

A Way Out Of the Nixon- Agnew Crisis

The extraordinary crisis at the heart of the American government requires an extraordinary remedy. This column discusses one possible solution.

First, a word as to the nature of the crisis. A two-sided civil war is being fought within the topmost ranks of the executive branch, which the combatants maintain is beyond the reach of the judiciary to mediate, and which the legislative branch thus far refuses to attempt to resolve.

On one front, a special prosecutor, armed with the powers of the Attorney General, is seeking to compel the President of the United States to turn over evidence, in the form of tapes, which may implicate the President's former top aides and perhaps the President himself in criminal acts.

The case is before the courts, but the President has strongly suggested that he doubts the authority of the judicial branch to enforce a judgment against him.

Meantime, the Justice Department is presenting evidence of separate allegations of criminal activity against the Vice President, who charges that on both constitutional and political grounds, the grand jury and the courts are incompetent to judge him.

The President has sought to terminate a congressional investigation of the case in which he is involved, while the Vice President, taking exactly the opposite tack, is seeking a congressional inquiry into the merits of his case. However, neither the flagging Senate investigation of Watergate nor the still-born House investigation of the Agnew case promises speedy resolution of the crisis through the one constitutional remedy available to Congress—impeachment.

Thus, this beleaguered democracy—still reeling from the wounds of its most unpopular war and the ravages of an unchecked eight-year inflation—now confronts a crisis at the center of its government for which no solution is apparent.

Yet it is almost intolerable to think that the nation must endure three years of warfare and mutual vilification among the leaders of the government. Personal pride and institutional parochialism simply cannot be allowed to wreak vengeance on a paralyzed America.

A solution — first suggested, to my knowledge, by American University graduate student Joseph Felter at a seminar with this writer on Oct. 1 — may be for the sovereign states which created the nation to act now to rescue it.

The suggestion is that the governors of the 50 States convene in special session for the single purpose of recommending a person to assume the presidency until 1976, with the understanding that he will not be a candidate for the office in that year.

My strong hunch is that if such a meeting were held, the Democrats who hold 31 of the 50 governorships would ignore partisanship in this time of crisis and recommend for the presidency, the most senior man in the ranks of governors, and the most broadly respected, Republican Nelson A. Rockefeller of New York.

The next step in arranging for his succession would be for the governors to petition the House of Representatives to elect Rockefeller as Speaker. A Speaker may resign at any time, and the occupant of the office—by Constitution and law — need not be a member of the House. The governors could count on strong public and editorial support for their petition, support which politically sensitive congressmen would not ignore.

Should Democrat Carl Albert make the sacrifice of stepping down from his post, the third most powerful in government, it would be a powerful prod to the Republican President and Vice President to do likewise.

A bipartisan House vote to elevate Rockefeller to the Speaker's office would signal the House's will as clearly as a vote of impeachment — yet with far less bitterness and delay. Under such circumstances, the President and Vice President could resign without seeming to admit guilt — and would, in my judgment, be under a powerful compulsion to do so.

Speaker Rockefeller would then become President and would have the opportunity to designate, with the approval of the Senate and House, a Vice President, who, like him, enjoyed broad public trust and who was willing to renounce his own candidacy for any office in 1976.

Through such a process, the new President would be compelled before taking office to give the proper assurances about his exercise of power to the leaders of the states, to the Congress, to the last elected President and Vice President and to the future aspirants for those offices.

The interests — and honor — of all of them would be protected, and the nation would be rescued from what seems an endless agony.

There is no need to underline the practical difficulties and political suspicions that would beset such a course; they are obvious. But the American people deserve better than the chaos that threatens in Washington today, and the governors have it in their power to attempt the rescue effort.