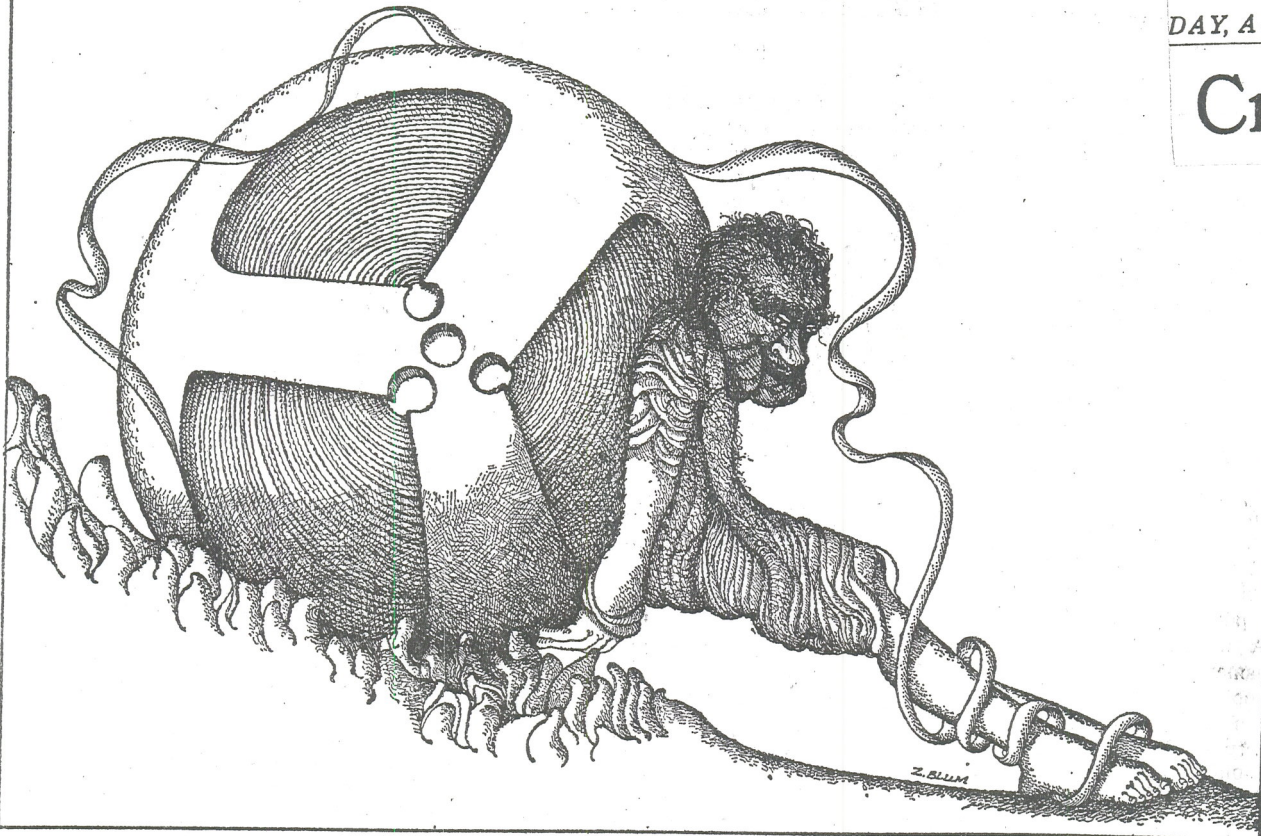


# Inducing Mr. Nixon to End His Seventh

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## Crisis



Zevi Blum

By William T. Coleman Jr.

PHILADELPHIA—The House of Representatives will be considering articles of impeachment shortly. Democratic government, indeed most government, is based upon the confidence of the people. Without a large measure of it, no leader in a democratic society can govern effectively.

Symptoms of low confidence in the Nixon Administration are everywhere. The motives, however valid, behind the military alert during the recent Middle East war have been questioned. The normal business of government—medical and housing programs, stock market and financial reform, rationalization of the defense system, agricultural reform, continuing the drive for equality—has all faltered or stopped.

It is now being argued that the country would be better off if Mr. Nixon were no longer President. If this is the best course for the country, the question is how to achieve the result.

The two courses are obviously resignation or conviction upon impeachment. When the practicalities are weighed, it is clear that resignation is the only conceivable course.

The principal consideration weighing against impeachment and a Senate trial is the time it would take and its disruptive effect on governmental business. A close vote could only deepen the crisis of public confidence. Conviction by the Senate might only be the beginning of a lengthy battle through Federal courts. Some legal scholars have expressed considerable doubts about the power of the Congress to impeach and convict without a subsequent review by the courts.

Resignation is the only solution and we must, therefore, offer the President inducements to take that step.

The Republican and Democratic leadership in Congress should propose and enact into law the following measures:

First, the President should be guaranteed whatever retirement benefits he would otherwise have received at the end of his term.

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Second, he should be granted absolute immunity from all prosecution, Federal or state, from all acts before resignation, and also absolute immunity from subpoenas to testify or produce documents at the trials of others or before Congressional committees.

