

NYTimes

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Letters to the Editor

Of the President, the Tapes and Calls for Impeachment

To the Editor:

In 1803, in *Marbury v. Madison*, Chief Justice Marshall reminded the nation: "The Government of the United States has been emphatically termed a government of laws, and not of men." President Nixon's recent actions challenge that basic axiom.

It is the President's chief constitutional duty to "take care that the laws are faithfully executed." Nevertheless, after the Court of Appeals for the District of Columbia affirmed District Judge Sirica's order that President Nixon produce the tapes subpoenaed by the grand jury, the President ordered former Special Prosecutor Cox to discontinue court proceedings to obtain the tapes and then directed that Mr. Cox be dismissed because he insisted on seeking enforcement of Judge Sirica's valid order.

Even if it be the fact that the President was technically entitled to dismiss Mr. Cox, the dismissal was a flat repudiation by the President of the solemn undertaking which, with the President's endorsement, former Attorney General Richardson gave to the Senate and the American people: that Mr. Cox would be free to pursue the Watergate and related investigations without interference and that Mr. Cox could not be removed except for gross improprieties.

Far from having committed improprieties, Mr. Cox has rendered distinguished public service in which every lawyer, including Mr. Nixon, should take pride. We applaud former Attorney General Richardson and former Deputy Attorney General Ruckelshaus for resigning rather than carrying out Mr. Nixon's self-serving, wholly unwarranted order to dismiss Mr. Cox.

It is entirely proper that the President's course of action be the subject of inquiry by the House of Representatives. But it is equally important that the question whether the President is in compliance with Judge Sirica's order be fully explored in the District Court.

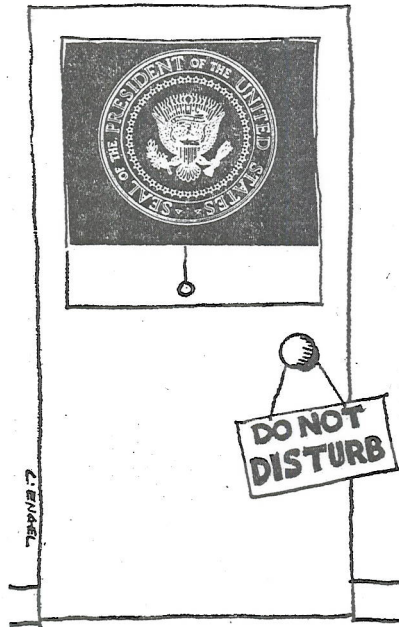
To insure that the issues are presented comprehensively by a lawyer not subject to Presidential control, it would be appropriate for Judge Sirica to designate a lawyer to act as *amicus curiae* or in a comparable capacity. Surely, Congress has power to appropriate funds to finance such an orderly presentation of the legal issues.

Failing that — or if the President were to veto or impound such an appropriation—we feel confident that members of the bar would, as officers of the court, make available to the court such services as Judge Sirica may request.

BORIS I. BITTKER, GRANT GILMORE
GEOFFREY HAZARD JR.

ABRAHAM S. GOLDSTEIN
BURKE MARSHALL, CLYDE W. SUMMERS
New Haven, Oct. 23, 1973

The letter was also signed by eighteen other members of the faculty of the Yale Law School.



To the Editor:

I believe that some elements of the U.S. Senate are guilty of what amounts to Congressional blackmail in the confirmation procedures relating to recent Presidential appointments. In the case of Attorney General Richardson, the particular committee exacted an unconscionable and intolerable condition, to which he stultifyingly yielded, in refusing to confirm him unless he explicitly agreed to the designation of a special Watergate prosecutor of their approval and upon their arbitrary terms, which I deemed to be an outrageous usurpation of the power and authority of the executive branch of

the government. And distressingly, the one so named was an important official in the Kennedy regime with known hostility toward Mr. Nixon.

