a fundamental unease about the course of the Nixon administration.

This unease did not have anything to do with suspicions of wrongdoing. Rather, what has been at issue is the question of the commitment of the Nixon administration to the underlying legitimacy of government agencies and their rules, the media and their criticism, cabinet-level officials and their linkages with interest-group constituencies, Congress and its constitutional prerogatives, or the rest of the Republican Party and its political needs.

An Occupation Army

IN SUCCESSIVE WAVES over a five-year period, President Nixon has attempted various schemes to govern the executive branch in the manner of a small army of occupation garrisoned amid a vast and hostile population.

The first major Nixon reorganization pulled two trusted lieutenants — Secretaries Shultz and Finch — out of day-to-day departmental responsibilities and brought them into the White House. The second move was to change the name of the Budget Bureau and strengthen its powers over government departments. Third, there has been a noticeable slowdown in the staffing of the top levels of departments whose programs are given a low priority by the administration. And, finally, there has been an effort to move people without any notable background, experience, interests or qualifications into top levels of various government agencies, apparently to provide listening posts for the White House.

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"While not an official proceeding against him, his reputation and capacity to govern are being examined just as surely as if he were on the witness stand."

By Haynes Johnson

The writer is an assistant managing editor of The Washington Post.

RICHARD NIXON'S personal calendar now shows 1,314 days remaining in his presidency. He intends, he has said, to make those "the best days in America's history."

Undoubtedly every President has aspired to such lofty ambitions, and it is conceivable that Mr. Nixon still will achieve his goal. He obviously believes he will weather the Watergate storm and proceed with the unfinished business of his presidency. But it is also now conceivable that he could become the first American President to be forced from office, either by impeachment or resignation.

In a very real sense the President already is on trial. While not an official proceeding against him personally, his reputation and capacity to govern are being examined just as surely as if he were on the witness stand. He already has been forced by the pressure of events to give what were, in effect, three depositions about his own role in the case. Each time he has had to make new admissions and raise new contradictions; each time he has had to take a more defensive position; each time he has failed to still the questions others keep hammering at him; each time he has chosen to answer only the questions he poses.

The verdict is far from in, but already his public standing has plummeted from 68 per cent to 45 per cent in the polls, the lowest point of his presidency. Richard Nixon's fall in public esteem has come more swiftly and dramatically than even Lyndon Johnson's. And try though he has to maintain an air of coolness and stability in the face of continuing crisis, events have moved so relentlessly that each day brings suspicions of more serious charges to come.

No Exit

FOR THE PRESIDENT, whether defendant in fact or not, there has been no escaping this trial. The cumulative weight of the evidence, the multitudinous nature of the various investigations, the omnipresent publicity in print and over the airwaves, the gloomy economic news at home ("Watergate uncertainty," the stock market analysts call it) coupled with the further decline of the dollar abroad, the sense of general governmental drift—all these have imprisoned him in the Watergate snare.

Nothing he has done so far—his statements, his refusal to subject himself to further public scrutiny, his trip to Iceland to meet French President Georges Pompidou—has succeeded in freeing him of the case.

Last week's White House statement that he will neither talk to federal prosecutors nor answer their questions about the Watergate case only intensifies the conflict. It raises the prospect of a historic confrontation between the President and the prosecutors. Mr. Nixon thus has drawn the line tighter just as the Senate Watergate hearings are about to resume with the most critical testimony yet to come.

No one can foresee with any certainty what that testimony will reveal, or how damaging it might be to the President. There are, however, four major alternatives facing him. All are speculative, all are contingent upon the form the Watergate case takes in the days and months to come.

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Programmatic commitments appear to lie at the heart of the Nixon administration's seeming distrust of many parts of the national government. It is a fairly reliable rule of thumb that government agencies retain forever the political coloration that they have when they are founded, given their central missions and initially staffed. Undeniably, also, the great expansions of federal agencies have taken place under Democratic presidents. Thus a Republican president is bound to feel at least a little like he is surrounded by career-long Democratic bureaucrats, all hot in pursuit of the basically Democratic objectives of their housing, education, welfare, transportation, urban development and science programs.

