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A Special Election in '74

Boston's Mayor Kevin White has been pushing hard for a special election to replace the fallen Spiro T. Agnew and the falling Richard M. Nixon.

White, like so many Americans, is dismayed at the prospect of a President being forced out of office but being permitted (under the 25th Amendment) to name his own successor. But to deny him that choice, by congressional refusal to confirm Mr. Nixon's nominee for the vice presidency, would be to promote House Speaker Carl Albert, a Democrat, to a position for which the American people elected a Republican.

Says White:

"Our choice today appears to be either: (1) a national leadership that is not nationally elected to govern a nation, or (2) acquiescence to disregard and abuse of constitutional powers by our current elected leadership, and

controversy for three years about the legitimacy of that leadership."

Mayor White sees another alternative: a special election early in 1974 to choose a new President and Vice President (in the event both offices have become vacant), with the Speaker of the House serving as interim or acting President until January, 1975.

"This would require no constitutional amendment, but simply an act of Congress," White contends and constitutional law scholars with whom I have spoken agree. Such a solution, says White, would begin a "healing" process and, by returning the decision-making power to the people, "ensure the legitimacy of presidential power."

The constitutionality of the proposal seems clear enough. Article II, Section I, provides that "... the Congress may by law provide for the case of removal,

"A special election would largely remove the suspicion of politics from presidential succession."

death, resignation or inability, both of the President and Vice President, declaring what officer shall then act as President and such officer shall act accordingly, until the disability be removed or a President shall be elected."

To do what White proposes could go a long way toward re-establishing a sense of order and stability to the national government. Introduction of special-election legislation would put the Congress in the posture of acting, rather than merely reacting to one crisis after another.

The proposal has some clear advantages over the present options, which are either to confirm Gerald Ford as a likely President or to elevate Carl Albert to that position. In either case you get a President not chosen by the people. In the latter case, you get a President not even of the party favored by the people.

Under the White plan, Albert would be acting President only.

One of the important aspects of the proposal is that it would largely remove the suspicion of politics from presidential succession. As things now stand, a Democrat-controlled Congress that rejected the nomination of Republican Ford, for any reason whatever, would be suspected of trying to take for the Democratic Party what it failed to win in the 1972 elections.

Perhaps as fair as White's special election, and considerably less unwieldy would be a reconvening of the electoral college for new presidential and vice presidential selections. That way, the new national leadership would be chosen by precisely the same people who chose the winners last fall. But that path may have some insurmountable constitutional obstacles.

Of overriding importance for Kevin White is the necessity that people consider their government to have legitimacy.

"Rather than living for three years with an administration unable to instill confidence and lacking legitimacy, a special election would seize the crisis of impeachment and succession as an opportunity to reaffirm the workings of our political process," he said.

Two drawbacks to the White proposal are the amount of time and confusion involved in organizing, campaigning for and holding the elections and the fact that the traditional Leap Year cycle of presidential elections would be lost, there being no provision for a two-year-term. Neither of these seems particularly crucial.

There could, however, be really critical problems of strategy. White's plan, envisioning the necessity of impeachment, would require the rejection of the Ford nomination. Yet the feeling is growing that the President may well elect to resign, but not until Ford is confirmed.