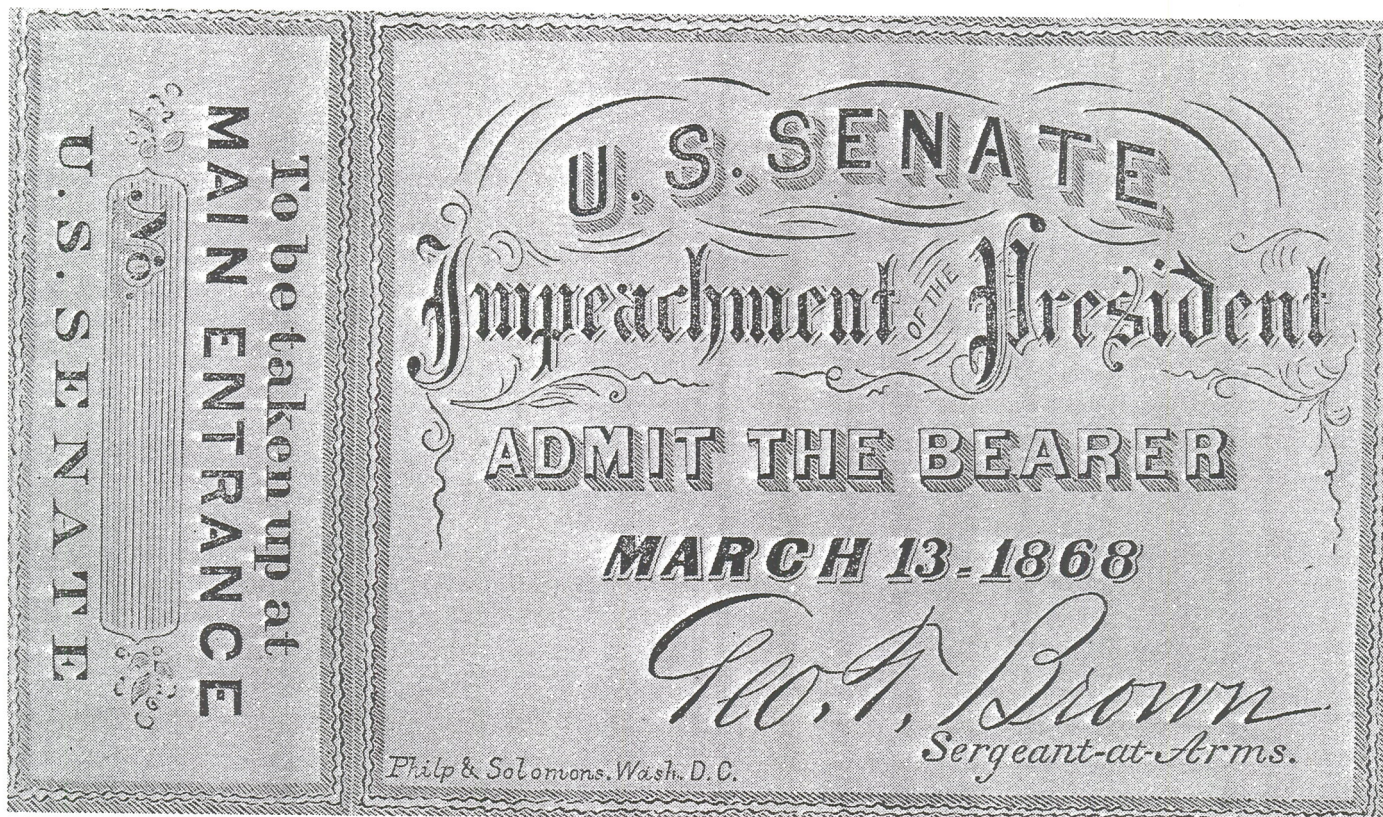


Dispel the Dark Clouds

Senator George McGovern



Washington, D.C. — In the oath of office taken by the President and members of Congress, there is a single thread from which the fabric of our Republic is woven — and that is to protect and defend the Constitution.

If this thread is broken, then the tapestry on which we have predicated almost two hundred years of our national existence becomes unraveled and meaningless. Those who disregard the Constitution do so at their own peril. And when the office they hold is high enough, and their power is great enough, any defiance of the Constitution imperils us all.

