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Not Quick, Not Easy, But Right

By Tom Wicker

The clamor for Richard Nixon's resignation is suddenly so deafening that it may drown out good sense and overwhelm due process. That clamor demands short-run therapy for a catastrophic illness. It risks a rush to decision rather than an exercise of judgment, and it proposes a constitutional short-cut when the primary problem is that the Constitution already has been too often slighted or ignored.

Mr. Nixon's resignation, while it might imply some guilt on his part for something unstated, would surely be cast by him in the patriotic terms of a wronged statesman acting only to spare his country further embarrassment. Resignation would in no way resolve the question of Mr. Nixon's guilt or innocence; it would not even leave a clear sense of what the charges were, or should have been; and while resignation would remove him from office, it would not necessarily terminate his case.

Resignation might well insure rather than prevent continuing suspicion and bitterness in American politics. It is already apparent to anyone who listens that, despite the resignation demands, a substantial body of opinion does not think Mr. Nixon necessarily unfit to govern; and many of his supporters are convinced or choose to believe that his troubles result in large part from a determination by the political left and the press to get him out of office at any cost. A forced resignation, without so much as Spiro Agnew's limited admission of guilt to give it an underpinning of necessity, would feed this conspiracy theory for years to come.

Sudden storms, moreover, in politics as in nature, often pass quickly. Three weeks ago there was no clamor

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for Mr. Nixon's resignation; three weeks from now the situation may again have been drastically altered. It is hard to see how Mr. Nixon's moral authority can be restored even in part, but only a few months ago it seemed inconceivable that he would ever fall to his present low estate. In any case, it is precisely when the tide is strongest that wise men should guard against being swept away.

Mr. Nixon, finally, is as entitled to a day in court as any man; he is entitled to judgment on the merits of his case, not to an assumption that he looks too guilty to govern. What is the charge, anyway? In the sum of its various particulars, it is that he has committed high crimes and misdemeanors in various attempts to circumvent the Constitution or ignore the law.

No person in doubt as to high public policy can go far wrong in turning for guidance to the Constitution, particularly on constitutional questions. In this case, Americans can find there a clear remedy set forth for Mr. Nixon's alleged offenses. That remedy is impeachment in the House and fair trial in the Senate, with removal from office as the only possible penalty if a guilty verdict is returned by two-thirds of those voting.

An impeachment and subsequent trial is an equitable process, providing ample protection for the rights of the accused and ample opportunity for the prosecution to make its case. It is not a quick or easy process, and for that reason it cannot be a rush to decision. At its end, a jury of Mr. Nixon's peers will render a verdict; they will come to the judgment upon him and his conduct of office that now is needed above all but which forced resignation cannot provide.

Some may protest that, with so many votes needed for conviction, Mr. Nixon might be acquitted, perhaps by only two or three votes. So he might, but that could happen in any fair trial; determination of guilt or innocence is what trials are all about.

Others maintain more sensibly that impeachment and trial would take months at best, during which time the country would be torn apart, foreign adversaries might take advantage, and government would be at a standstill. At least two answers should be made.

The first is that these are value judgments in advance, which would not necessarily be sustained in the event, and which in themselves do not justify another instance of setting aside or short-cutting clearly prescribed constitutional procedure. Just such value judgments—that subversion was rampant in 1970, or that more Ellsbergs might leak more documents in 1971—led Mr. Nixon and his men to many of the constitutional short-cuts of which they stand accused.

Beyond that, it is a doubting attitude towards and a weakling faith in the great American people that holds them not strong enough to support their own Constitution while it is being meticulously executed; that thinks them unwilling to see justice pursued wherever it leads; that fears all their other institutions, processes and common traditions might fall apart while the President is on trial. If all that should prove to be so in the course of impeachment and trial, there is no magic in Mr. Nixon's resignation that could redeem a society so uncertain of itself.