

Listening to Mr. Nixon

Most people forget the first sentence in Abraham Lincoln's famous remark about fooling the people: "If you once forfeit the confidence of your fellow citizens, you can never regain their respect and esteem. It is true that you may fool all the people some of the time; you can even fool some of the people all of the time; but you can't fool all of the people all of the time."

Richard Nixon will never regain the confidence of his fellow citizens; he has tried to fool too many of them too often. But there is also a fallacious converse here, and a very dangerous one. There is a tendency among many people, including some highly intelligent people, to suppose that the President is always wrong; to dismiss any argument the President may make as merely more lying.

After much reading, some thinking and no writing during a recent illness,

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this journalist has come to the unusual conclusion that President Nixon has been absolutely dead right on at least three major points. To most people, the President has been wholly unconvincing when he has said, again, and again, and again, until it has come to seem mere cynical self-serving, that he will never do anything to "weaken the presidency." The fact is that, protesting every inch of the way, he has already gravely weakened the presidency.

If things go on as they have been going, we may well end up with a presidency so feeble that a legislative branch dominated by the opposition party can force on the executive branch its own independent agent, undisciplined by the President; that the legislative branch need only make charges involving criminality to have access to every scrap of paper, secret, personal, or otherwise, in the executive branch, and that a President can be impeached and thrown out of office, not for "Treason, Bribery, or other High Crimes and Misdemeanors," but for being, in the opinion of his opposition, a bad President.

To some people the creation of such precedents may be fine and dandy. To

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this writer, they would change the whole American system drastically, and in a desperately dangerous way. That is why it is time not to exonerate President Nixon—in logic he must be, as noted recently in this space, either a crook or a fool—but at least to listen seriously, with ears open, to what he has been trying to say.

What he has been saying, often in that irritating and self-pitying tone of voice of his, is that a President must be master in his own house. He is himself partly to blame for the fact that he is no longer master in his own house, and that his successors may find themselves in the same enfeebled situation.

He began to cease to be master in his own house when, to get Elliot Richardson confirmed as Attorney General, he agreed to the appointment of Archibald Cox, Cox's dismissal to be subject only to "extraordinary improprieties." In so doing, Mr. Nixon in effect made the able and aggressive Cox the agent of the Democratic legislative majority within his own executive branch.

A President is master in his own house when he can hire and fire any policy-making subordinate absolutely at will — maybe because he does not like the way his left eyebrow twitches. Until Mr. Nixon, no President, back to

George Washington, has abandoned that power. Indeed, the impeachment of Andrew Johnson revolved around that issue. All four of Richard Nixon's predecessors who knew him, starting with Harry Truman, disliked him heartily, but one can be sure that on this issue of presidential authority all four would have supported him to the hilt.

On the second point, it is only necessary to read the House resolution instituting the impeachment hearings: "For the purpose of making such investigation, the committee is authorized to require . . . by subpoena or otherwise . . . the attendance and testimony of any person . . . and . . . the production of such things; and by interrogatory . . . the furnishing of such information, as it deems necessary to such investigation."

"Such things." What things? Anything at all, by the plain meaning of the words, from the person of the President to his private notes to Pat, as long as a Democratic committee "deems necessary." The President, as he was in the Richardson-Cox matter, is under very heavy pressure to concede this essential issue also. He has been warned by senators as different as Hugh Scott and Jacob Javits that if

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he refuses a House subpoena he will certainly be impeached and he will probably risk conviction in the Senate.

And yet surely any President, like, indeed, any leader of any major enterprise, has a right to private conversation with his subordinates in the assurance that the conversation will indeed remain private. Otherwise the President might just as well confer with his subordinates over a public-address system in Lafayette Square. Again, this is surely an issue on which all of his predecessors would have supported Mr. Nixon to the hilt.

Finally there is the question of the "constitutional grounds for impeachment," the question currently being most passionately argued in both houses in the Capitol. On this issue respectable men differ. Sen. Sam Ervin, for example, believes that indictable crime constitutes the only sound ground, while Sen. John Stennis inclines to the view that "abuse of office" suffices for impeachment.

This writer is no constitutional expert, but over the years I have learned something about the English language, and it seems to me that White House lawyer James St. Clair is merely stating the obvious: "The words 'Treason, Bribery or other High Crimes and Misdemeanors' . . . mean what they clearly connote—criminal offenses."

The opposing theory, that a President can be impeached and convicted "for abusing powers that only a President possesses," could lead to the destruction of any President who was sufficiently hated and who was forced out by a Congress heavily dominated by the opposition. Does no one remember how Franklin Roosevelt was hated? Does anyone imagine that, given a solid precedent like the Nixon impeachment, plus a solid dominant opposition in both houses, a serious attempt at destroying Roosevelt would not have been made?

Since there is no good way out—since Richard Nixon will not retire—it may be that he should and will be impeached, convicted and evicted from the White House, and that it is right and just that these things should happen. But let that God who protects the United States see that the thing is done on the basis of the plentitude of existing criminal evidence, without cutting corners, and in such a way that the American political system should not be twisted all out of shape.