

## The Branches of Government Are Out of Balance

The continuing disclosures of widespread and sordid misdeeds by high administration officials has already created a major political crisis in American government. The question now is whether the American people will react by demanding fundamental changes in the present system or will accept a few resignations and a face-saving electoral "reform."

There are at least two major issues at stake in the present crisis. The first and most spectacular is the misuse of public power for personal ends. Symptomatic of this abuse has been the frequent use of the unabashed lie to disguise and promote personal policies that have been rationalized hypocritically to be in the "public interest." No doubt this practice is not unique to the present administration. There is, one suspects, more than a coincidental connection between the unprincipled efforts to prosecute those responsible for the publication of the Pentagon Papers and the lies and half truths connected with the defense of American policy in Indochina since the early 1950s. The Nixon administration is having to pay the price for the practices of earlier administrations. However, it is the extensiveness and sheer arrogance with which the representa-

tives of this administration have wielded public power for private ends that distinguishes this administration from its predecessors. Moreover, the attempts to implicate the entire intelligence power of the government in the efforts to minimize public disclosures of illegal activities has, ultimately, challenged the legitimacy of executive government itself. Quite apart from the question of whether the President had a direct or indirect role in the Watergate and other scandals, his entire administration has been implicated in serious abuses of presidential power.

The government paralysis that has resulted from the disclosures should be an increasing source of concern. The pressing domestic and international economic problems, not to mention the lingering irresolution over the Indochina war, require effective leadership and decision. Whether the President can free himself from the charge of complicity or be forced to resign in favor of a caretaker government, it is important that thought be given to the shape of the presidency in the future.

The larger issue that has been raised by the present crisis is the balance between the branches of the na-

tional government. It is not, of course, a new issue. There have always been voices, both on the left and on the right, that have warned about the dangers of too great a presidential power. What should be important at the moment, it seems to me, is not the end of presidential leadership but the return to something like the original balance of the American Constitution.

There are no easy ways of defending against the misuse of public power nor of determining a "general will" from the various private wills in a society. However, as James Madison and the other authors of the "Federalist Papers" pointed out, the system of "checks and balances" in the American Constitution is remarkably well-suited for doing just that.

It is hard not to share with many of the critics in the Senate the view that the growth of presidential power in the last half century has created a serious imbalance in the American political system, an imbalance that has fostered rather than restrained the abuse of political power.

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