

Answers to Questions

In the flurry of rejoicing at the release of the tapes for in camera examination by Judge Sirica and the apparent avoidance of an immediate clash between the executive and judicial branches of government, it is important to remember that Mr. Nixon's firing of Professor Cox was precipitated not so much by the Special Prosecutor's attempt to obtain the tapes for the grand jury—which had continued for several months—but by Professor Cox's recent and—seemingly to Mr. Nixon—far more threatening efforts to employ the judicial processes to obtain information regarding Mr. Nixon's second-rate financial operations.

The necessity for a careful scrutiny of Mr. Nixon's finances, as indicated by evidence developed by the Special Prosecutor's office, is all the more imperative in view of Mr. Nixon's desperate reaction to the Special Prosecutor's probing. Professor Cox stated his willingness to abide by a court decision accepting the "Stennis proposal," but justifiably refused to hamstring his investigation by abrogating his right to make further efforts to obtain tapes, notes or other memoranda of presidential conversations. His removal from office for so refusing to curtail his inquiry must raise questions as to what he was about to discover and why Mr. Nixon would risk such adverse public and congressional reaction to prevent him from making that discovery. The placebo effect from the long-awaited production of the presidential tapes should not deter efforts to answer those questions.

STEPHEN B. SOSMAN.
 Washington.

Madison on Impeachment

It is widely, but erroneously stated that the removal of Archibald Cox is not an impeachable offense. In debate in the Constitutional Convention concerning the President's removal power, James Madison maintained that the wanton removal from office of meritorious officers would be an act of maladministration, and would render the President liable for impeachment. (Elliott, Debates IV, 375)

Mr. Nixon ordered Cox to make false representations to Judge Sirica to the effect that in his professional judgment the Stennis Compromise was fair and reasonable; and he further ordered Cox falsely to represent to the grand juries that in his view they could not get the other presidential papers by judicial process. Cox was more than an employee of the President; he was also an officer of the court, and counsel to the grand

juries. Nixon ordered Cox to breach his solemn duty to the court and to his clients. If Nixon had offered Cox one of those crisp one-hundred dollar bills to breach his duty as a public officer, no clearer case of bribery could be made out. Instead Nixon offered this week's paycheck and continued tenure in return for the perfidious conduct required.

If this be not a "bribe" in some strict technical sense, it was of the same intent.

JACK LARSEN.

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Impeachable?

I remember that last year, in an argument with Congress, the Attorney General, Mr. Kleindienst, said presumably at Mr. Nixon's instruction, that Congress doesn't need evidence to impeach a President, just votes. Similarly, I recall that in 1970, Mr. Ford, now the nominee for Vice-President said that an impeachable offense is anything that a majority of members of the House of Representatives decide it is. May I infer from this that Mr. Nixon has polled the House on the impeachment issue? Or has he read the minds of its members? Or has perhaps changed his own mind?

ROBERT McCLENON.

Parsippany, N.J.

A Citizen President

Thoughts after the events of 20 October: A life-long Republican, albeit a "liberal" and internationalist one, faces a reordering of priorities when forced at last to embrace the belief that Richard Nixon should be driven from office.

Not sympathetic with the increasing identification of her party with wealth and big business, appalled by the Watergate disclosures of hundreds of thousands of dollars in \$100 bills floating hither and yon and all the other shenanigans, this Republican retained faith in Richard Nixon as a statesman. She did think he had taken remarkable steps toward ameliorating some of the worst dangers in the international field and had hopes of more progress there along with an orderly and lawful settlement of domestic problems.

All is gone. The ineffable Richard, the god-king, is willing to sacrifice even his standing in the wide, wide world to his concept of power at home. HE is above the courts (to which he urged the Watergate problems be put); HE is above Congress. Nuts! He is a citizen like the rest of us. Since he does not understand that the law is above the king, he should be shown.

I mentioned priorities. I would have said a bit back that maintaining a

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reasonably powerful President ready and demonstrably competent to talk with leaders of the major Communist powers was of top importance. No more. Let us get our domestic house in order. Whether Ford or Albert succeeds is no matter—we need someone who has a clue to what the United States is about. If neither looks like a giant in foreign policy, there are, after all, good advisers handy. And a supposedly ordinary man named Truman, inexperienced in an even more wrenching time, came through with flying colors. A citizen president is in order even if the risks look horrendous.

JOSEPHINE DUDLEY.

Washington.

Words from T. S. Eliot

Now that Mr. Nixon has agreed to release the White House tapes to the Court the Congress is faced with the question of whether or not to continue with its preliminary impeachment proceedings. Perhaps these words from T. S. Eliot can help them decide:

The last temptation is the greatest treason:

To do the right deed for the wrong reason.

CATHERINE E. MATHEWS.
Centreville, Va.

As Lincoln Said . . .

As Abraham Lincoln said: "As our case is new, so we must think anew, and act anew. We must disenthrall ourselves, and then we will save our country."

Richard M. Nixon must be removed from the office of the presidency.

DONALD M. TRAPP.

Alexandria.

The Public Interest

As the smoke settles over our city, we must pause to ask what justice requires of this nation with respect to its President.

The most important requirement is that evidence concerning the President should be pursued wherever it may lead, be it to a conclusion of guilt or innocence. Since the President had no specific charges of bias or unfairness against Archibald, Cox—who was supported by confirmed Nixon loyalists, Richardson and Ruckleshaus—the dismissal of this important public servant has temporarily obstructed the investigation. However, other people can be granted the conditions under which to continue Mr. Cox's role and—together with his excellent staff and its knowledge of this complex prosecution—press forward in the public interest.