Now with respect to the designation of Representative Ford as Vice President, several prominent Democratic Senators, including the notorious Ted Kennedy, have expressed unwillingness to consider and confirm the acclaimed nomination unless Mr. Ford agrees to condemn the President's refusal to release the much-debated White House tapes. This suggests senatorial tyranny and goes beyond the legitimate prerogatives of the legislative body, coming with ill grace from those who have been contending that the President has been transgressing the authority of the Congress.

HENRY H. SHEPARD
Manhasset, L. I., Oct. 20, 1973

To the Editor:

The present crisis over the propriety of the President's continuation in office is complicated by the effect the President's removal or resignation will have on U.S. policy toward Israel.

The argument *contra* resignation or removal by those who would otherwise support such moves is that the President is the only man in the Government who is doctrinaire in the United States' support of Israel during the cease-fire and peace-talks period so vital to forestall any thought of covert Arab military preparation to abide the event of failure at détente in the Middle East.

This complication should not deter thoughtful Americans from the realization that the President cannot continue to govern in the light of his position on Watergate. Whatever value the unilateral "compromise" may have had to effect "substantial" compliance with the order of the Court of Appeals in the tapes litigation is overshadowed by the President's insistence that Professor Cox would get no Presidential papers and the consequent resignation of Mr. Richardson and dismissal of Mr. Ruckelshaus. These factors pointedly establish, by common sense and fair inference, the President's complicity in a Watergate cover-up to this date and the unwillingness of two of his loyal supporters to ratify such chicanery. A President enmeshed in maneuver to save his own skin has simply cut off his lifeline to American popular support.

Thoughtful supporters of Israel who value the President's willingness to go on the line in the Middle East must

now realize that his attitude toward this important matter may deter others in positions of influence from following suit. The President's beleaguered posture and his virtually inevitable resignation or removal stain his support of Israel and may cause leaders on the fence to go against Israel simply because the President favored her, when his house of cards falls.

Support of Israel has been, and should continue to be, a bipartisan policy shared by a broad spectrum of national leaders. Americans who cherish Israel and its future should turn their efforts to convincing these national leaders of the imperative of Israel's existence and stop defending a President whose compact with the American people is at an end.

THOMAS H. BAER
New York, Oct. 22, 1973

To the Editor:

As Archibald Cox said following his dismissal, the initiative and responsibility now rests with Congress. Possibly this means appointing a new Watergate prosecutor. It surely is essential that the grand jury investigation continue under independent direction if we are to have confidence in the outcome.

Certainly we cannot allow a man who has defied the Courts to remain as President. Silence in this instance gives consent to lawlessness and erodes the basis of our constitutional government. This is the overriding issue, and neither the vacancy created by Vice President Agnew's resignation nor the war in the Mideast should be regarded as grounds for deferring impeachment proceedings.

The confirmation of Representative Gerald Ford as Vice President would seem directly related to this. If we cannot tolerate a President who sets himself above the law, neither should we choose a Vice President who approves such a course. Should Representative Ford fail to qualify, the Constitution provides for succession of power. It is the office and powers and obligations of the Presidency that are at stake; the person who occupies that position—so long as he respects his constitutional duties—is of less consequence.

We have had many Presidents of varying abilities, states of health and points of view, and we have survived as a democracy. But we cannot afford the risk to our form of government that Richard Nixon's actions represent. I hope Congress will agree that the only honorable solution is to institute impeachment proceedings.

MARY B. SULLIVAN
Riverside, Conn., Oct. 21, 1973

To the Editor:

I urge upon you and other leaders of the media that at this critical hour for the American people and world peace President Nixon should be helped and not impeached; he should be assisted and not attacked.

There is a deep need in our country for amnesty and forgiveness, to bind up the wounds of Vietnam and Watergate, to be forgiving both toward the President and his associates and toward the American boys who went to Canada and Sweden, to adopt the necessary new laws from these experiences, to do all in our power to establish peace in the Mideast and in the world, to avoid disaster and to assure improving quality of life for all of the people. HAROLD E. STASSEN
Philadelphia, Oct. 23, 1973