Third, he should be permitted, if he desires, before resignation to destroy tapes, memoranda and other material connected in any way with Watergate and related matters.

The last two suggestions could be the most controversial, since destruction of the tapes, memoranda, and other material and immunity from subpoenas could make further prosecution of Cabinet officers and members of the White House staff impossible. But there is no other way to preclude the possible necessity for the President, after resignation, to testify under subpoena in their trials.

The proposed bill could be enacted without Presidential concurrence as happened with the statute conferring subpoena power on the Senate Watergate Committee. Congress would simply provide that the immunities conferred by the suggested statute would be applicable if within a specific time

after its enactment (thirty days for example) a letter of resignation would be filed by President Nixon with the Secretary of State.

There are strong reasons why President Nixon should personally welcome resignation with these guarantees. First, it must be assumed that any American political leader who reaches high office has the best interests of the country at heart.

Also, any ill-advised clinging to the immunities of office would only postpone Mr. Nixon's personal problems until 1977. Whether the President elected in 1976 is Republican or Democrat, it is highly likely he will be elected in reaction to Watergate. Investigations and criminal and civil charges could well follow.

Mr. Nixon would be obliged to defend these actions with private, not Government funds. He could be dragged from court to court and before various committees of Congress. The issues of Presidential and executive privilege and immunity take on a different coloration when the subject of the investigation is an ex-President.

Nor would the statute of limitations appear to raise a bar to criminal or

civil proceedings, even if the usual period had elapsed, for the prevailing view is that a President cannot be prosecuted for a crime while he remains in office. It follows that the statute would be suspended during this period. The situation would be analogous to those cases where there is a six-year statute of limitations with respect to criminal prosecution, but the defendant either remains outside the country until after the six years has elapsed or is under some other type of disability that prevents indictment and prosecution. Courts have held that the statute of limitations did not run during the years there was a disability that prevented prosecution. Thus, during the period of President Nixon's incumbency, the statute of limitations is suspended.

Patriotic and personal considerations make resignation with guarantees the logical choice for President Nixon and for the country. Until the leaders of both parties in Congress begin to consider these matters seriously, discussion of both resignation and impeachment will have an air of insubstantiality and wishful thinking.

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### By Priscilla McMillan

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CAMBRIDGE, Mass. — President Nixon this last year has weathered crises that would have put most of us in a mental hospital. And he shows every sign, emotionally, of being able to endure almost anything else the future may bring.

What accounts for his extraordinary durability?

I suspect there is something Mr. Nixon finds uniquely bearable about his situation, something even comforting. Painful as his position is, it confirms what he believes to be true—about himself, about others, and about life.

Mr. Nixon's posture, that of a lonely, misunderstood person battling to be vindicated, is wholly familiar to him. He has been there many times before. "Six Crises," his book about his pre-Presidential career, and nearly all the events he described contain elements of his present situation.

There was his struggle in the late 1940's to brand Alger Hiss a traitor, a struggle in which Mr. Nixon felt he had the whole weight of the so-called

Eastern Establishment against him. And there was his uphill battle in 1952 to stay on the Republican ticket.

There was 1960, when then Vice President Nixon ran against John F. Kennedy for the Presidency and lost by a narrow margin. Despite alleged voting irregularities in Illinois, Mr. Nixon declined to ask for a recount. The reason he gave, that it would hurt the country, may very well have been the real one. But I suspect it was something else. I suspect that Mr. Nixon preferred defeat, that he was more comfortable with it than he would have been with victory.

Finally, there was 1962, when Mr. Nixon, in another of his mysterious decisions, challenged Pat Brown, a popular incumbent, for the governorship of California. Mr. Nixon lost the election and in a bitter press conference the next day, he said goodbye to public life "forever."

One therefore wonders whether Mr. Nixon may not have courted his humiliations, may not unconsciously have brought them on?

One reason could be low self-esteem. Another, the conviction that other people are out to get him. Or both. To a person with low self-esteem, for instance, defeat carries a built-in cushion; it is what he expects and deserves. What is harder to accept is victory, being bathed in the sunlight of approval. Finding oneself in such a plight, one might be driven to undo it.

According to this line of reasoning, Mr. Nixon's time of greatest anxiety would not have come after his defeats, which were what he expected, after all, but after his victory, his election to the White House in 1968. Having won, having achieved at long last what he "wanted," he may have feared he was going to lose it. He was sure to be found wanting. Or, to put it his way, others would find him so. So he and some aides took no chances. They strained every nerve to ward off the anticipated humiliation. And how they succeeded! Mr. Nixon was re-elected in 1972 by the second largest voting percentage in American history.

From such a pinnacle, even a secure man might feel that he had no place to go but down. And the insecure man would be able to think of nothing else. In his anxiety, rather, in his certainty, one comforting thought might emerge. If downfall is inevitable, why not bring it about oneself? Then at least one will be able to control it. One will feel that it is taking place at a pace and in a manner one can stand.

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*Priscilla McMillan is writing a book about the assassination of John F. Kennedy.*

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