

Clare Boothe Luce

Trial by Public Opinion Polls

(Mrs. Luce is a former Congresswoman from Connecticut and was Ambassador to Italy during the Eisenhower Administration.)

IN ALL POLITICAL QUESTIONS, the interests of the nation are best served by upholding the spirit and following the letter of the Constitution.

What does the Constitution have to say about a President — any President — who is alleged to be guilty of crimes or misdemeanors which make him unworthy of his high office?

It says that the President is not above the law. It does, however, say that consequent to the unique position he occupies, he is a unique personage. So the Constitution provides a unique process of law by which this unique personage can be brought to the bar of justice and tried for any crimes he may allegedly have committed.



The Constitution says that the people's elected representatives in Congress can impeach (i.e., accuse or indict) a president for these alleged offenses. It says that he must then be tried for them in a court of the Senate, presided over by the Chief Justice of the U.S. Supreme Court. It says that if this constitutionally appointed court finds him guilty, he shall be removed from his high office. And it also says that if he is acquitted, he shall go about his presidential business, vindicated.

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IF THE PRESIDENT is not above the law, neither is he beneath it. He has the same right as every other citizen to be considered innocent until he is hauled into court and proven guilty.

Today, much of the press (Time magazine included) is trying to deny him this right by forcing him to resign. Despite his protestation of innocence, the press has tried him and found him guilty. It now asks him to forego his constitutional rights.

The press, in constituting itself Mr. Nixon's judge, jury and executioner, insists, of course, that it is acting as agent for the will of the majority of the people, as expressed in the polls. These polls, when one looks into the matter, are the result of one or two per cent samplings — many of them telephone samplings — which are taken by privately owned firms, principally Gallup, Harris and Roper.

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AS EVERYONE KNOWS, political polls have not infrequently turned out to be very inaccurate. But assuming that the Nixon-resignation polls are accurate, to rest the case for the resignation of a chief executive on a minute sampling of public opinion raises a very serious question: are grave constitutional questions, questions which are bound to affect the destiny of the nation and the economic fortunes of every citizen, henceforth to be resolved by a one per cent sampling of public opinion?

Until a law is passed requiring a public official to resign when a one per cent sampling of public opinion shows that he has lost a legally given percentage of the public's confidence, polls are no proper basis for demanding a political resignation. They are not even good grounds for impeachment. The grounds for impeachment are clearly set forth by the Constitution, and the process is left to the duly elected representatives of the people — their Congress.