

A Step Short of Impeaching

By Tom Wicker

The muddled and dangerous political situations in Britain and Israel should be a caution to those who have been glibly promoting the idea of parliamentary government in the United States. On the other hand, the criminal indictment of four men who were once Richard Nixon's closest personal and political aides—not to mention all the other Nixon men implicated by indictment or guilty pleas—raises again the troublesome question of accountability in American government.

In most parliamentary democracies, Mr. Nixon might long since have been voted out of office, not necessarily for any specific offenses of his own, but for the generalized offense of having brought into power men who had violated the public trust and broken the law they were supposed to uphold, as well as for having brought the Government and the office of the Presidency into disrepute and disarray.

In the American system, outraged citizens can only wait three years—in this case—for the opportunity to turn Mr. Nixon's party (not even Mr. Nixon himself) out of office; or they can depend upon Congress to move the legal and political uncertainties of impeachment to the distasteful point of a forced removal, not only of the head of government but of the head of state.

Impeachment is, at best, a lengthy, cumbersome and sweeping process; it might be inappropriate for some relatively minor transgressions by a President, and in some cases it might

IN THE NATION

be too difficult politically even for important offenses. But it is all the Constitution provides for. Therefore, might it not be that the most important institutional reform needed is some guarded version of the "no-confidence" vote that enables parliamentary democracies, in times of great stress, to dismiss governments and get new ones?

This is a matter that deserves long and careful consideration before anything is done; because Mr. Nixon is right that the Presidency ought not to be vulnerable to public opinion polls. No reform ought to make it possible for a President to be removed or censured merely for doing unpopular things; nor to be dissuaded from doing something likely to be unpopular by the threat of Congressional retaliation.

In a stable democracy, however, the no-confidence vote does not necessarily provide a swinging door for governments to be shuffled in and out. After all, it has been 34 years since the British Parliament turned a Government out of office by such a vote—and then it was the Government of Neville Chamberlain in one of the dark period of World War II. Winston Churchill, on the other hand, was master at provoking no-confidence votes that failed—in effect, providing him with recurrent showings of support.

While mere popularity should not be the criterion for keeping or evicting a government, moreover, a leader in a democracy does have to retain substantial support if he is to be an effective leader. Incidentally, the proper response to Mr. Nixon's contention that the Presidency "should not be hostage to what happens to the popularity of a President," is the question: but can Mr. Nixon still govern effectively, whatever the polls show? And could a two-thirds vote in the Senate for his removal possibly be obtained if he were merely unpopular, and not charged with serious offenses as well?

The two-thirds vote—a familiar constitutional safeguard, necessary, for instance, to override Presidential vetoes—should be the key to a no-confidence amendment to the Constitution. Upon a resolution of no confidence, which should contain specified charges either of official misbehavior or of inability to govern effectively, if two-thirds of those voting in each house concurred, the following would be set in motion:

1. The President and those he had appointed to the executive branch would become a caretaker government, pending:
2. A special Presidential election to be held on the first Tuesday after ninety days had elapsed following the no-confidence vote.
3. The winner of the special election, who could be the caretaker President, would be sworn in as President immediately afterwards, would have the option of retaining or dismissing anyone then in the executive branch, and would serve as President until the next regularly scheduled Presidential election.

Admittedly, this is a general idea rather than a precise proposal and it has obvious disadvantages. It does not provide much time, or a method, for an opposition party to select a ticket—or for the in-party to choose a candidate other than the caretaker President. If the latter was a candidate, he would have at least some of the advantages of incumbency, despite the no-confidence vote.

Nevertheless, the present anomalous situation suggests the utility of this or some other device short of impeachment, but safeguarded against casual or frivolous use, by which Americans could choose to change their Government when the need for change had been formally stated by Congress.