

By Anthony Lewis

BOSTON, Nov. 7—In the turmoil of feelings and ideas in America today there is one consistent theme: The country aches for legitimacy. It is weary of surprise, evasion, deception. It yearns for steadiness, trust, openness, law. It yearns for a restored sense of the fitness of things.

The longing for legitimacy is a large element in the wish of more and more Americans to see Richard Nixon gone from the office of President. But others, distressed at what he has done, nevertheless worry that forcing him from office might further damage legitimacy. They fear that too much of our sense of national unity and continuity rests in the figure of the President.

The Constitution gives a definitive answer to that concern. Its framers, who had made a revolution against a king, took care not to rest the safety of their new country on any person. They created instead a system of law, one expressly designed to survive the accidents of human frailty. It is in that system that our legitimacy resides.

Experience, moreover, has shown that this country can survive even traumatic change in the Presidency. When Franklin Roosevelt died in 1945, he was the only President millions of Americans had known, and they knew almost nothing about his successor; but there was a secure transition. And similarly after the terrible shock of John Kennedy's assassination ten years ago.

No, the problem of legitimacy does not lie in the fact of a change in the Presidency. Indeed, a system so rigid that it could not stand such a change would be doomed. The problem lies, rather, in the manner of the change and the nature of the succession.

Right now some voices are counseling us that Mr. Nixon's resignation under pressure would be an illegitimate resolution of the country's torment. Resignation without admission of wrongdoing would leave the question of his guilt or innocence unresolved, it is said, and foster a backlash from people who thought him unfairly treated. The argument is that only the full process of impeachment by the House and trial in the Senate will do.

The premise of that argument is sound. In what we do now we must above all be concerned with legitimacy. But it does not follow that the impeachment course is the only proper one. The argument seems to me faulty as a matter of law or common sense.

It is an illusion to believe that trials, even ordinary criminal trials, settle all doubts. History is full of great cases to the contrary. How much more

ABROAD AT HOME

likely such a result would be in the impeachment of a President. There would always be a body of opinion doubting any verdict.

Moreover, the very White House tactics that have obstructed the judicial search for truth about the crimes of this Administration would doubtless go on in impeachment. Just consider the handling of the President's tapes.

Last July 23 Mr. Nixon said that the tapes would remain "under my sole personal control." Now we know that, in fact, they were taken by a number of individuals, under chaotic conditions, with records on scraps of brown paper or none at all. If a corporation whose documents were subpoenaed in an antitrust case had handled them that way, the responsible officers would be in jail for contempt. There is no earthly way that Judge Sirica can be certain what happened to the tapes. Congress would be in no better position to discover ultimate truths—about them or other matters.

More broadly, what is involved here is not a narrow, legalistic question of guilt. The United States faces a crisis of confidence in its President. The resolution of that crisis, whether by impeachment or resignation, will be a political act. In the end the choice must be a prudential one. Neither resignation nor impeachment will be a perfect solution to the trauma imposed on us by Richard Nixon. The Constitution does not command either course; it explicitly envisages both.

My own strong feeling is that the country's sense of legitimacy will depend much more on what happens after a new President takes office than before. If he moves from seclusion to openness, from provocation to cooperation, from trickery to directness, he will surely release in almost all Americans a flood of pride in our country—a renewed sense of fitness. The question is how we can most readily come to that devoutly desired end.

The emerging reaction to Gerald Ford's appearance in the Vice-Presidential confirmation hearings indicates what Americans long for. Even people with no special admiration for Mr. Ford are coming to see in him a promise of conciliation and continuity.

President Nixon, of course, cannot be forced to resign; that decision is up to him. But if he should change his mind and decide to heal his country's wounds more speedily by resignation, no true consideration of legitimacy would demand that the United States go through the further trial of impeachment. Begin the process, yes; go on if we must. But to insist on impeachment would seem less like statesmanship than masochism.