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Connally's Bad Advice

John B. Connally, who until recently was one of President Nixon's special advisers, has volunteered an extraordinary piece of special advice. He has suggested that Mr. Nixon may well be justified in ignoring the Supreme Court if it were to order the Presidential tapes of the Watergate conversations to be turned over to the special prosecutor.

"We're leading ourselves into believing the Supreme Court is the ultimate arbiter of all disputes and I don't believe it," Mr. Connally said. This interpretation of constitutional government, which Mr. Connally appears to have discovered on the way to his conversion to "law and order" Republicanism, raises the question whether any force other than raw power would be left as the ultimate arbiter of controversial national issues.

Even conceding that Mr. Connally for the moment appears to reserve for the President alone the right to ignore the Supreme Court, this redefinition of Presidential power strikes at the heart of democratic government as practiced in the United States for nearly 200 years. What would be left of the principle of checks and balances if a President, acting either unconstitutionally or unlawfully or protecting the unlawful actions of his subordinates, were free to ignore the Supreme Court? Would President Truman have been justified in ignoring the Court's ruling on seizure of the steel mills?

The Connally view of government appears to equate an efficient and supreme executive with the protection of the nation's stability. In reality, the consequence of a Presidency immune to judicial rulings would more likely be a drift into either extreme instability or extreme Presidential power.

If Congress were to become convinced that the President considers himself untouchable by any process short of impeachment, resort to impeachment would inevitably come to be thought of as a far less awesome step than has been the case in the past.

If the American people were to adopt the view that the President has the right to ignore the Supreme Court, then the Presidency will have been placed above the law. This would be the beginning of totalitarian rule.