America cannot function with a President who believes he is above the law and who claims the right to defy the Courts, the Congress, and

the Constitution. And there is just one agency left with a constitutional remedy. It is the Congress, and the remedy is impeachment. And if we fail to use that remedy, then we, too, invite the contempt of the American people.

Mr. Nixon would have us believe that our national government has not responded to urgent needs in other areas because the Congress has been “wallowing” in Watergate.

But let us not forget who created

Sen. George McGovern (D—South Dakota), for the reasons he mentions, has not been among the more strident advocates of impeachment of the President. At the request of Skeptic, he responded to Eugene McCarthy's Forum Letter with these comments.

this wallow and who now keeps us in it — not those who are determined to seek out the truth and to punish the guilty — but those who committed and condoned crimes and who now obstruct justice.

Since the election over a year ago, I have been reluctant to speak on the President's involvement in Watergate. For many months I have remained almost silent in the belief that it might seem vindictive for the defeated presidential candidate to comment on the conduct of his opponent's campaign.

So when I have discussed this issue, I have expressed a desire to accept the President's claim of innocence. And I have suggested that these bad times for the few who have failed the American people

could lead to good times for the American system by inspiring a new appreciation for the rule of law and a new respect for the Constitution.

But those hopes, without vigorous action by the Congress, no longer hold.

How can we take seriously the President's claim to the presumption of innocence if by his every ac-

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tion he invites the assumption of guilt?

And how can we proclaim a renewed faith in the Constitution, if we fail now to use the constitutional mechanisms devised by the framers for precisely the condition we are in today?

In describing the "decisive engine" of impeachment, James Madison declared that it should make the President personally responsible for his subordinates — "to superintend their conduct so as to check their excesses." Certainly, there is cause to question whether that responsibility has been met.

The list of Nixon Administration offenses includes bribery, forgery, burglary, perjury, unlawful wire-tapping, obstruction of justice, destruction of evidence, improper use of sensitive government agencies such as the Internal Revenue Service, the FBI and the CIA, and the "fixing" of antitrust suits.

If Mr. Nixon knew about this criminal behavior and either condoned it or covered it up, he has obviously betrayed his high office. If he

did not know that all about him his top aides were sabotaging our democratic process, then he is poorly qualified indeed to lead a great nation.

The President's oath of office requires that he uphold and defend the Constitution, which assigns the war power to Congress. Yet, Mr. Nixon deceived the Congress and the American people by covering up and denying fourteen months of bombing in Cambodia. Did that action uphold the Constitution, or were the Constitution and the presidential oath both betrayed?

Those activities and others — including the establishment of a White House "plumbers" unit with a mandate which contemplated clear violations of law — all raise the impeachment question.

It is important that we know the nature of the remedy—that we understand what impeachment does and does not mean. For what I propose is not that Mr. Nixon be removed from office; it is only that we pursue this one kind of inquiry that he must take seriously, because he knows it could lead to that result.

Our constitutional draftsmen understood the lessons taught by the rule

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of powerful and often arrogant monarchs in England. They feared an excess of power in executive hands. And they took two steps to prevent it.

First, they established checks and balances among the three branches of government. The war power and the power of the purse — those most susceptible to abuse — were

placed in the Legislature, the branch closest to the people.

And second, the framers understood that even checks and balances in the Constitution might not suffice in the absence of checks and balances in the President's own conscience. I think they recognized that even the most carefully constructed system could not restrain any leader who was determined to thwart it. So Congress was given the power to

Let us not forget who created this wallow and who now keeps us in it . . .

investigate the conduct of the President and, in cases of high crimes or misdemeanors, to remove him from office.

And while it provides that remedy, the Constitution also assures that the removal of one man shall not mean either the collapse of the Presidency or the fall of our system. The American people can be assured that the government will continue. Considering the performance of government over the past year, it may well be that impeachment, far from damaging our political system, is the best method of restoring public confidence in that system. It could dispel the dark clouds over the White House, either by vindicating the President's claim of innocence or by replacing him with someone who will heed the obligations of law and conscience.