A Matter of Degree

ONCE WRITTEN INTO law and placed in the charge of a government agency, of course, it can be argued that programs are no longer Democratic or Republican but simply government programs, and whoever runs the government is obliged to see to them. This rather simple-minded, traditional view was sharply challenged by the Nixon administration decision to dismantle the Office of Economic Opportunity while the law embodying the agency was still in force. It is uncertain how this questionably legal maneuver struck the leaders of other government agencies, but to the OEO staff itself the attack must have seemed flagrant and somehow outside the rules of the game.

Leaders of Congress have expressed themselves in similar terms on the issues of impoundment and executive privilege. It is not that the Nixon administration, in asserting executive privilege and in impounding funds, has done unprecedented things. It is that it has done these things to an unprecedented degree, so much so that a matter of degree is transformed into a difference in kind and has an impact on the normal relations of comity and trust between Congress and the presidency.

As we all know, Congress and the President were meant to do battle. In the end, their capacity to do business at all rests upon a set of mutual restraints and accommodations, because in the last analysis, either branch can do the other in.

A Question of Politics

IT IS A MATTER of the utmost sadness that serious people in Washington and elsewhere are beginning to speak unflinchingly of ultimate sanction, and specifically of the impeachment or resignation of the President. Before Watergate, it is now clear, the mutual accommodations and understandings that must exist for orderly business to be done between Congress and the President were deeply eroded.

There was the ludicrous and intemperate claim of executive privilege for virtually everybody in the executive branch and on virtually all issues. There was the matter of impoundment—for example, of all public works projects added by Congress to the budget as presented by the President. Likewise, grant and loan programs for water lines and sewers, open spaces and public facilities were impounded, apparently to coerce the Congress into enacting the administration's special revenue-sharing bill. And there was the attempt to cancel the Rural Environmental Assistance Program.

What is at issue in all of these actions is not whether they represent good public policy or even whether they were legal. Rather, the question is whether they were good politics. The answer must be framed not only in terms of the goals of national constituencies and interest groups but also in terms of whether or not the President thinks he needs to get along with Congress.

Using Up Credit

THE NIXON administration attacks on newspapers, on television commentators and the networks, and on the so-called

"elitist" Eastern press—somehow these, too, got out of hand. Again, different observers might well draw somewhat different bills of particulars. Some would include as unwise the attempts to get injunctions enforcing prior restraint on publication of what turned out to be innocuous Pentagon Papers. Others remember the petty and futile exclusion of The Washington Post's Dorothy McCardle from coverage of routine White House social functions, and the clumsy investigation of Daniel Schorr of CBS, followed by the patently dishonest rationalizations of the White House press spokesman. Somewhere in between these were the famous speeches of Vice President Agnew, or opaque references to "ideological plugola" by a White House functionary, accompanied but not-so-opaque administration plans to exert political influence over public broadcasting.

Less noticeable to casual readers was the fact that, well before Watergate, President Nixon was also using up sizable amounts of credit with Republican Party leaders. There is always an election-year competition for campaign funds between presidential candidates and other party standard-bearers further down the ticket. In this contest, the presidential candidate—especially an incumbent—usually wins. It is then up to him to take the initiative and spread any extra cash around to help the party win some key Senate and House races, once he is fairly certain that his own campaign can be paid for.

This Mr. Nixon apparently neglected to do. Moreover, in his low-profile campaign he made few personal efforts to help fellow Republicans. Now that they are able to see the uses made of some of the money that could have paid for more conventional campaign expenses, it is no wonder that not a few Republican stalwarts are angry.

"Peace at the Center"

SOME OF THE disagreeable relations between Mr. Nixon and the rest of official Washington are, as I have indicated, the result of programmatic differences. His dismantling of the President's scientific advice apparatus, for example, can be explained as simply a wish to rid himself of spokesmen for an interest group whose interests he did not wish to gratify. Likewise, his dismissal of the American Bar Association as a clearinghouse for future Supreme Court justices came only after the relevant committee of

the Association found fault with a couple of his prospective nominees.

Other problems are evidently the inescapable product of Mr. Nixon's work style. His intense desire for "peace at the center," for orderly, private, unharried decision-making, thrust a great burden on his most intimate staff. Not only have they had to protect the President, ruthlessly filter the stimuli to which he is subjected, meanwhile bringing him options and decisions to make, but they have also had to face outward, to deny access to congressmen, Cabinet officers and others whose responsibilities include shares in the ordering of various aspects of the public business. As time has gone on, it has become evident that there has been too much "peace at the center."