It is clear that justice requires care-

fulness. There should be no rush to impeach. The nation must demonstrate its love of justice by its manner of considering the questions of impeachment and trial.

If this nation adheres to the concept of justice, we will suffer a period of national agony. Only the resignation of the President, motivated by the national interest, can spare us this agony.

PETER B. BLOCH.

Washington.

Sellout

With utter amazement I have noted the recent, heroic actions of Congress. Practically overnight our lawmakers mustered their courage, and ended TV blackouts of football games! One must wonder when these same politicians will act to end the blackout of the White House game. Of how complete a sellout must they be assured?

ROBERT H. MOORE.

Takoma Park.

Impeachment, Then Ford

Whatever else may be said about the Vice President-designate, he must have been a considerable performer on the gridiron.

The late Fielding "Hurry-up" Yost once told me that the best football player on a University of Michigan team was likely to be a center who could pass accurately to quarterback or punter, tackle definitively and analyze an opponent's offense quickly and perceptively. He often was an All-American.

That sneer to the effect that Gerald Ford played too much football without a helmet is nasty and unfunny. The man's character has been certified by re-election to the Congress for 25 years and by revealing and intimate association with his colleagues throughout that period. If there were sordidness in his past, it certainly would have surfaced by now.

At this time of crisis, Mr. Ford is vastly to be preferred to the bruised and battered Mr. Nixon and closer to presidential quality than Speaker Carl Albert. If the President is impeached, as he plainly should be, we could look forward to three years of Ford with a measure of confidence, even serenity. We could be spared an interim of agony and vituperation and then elect in 1976 a qualified leader whose ability to restore the nation to its accustomed respect and dignity as a "democracy in a republic" could not be seriously challenged.

A. J. G. PRIEST.

Charlottesville.

'History Will View the President as a Badly Abused Man'

Members of the House and Senate who would be involved in impeachment and trial proceedings of President Nixon might well give thought to the position history will allot them if there is such action. Almost certainly, history will view the impeachers critically while seeing the President as a badly abused man. The basis for such appraisal lies in the record of Andrew Johnson's impeachment.

Let me refer to "The Oxford History of The American People." By Samuel E. Morison. Professor Morison is a pro-Democratic historian, and he probably is running with the lynching party across Harvard Yard today, but that does not impair his summary of the Johnson impeachment. If we substitute a few words—Nixon for Johnson, Liberal Democrats for Radical Republicans and Cox for Stanton—the parallel with the current developments is startling.

Of President Johnson's personality, Professor Morison wrote: "Of origin as humble as Lincoln's . . . he had honesty and courage, but wanted fact and the art of winning men's minds and hearts . . . Johnson's pugnacious personality

antagonized people, and by undignified acts and foolish speeches he lost the support of the Northern press, pulpit and business." (For business we might today substitute the academic community, which was not influential in 1867).

Professor Morison went on to note: "The Radical leaders of the Republican Party . . . aimed at capturing the Federal government under guise of putting the presidency under wraps. By a series of usurptions they intended to make the majority in Congress the ultimate judge of its own powers, and the President a mere chairman of a Cabinet responsible to Congress . . ."

The act which ignited the impeachment proceedings was President Johnson's dismissal of Edwin Stanton, his disloyal secretary of war. Secretary Stanton was a typical Washington leaker, even though that was not the popular word at that time. Of him, Professor Morison said, "Secretary Stanton sneaked out Cabinet secrets to the Radicals and they . . . controlled the civil service." (How like today, even to the Democratic Party control of the Federal bureaucracy?)

Stanton's dismissal violated the Tenure of Office Act of March, 1867, which required that the President obtain the consent of the Senate before he could dismiss anyone in the executive branch initially appointed with the advise and consent of the Senate. Professor Morison noted, "Ten of the eleven articles of impeachment rang charges on the removal of Stanton, the other consisted of garbled newspaper records of the President's speeches." He concluded, as have historians generally, that ". . . the impeachment of Johnson was one of the most disgraceful episodes in our history."

It should be noted that President Johnson had little on the positive side to recommend his term in office to future historians, a situation which is not true of President Nixon. President Nixon has turned the course of events from a cold war confrontation with communism, set up by the liberal Democrats during the term of President Truman, toward a mutual compatibility. This alone would leave him an honored place in history, without regard to such matters as ending the draft, main-

taining a highly prosperous economy, quieting the tensions upon college campuses etc.

History will not note the hysterical words of the Nixonphobes in the press or on television, but it surely will recall the votes of congressmen if there is an impeachment. In Lincoln's phrase, they cannot escape history. Does Jerome Waldie wish to go down in history as the Twentieth Century Thad Stevens? Does Carl Albert, who as of now would succeed to the presidency, want to be the modern Ben Wade, who would have succeeded President Johnson? History holds these men in low repute, along with others of equally mean spirit.

There is a denouement to President's Johnson's story: the U.S. Supreme Court, in *Myers vs. the U.S.*, held the provisions of the Tenure of Office Act requiring Senate approval of dismissal of a member of the executive branch of government unconstitutional. In other words, the President can indeed fire a subordinate without asking the Senate for permission. Even if he's a Harvard professor.

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