

J. J. Kilpatrick

# Maybe Nixon Could Take The 25th

Washington

**I**N THE current issue of National Review, C. Dickerman Williams advances a hopeful thought. Perhaps, he suggests, Mr. Nixon could be talked into taking the Twenty-Fifth.

The venerable Mr. Williams, a distinguished New York lawyer, advances upon this idea as cautiously as if he were raising a periscope. He is wary of the unseen hazard; he is feeling his way. His expedition into some unexplored shoals of the Constitution is part of the curious undersea warfare that absorbs us here. Other scouts, and other cruisers, are all over town.



James Kilpatrick

Warfare ordinarily is waged for some definable purpose, but warfare often attracts strange allies. Their purposes, as we long ago learned at Berlin, may be generally but not precisely identical. Here the aggressors' purpose,

to put it bluntly, is to sink Mr. Nixon. And Mr. Nixon's purpose, by the same token, is not to be sunk. He proposes to tough it out. I still incline to the minority view that the President will win.

Some of the opposing forces, identified with conservative Senator James L. Buckley of New York, would like to see the war ended with Mr. Nixon's resignation. Liberal foes would prefer to see the President impeached by the House, tried by the Senate, and removed from office on conviction. It is the difference between surrendering and sinking. The President has shown no disposition toward resignation, and for all the blustery talk from Capitol Hill, the votes cannot yet be counted solidly for impeachment, let alone for conviction.

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**W**HAT MR. WILLIAMS is suggesting is a kind of truce. If the House should in fact vote to impeach (only a majority vote is required), he proposes that Mr. Nixon find refuge in Section 3 of the Twenty-Fifth Amendment.

The section provides that a President may transmit to Congress "his written declaration that he is unable to discharge the powers and duties of his office." In such an event, until a President transmits a further declaration to the contrary, "such powers and duties shall be discharged by the Vice President as Acting President."

The idea has advantages. An impeached president would be a crippled president. His trial might take 10 to 12 months. During such an ordeal, Mr. Nixon's primary attentions understandably would be concentrated upon his own defense — upon his own survival. Domestic and foreign concerns unavoidably would take a subordinate place. By transferring his official powers and duties to Mr. Ford, so the theory goes, Mr. Nixon would benefit his country, his party and his own defense.

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**B**UT THE idea has drawbacks also. It is like the recipe for rabbit stew: First catch the rabbit. Mr. Nixon would have to be persuaded to buy this novel proposition, and this would take some potent persuasion.

A president stripped of his powers and duties lies anesthetized upon the table. He is not operating; he is being operated upon. Never mind the duties: He could let those go. It is the power that makes the job worth having — the power to command, the power to decide, the power to veto, the power to appoint, the power to hire and fire. Would Mr. Nixon relinquish such powers?

What about Vice President Ford? In the supposed circumstances, he would be serving as a kind of trustee in bankruptcy. Such a trusteeship works well enough if the object is to save a failing business. Would it work to save a failing presidency?

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**I**DOUBT the war will go this way. Mr. Nixon has picked up five points in the polls. It is not much, but it is something. Contrary to the jubilant predictions of Wilbur Mills, chairman of House Ways and Means, recent revelations of the President's tax troubles failed to blow Mr. Nixon out of the water.

The President is still afloat. He is still gamely making headway. He still has steam.

My own morose thought is that the war will not resolve itself any time soon. It will only sputter on. The time may arrive when Mr. Nixon will want to think of taking refuge in a neutral port, safe but helpless in Section 3, but that time is yet a long way off.

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