The Washington Subculture

A MAJOR BY-PRODUCT of the extreme insularity of this President has been a growing inability to come to terms with the ongoing subculture of official Washington, that noisy little world inhabited by the congressmen, agency heads, journalists, interest-group leaders, party dignitaries, lawyers, embassy folk and others, some of whom have been harshly dealt with by the Nixon administration. Of course, these few thousand people are not "the" people, those whom Presidents address on television and who vote by the millions in national elections. But does this mean that official Washington consists of nothing but "nattering nabobs"?

Some of these nabobs are themselves duly elected officials under the Constitution. Others are employed at activities contemplated under statutes of the U.S. government. Still others are doing work that manifestly aids in the proper discharge of governmental functions.

Can a President govern effectively or at all if he systematically alienates himself from most of the rest of official Washington? Can his feelings of alienation, or those of his closest advisers, lead to excessive suspicion, to a frame of mind that encourages the taking of extraordinary precautions, to worries about political opponents that verge on the obsessive? If Mr. Nixon's style of work tended to alienate him from official Washington before Watergate, can we reasonably expect that the trauma of Watergate will decrease his alienation from this indispensable community sufficiently to restore to him the capacity to govern?

passes; that the American people will become satiated—and quite possibly turned off—by the incessant talk of the scandal; that the mood of the country cries out for continuity instead of further crisis; and that impeachment is a price virtually no one is willing to pay.

If these assumptions prove correct, then Mr. Nixon's personal trial will be over. He will be exonerated, and the course he evidently has chosen to follow—to do nothing more about Watergate—will have been justified. He can return to his normal presidential role.

The President already has taken the first steps along that path. His meeting with Pompidou last week will be followed by Leonid Brezhnev's visit to Washington later this month. In the fall, the President will resume his international traveling with his scheduled journey to European capitals. All this is a clear public signal that he remains the world's most powerful leader, and that it is business as usual for America's President.

The problem with this course is that the Watergate case has not followed a logical, predictable pattern. It is not an orderly legal proceeding but a series of stunning twists and turns. There is no single Watergate trial, but many. Some are legal, some are quasi-legal. Perhaps the most volatile of all is being conducted in the strictly unofficial forum of public opinion where rumor, innuendo, hearsay, suspicion, doubts and fears contaminate the political atmosphere surrounding the President. Recent events have demonstrated again and again that the President has been unable so far to stem the Watergate tide.

Captive of the Case

IN THE LAST FEW weeks the inexorable pressure of what Joseph Alsop likes to call the "Watergate horror" has demonstrated just how much the President has been a captive of the case. His three public statements about his role have come reluctantly and in response to this pressure.

It is hard to realize that only six weeks have passed since the President told the American people there have been "major developments" in the Watergate affair. Speaking [illegible] he added: "I condemn any attempts to cover up in this case, no matter who is involved."

Within two weeks, after an almost daily spate of disclosures about the involvement of his highest aides in the attempted cover-up moves with the FBI and CIA, he again was forced to explain his position.

When he first learned of the Watergate break-in, while resting in Florida last June after his trip to Moscow, he was "appalled at this senseless, illegal action" and was "shocked to learn that employees of the Reelection Committee were apparently among those guilty." It was then, he said, that he "immediately ordered an investigation by appropriate government authorities." As the investigations went forward, he explained, "I repeatedly asked those conducting the investigation whether there was any reason to believe that members of my administration were in any way involved. I received repeated assurances that there were not." Therefore, satisfied, he "remained convinced that the denials were true and that the charges of involvement by members of the White House staff were false."

Until March, that is.

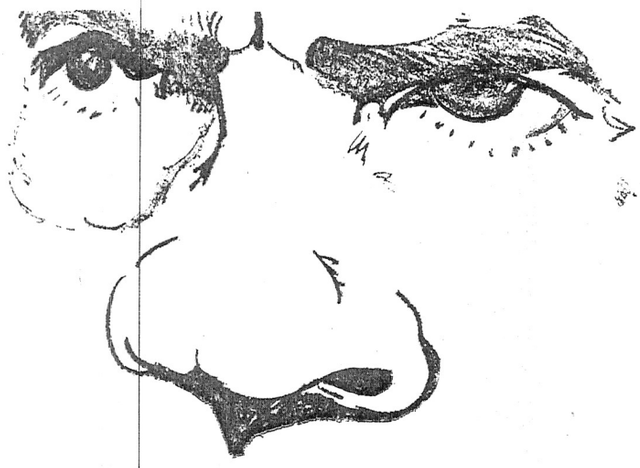
An Extraordinary Document

THREE MORE WEEKS of further explosive testimony, much of it centering around the President, passed before Mr. Nixon offered his most complete public testimony to date. His statement on May 22 is one of the most extraordinary documents ever issued by an American President. In it, the President made these admissions:

- Within a few days after the Watergate break-in, he was aware that the case was more than an isolated burglary, unrelated to his administration. He was "advised" that "there was a possibility of CIA involvement in some way," a possibility he found credible.

