

The Major Issue: Can Mr. Nixon Govern?

The issue is no longer who is telling the truth and who is falsifying. The issue is whether President Nixon can govern the country for the next three years.

With the massive evidence accumulating the answer must be in the negative. And it is not alone Watergate. The disclosures about the chiseling on the Nixon private homes at San Clemente and Key Biscayne touch the average citizen struggling to keep up his mortgage payments and maybe fix up his backyard.

The trouble is that under the American presidential system, in contrast to parliamentary government, there are only two ways the office may be vacated. One is by resignation, the other by impeachment. The process of impeachment would paralyze the government to a far greater extent than the prolonged Senate hearings into the Watergate scandal.

The House must vote articles of impeachment, which would be a lengthy and deeply disruptive process. Then the Senate must sit as a court with the chief justice presiding. In this case Chief Justice Warren Burger was appointed by President Nixon, and he would certainly be at odds with the

Democratic majority trying the President. Thus a further element of disension would be injected into what would surely be a fierce conflict enduring for weeks if not months.

Republicans who recoil in horror from the very word impeachment seem to forget that they instituted that proceeding not long ago. Rep. Gerald Ford, minority leader in the House, proposed to impeach Justice William O. Douglas for "high crimes and misdemeanors" and he was joined by 109 other members. Ford asserted that an "impeachable offense" is whatever the House with concurrence of the Senate "considers (it) to be." Seemingly to give the Congress unlimited power, this shocked many observers.

The charges against Douglas grew out of private financial dealings while he served on the court. It is one thing, of course, to impeach a judge of the high court and quite another to impeach a President of the United States. At the beginning of the last century articles of impeachment were brought against Justice Samuel Chase who was acquitted by the Senate.

If impeachment is a source of even worse paralysis than presently prevails, the other recourse—resignation

—calls for an act of will on the part of the President. No man in the office has ever resigned and the odds on Nixon taking this recourse are put at 70 to 1 or higher even. His friends are saying that it would be contrary to everything in his background and temperament to quit.

What is shocking to this observer is to find influential Democrats on Capitol Hill playing politics as usual. We don't want Nixon to resign, they are saying, for then we would have Spiro Agnew built into the office for three years. With an outpouring of public sympathy and with even moderate good luck he would be entrenched for 1976 and we would have a hard time finding a candidate who could beat him.

The politics of replacing Nixon with Agnew might turn out that way. Whether the Vice President in the President's office, seemingly untouched by the scandals, could govern the country and restore confidence is another matter. The opinion widely held is that the indices, including the New York Stock Exchange, will continue to drop until confidence is restored.

In August 1993, just before a Senate

investigation began to reveal the depths of the Teapot Dome scandal, President Warren G. Harding died. If he had lived he would have been implicated in that scandal by the betrayal of his cronies whom he had appointed to high office. His Attorney General and his Secretary of Interior were deeply involved with payments by big oil men.

The Vice President, Calvin Coolidge, inherited the office. Silent Cal, as he was called, had said nothing. Naming able and independent prosecutors, he stood clear of the wreckage. With rising prosperity in what was to become known as the Coolidge boom, he was re-elected in 1924 over a weak candidate picked by the deeply divided Democrats.

Teapot Dome was essentially a money scandal in comparison to Watergate, which goes to the corruption of the system itself. Embedded in that corruption is the dark shadow of whether we have a workable government. Walter Lippmann will probably never finish the book on which he has long been working with the tentative title, "The Ungovernability of Man." The present scandal would be at least a chapter.