

The Ford Fumble

By William V. Shannon

WASHINGTON, Oct. 15—In feebly acquiescing in President Nixon's nomination of Representative Gerald Ford as Vice President, the Democratic leadership of Congress fumbled away an opportunity to resolve the nation's political crisis.

The cause of that crisis is the widespread belief that Mr. Nixon has engaged in criminal misconduct during his Presidency. The public opinion polls report that a majority of Americans believe that Mr. Nixon had prior knowledge of the Watergate break-in and participated in the cover-up that followed.

But so far, it has proved impossible to obtain a legal determination of Mr. Nixon's guilt or innocence. Instead, the question of his culpability has been transposed into a procedural wrangle as to whether the President's "executive privilege" is broad enough to shield the tapes of possibly incriminating White House conversations from the ears of the grand jury.

While this procedural question winds its way through the courts, another set of charges involving possible criminal misconduct has arisen concerning Mr. Nixon's financial affairs. First the White House has not denied that he paid virtually no income tax in 1969, '70 and '71 because he spread over those three years a deduction of \$570,000 for the gift of his Vice-Presidential papers to the National Archives. The documents concerning this "gift" are incomplete and irregular. There is a substantial body of opinion among lawyers and accountants that Mr. Nixon may have perpetrated a tax fraud in claiming this deduction.

Second, there continues to be a mystery as to why Mr. Nixon does not owe a capital gains tax on the sale of 23 acres of his San Clemente estate in December 1970. Third, there are the two cash payments of \$50,000 made by financier Howard Hughes in 1969 and 1970 to C. G. "Bebe" Rebozo for transmittal to Mr. Nixon. The Senate Watergate committee is now actively investigating whether these payments were, in fact, campaign contributions inasmuch as Mr. Nixon was not running for political office in either of those years.

The President may be innocent of wrongdoing in the Watergate crimes and conspiracies, and there may be wholly reasonable explanations of each of his complicated financial transactions. But, as matters now stand, no one knows and it may be months before these matters are resolved.

Because they have not been cleared up, the moral authority of the Presidency has disappeared, Mr. Nixon's political standing has precipitously

declined, and the top policy-making level of the Administration moves in a condition of semi-paralysis.

In the midst of this profound and ongoing crisis of the Presidency, there has occurred in recent weeks the unrelated collapse of Spiro Agnew. If the leadership of the House and Senate possessed the stern sense of duty that the public has a right to expect of men in such high positions, they would have used the Agnew resignation to try to force a resolution of the Nixon crisis.

The Speaker of the House and Majority Leader of the Senate could have jointly announced that no nominee for Vice President would be considered until Mr. Nixon acted constructively to dispose of the grave charges against himself. With regard to Watergate, he would have to release the tapes and agree to testify before the grand jury concerning them. With regard to his financial affairs, he would have to make public his income tax returns and any I.R.S. audits of them.

Had Mr. Nixon balked and an impasse resulted, the necessities of government do not require the immediate choosing of a new Vice President. The Republic has survived quite well for lengthy periods with the Vice Presidency vacant. As recently as 1945-49, the first Truman Administration proceeded without a Vice President as first a Democrat, Speaker Sam Rayburn, and then a Republican, Speaker Joe Martin, served as stand-by President. The same situation recurred for a shorter period of 14 months after the assassination of President Kennedy.

It was highly desirable to keep the Vice-Presidency open until Mr. Nixon's guilt or innocence is determined. If Mr. Nixon is ultimately shown to be guilty and has to resign or be impeached, Speaker Albert, a Democrat, would be constitutionally next in line. Rather than force a change in party control of the Administration, the leaders of both parties could allow Mr. Nixon as his last official act to nominate a Republican as Vice President who would immediately take over as President—as long as he was a person of genuine Presidential quality. No one would apply that description to Representative Ford.

Unfortunately, the floor leaders, committee chairmen, and other senior Democrats in Congress have shied away from their responsibilities. These gentlemen like the illusion of sharing power and like to read their names in the paper but they do not like to carry out the hard and disagreeable task of defending the integrity of the public service. By fumbling away the leverage of the Vice-Presidential vacancy, they have prolonged the crisis of the Presidency and made it that much harder to resolve.