- He took steps to limit the scope of the Watergate investigation and personally instructed his two key aides, H. R. Haldeman and John Ehrlichman, "to see that this was personally coordinated" between the CIA and the FBI.

- L. Patrick Gray, III, the acting director of the FBI, had "suggested" to him last



July 6 "that the matter of Watergate might lead higher." Therefore, it wasn't press reports that he was discounting, nor the advisories of the unnamed people who assured him no White House people were involved, but the FBI itself.

- Long before the 1972 campaign, "I did set in motion certain internal security measures," including wiretaps, and that some of the people who participated in these activities "without my knowledge or approval, undertook illegal activities in the political campaign of 1972."
- He sought "to prevent the exposure of these covert national security activities, while encouraging those conducting the investigation to pursue their inquiry into the Watergate itself. I so instructed my staff, the attorney general and the acting director of the FBI."
- He conceded that, "with hindsight, it is apparent that I should have given more heed to the warning signals I received along the way about a Watergate cover-up and less to the reassurance."

Resting His Case

HIS RATIONALE for his actions was ambiguous: "I wanted justice done with regard to Watergate; but in the scale of national priorities with which I had to deal—and not at that time having any idea of the extent of political abuse which Watergate reflected—I also had to be deeply concerned with insuring that neither the covert operations of the CIA nor the activities of the special investigations unit should be compromised."

In this statement, Mr. Nixon drew his defense—that he was acting in the best interests of the American people in order to protect the "national security"—and rested his case.

He has now launched his own strong, indeed defiant, counter-attack against those who are suggesting he must bear the blame—not just the "responsibility"—and pay the price for Watergate. "It is time to stop making heroes out of those who steal secrets and publish them in the newspaper," he told liberated American prisoners of war at the White House. "...in order to continue these great initiatives for peace, we must have secret communications. It isn't that we are trying to keep anything from the American people that the American people should know. It isn't that we are trying to keep something from the press that the press should print. But it is that what we are doing is to accomplish our goal..."

He assured them that "I am going to meet my responsibility to protect the national security of the United States of America inso-

IT IS POSSIBLE this will be his last word in the matter and that the storm will subside. But it is equally possible that circumstances will dictate another course. It is no longer unthinkable to suggest that Richard Nixon could be compelled to address the most difficult question: how to save his presidency and avoid the humiliation of an impeachment proceedings?

Given that last extremity, and fully mindful that we are entering the purest realm of speculation, here is one alternative presidential scenario that would be both bold and daring, and that quite well could succeed.

The President could address a special joint session of Congress, in prime television time, and deliver a Churchill-like summons to the country:

The crisis we face is unlike any other in American history. It is not a crisis of war, not a crisis of depression, not a crisis of civil rebellion, but a crisis of the American political system. It is a crisis shared by all Americans, Republicans and Democrats, liberals and conservatives.

I have acknowledged that I am responsible for the crisis, that I unwittingly contributed to the climate in which it flourished. Now I urge that the legacy of Watergate be such that it is a testament to the resiliency and genius of the American political system. I therefore ask the wisest, most experienced American political leaders, men of both great parties — Hubert Humphrey and Edmund Muskie, Barry Goldwater and Howard Baker—help me form a new, more open and vibrant coalition government. Together, we will work to insure that, as we approach the nation's 200th anniversary, and in the time I have remaining as President, it truly will be recorded that these were the best days in America's history.

Far-fetched? Improbable? Impossible? Of course. Just as is the thought of an American President being impeached and found guilty of high crimes and misdemeanors against the Republic—or resigning, under pressure, from office.

No President has ever faced those final alternatives before. No President has ever had a Watergate. No President has ever been on such public trial as is Richard Nixon.