

Where Do We Go From Here?

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The system of government established by the Fathers at the Philadelphia Convention has proved to be one of the most stable in history. Like many other stable structures, it is also unwieldy. The governments produced by the parliamentary system, which has been the more usual structure of constitutional republics, are, generally speaking, both more flexible and more sensitive to prevailing political currents, and less stable; not seldom, as in between-the-wars Germany, post-1945 Italy or pre-de Gaulle France, their instability verges on impotence.

We have no well-oiled stand-by procedure . . . for changing our head of Government, who is also our head of state. We choose him every four years on the appointed day for better or worse, even though that four-year cycle cannot allow for the occasional acute political upheaval. And, as we began by remarking, our method has, normally, a good deal to be said for it. True, our Constitution does have an emergency jettison device in the impeachment clause. But so far as the head of Government is concerned, and even the lesser officers, this has proved all but useless in practice.

NR has always thought the fuss over the tapes, on both sides, much exaggerated. It has seemed to us probable that, even if unaltered, the tapes would turn out to be, as the President stated, ambiguous and "capable of differing interpretations," as are most things human beings say to each other. It was a quirk of history that the tapes got blown up like Desdemona's handkerchief.

Many, even most, of the individual items are trivial, but, in spite of Zeno's paradox, a great many trivialities can add up to something important. And it is not a matter of quantity alone. The central question raised by the past six months is that of the nature, the over-all quality, of the Nixon regime, and the further question, dependent on the first, of Nixon's ability to govern the country—govern it not in the purely formal sense, which, since we are not at the edge of revolution, our stable institutions assure, but in a manner consonant with the security and voluntary consent and well-being and peace of mind of the citizenry. In short; Richard Nixon is still the legal head of Government, but is he, in the meaning proper to a constitutional, republican society, still a *legitimate* ruler?

The day-by-day Watergate developments have been so multitudinous and so rapidly changing as to benumb the mind and obscure the larger pattern. If we stop to look above the details, the present situation of the Nixon government is really preposterous. Every single one of the President's intimate aides and advisers (except Kissinger, who is an unrelated category) has been thrown to the wolves, along with key Cabinet members and the Vice President he had chosen twice, and most lately still another Attorney General and the special prosecutor he had appointed supposedly to clean up the mess. Harassed by the relentless guerrilla thrusts of the media, the President has for months been fighting his own legalistic and political guerrilla war from semihiding against the legislature, the courts, and even much of the executive branch to hamper or block disclosure of what his colleagues, aides, and he himself have been up to. In spite of the media's provocations, "preposterous" is an appropriate word by which to describe the President's screening operation, since it is he who, by normal rules, should have been heading the search rather than trying to divert, confuse, and suppress it.

Many citizens believe: a) that the President knew about many of the improper and illegal actions, including many still unrevealed, even if he did not specifically initiate them; b) that he in any case bears a general responsibility for the activities of so numerous a band of his entourage; c) that he has perverted, or tried to pervert agencies of Government, including the I.R.S., the Justice Department, and, most important, the F.B.I. and C.I.A.—that is, the domestic and foreign security agencies—to serve partisan and personal aims; d) that he has tried to cover up the improper and illegal acts of his associates and is himself guilty of improper, degrading, and quite probably illegal acts; e) that he has tried to put himself above and

beyond the law; f) that he has lost his credibility.

The accumulated unease with Mr. Nixon's person and conduct was triggered into a massive and somewhat hysterical explosion by the firing of Special Prosecutor Archibald Cox and the decapitation of the Justice Department. For the first time the question of impeachment began to be widely and seriously posed, and the rising tumult was checked, somewhat, only by the President's abrupt turn and apparent surrender to Judge Sirica on one sector of the "privilege" front.

If Mr. Nixon is in direct defiance of the courts—as for three days he undoubtedly was—and persists in that defiance; or if one or another of the investigations and judicial inquiries comes up with firm evidence of his guilt in one or more crimes, then Congress will most certainly have to impeach him, in spite of all the awkwardness of the impeachment process. But the problem is not just one of direct defiance or presumptive legal guilt. This country is in the midst of a classic *crise de régime*, and the basic issue, as we have said, is the credibility and legitimacy of the head of Government. From the beginning of the Watergate affair, the President's strategy has been based on the expectation that, as nearly every issue does in our volatile society, it would soon blow over, that the public would become bored and would stop wallowing in Watergate. But it has not blown over, and he, as well as the public, is wallowing. The downward plunge of confidence in the President from its

postelection high has not noticeably reversed in response to any of his moves. Perhaps the surrender on the tapes will prove a turning point, but if not (as is more likely) and if the public distrust and rejection of Mr. Nixon persists, deepens further, and hardens, the country will be facing the crippling and possibly catastrophic prospect of three years without — a legitimate government.

The one way and the only way to close out that crisis would be by Richard Nixon's departure. Though the Constitution prescribes only the single, very nearly useless, and in this case presumably catatonic process of impeachment for bringing that departure about, there is another much simpler and far less traumatic method entirely consistent with the Constitution: Richard Nixon's resignation. If Mr. Nixon becomes convinced—and by a few more months at most it will be sure, one way or another—that he has irretrievably lost the support and trust of a solid majority of the people, it will then be his duty to resign his office as the only act able to heal the grievous wound. This would be, under the circumstances, the highest act of loyalty and patriotism on his part, and we therefore feel that Richard Nixon, facing the reality, would see resignation as his duty; and if he did not, it would become the duty of his closest friends and associates to persuade him so to see it.

In presenting the possibility of resignation, we assume, of course, the presence of a Vice President who

would succeed. More than 60 per cent of the electorate declared its support of the general line of policy they believe to be Mr. Nixon's, and there is no reason to suppose they have changed their minds in that respect, no matter what may have happened to their judgments of Mr. Nixon himself. A Nixon resignation would therefore presuppose Congressional confirmation of a Vice President. From a policy standpoint, Gerald Ford sufficiently meets the terms. If Mr. Nixon actually did decide on resignation before Ford's confirmation, and there was serious objection to Ford's becoming President, Mr. Nixon could surely come to a prior agreement with Congress—and with Gerald Ford—on an alternative, if there is felt to be one more able to reunite the Government and the nation. The citizens, we feel sure, would not tolerate cheap partisan politics by Congress in such an event.

But if, by the New Year say, no charge of criminal conduct against the President takes unequivocal and public form, and at the same time he makes real progress in regaining the confidence of his countrymen, it will then be time for his critics, and especially his critics in Congress, to put up or shut up. Congress, then, should either stop talking about impeachment and in general stop the wallowing, or vote the impeachment and render the judgment. And if, then, Congress refused either to act or to subside, the President should force the issue and compel Congress to act on impeachment once and for all.