Mechanics Of a Nixon Resignation

Washington

If President Nixon decides to resign, the law requires him to do so by sending a letter of resignation to the office of the Secretary of State.

Government lawyers said the relevant statute is Title 3, Section 20 of the U.S. Code which states:

"The only evidence of a refusal to accept, or a resignation of the office of president or vice president, shall be an instrument in writing, declaring the same, and subscribed by the person refusing to accept or resigning, as the case may be, and delivered into the Office of the Secretary of State."

Government lawyers who researched that statute shortly before Vice President Spiro Agnew's resignation noted that Secretary of State Henry Kissinger would not have to be in the country to accept the President's resignation — that the law only requires the letter to go to his office.

They added that the general assumption is that Vice President Gerald R. Ford would become President as soon as such a letter of resignation were delivered.

However, the legal situation would be complicated fi the President chose to make his resignation effective some date in the future. Lawyers said there is no clear guidance on the books covering that point. Presumably, the Attorney General, William B. Saxbe, would be the aribiter in such a situation.

Barring such a complication, lawyers said Ford would become President as soon as the letter reached the office of Secretary of State. He would legally be the President, they said, even before he took the formal oath of office.

Ford need not occupy the White House immediately after becoming President. Former President Johnson worSed out of the Exexcutive Office Building just west of the White House itself until President Kennedy's personal effects had been removed from the oval office after his assassination.

Such mechanics of succession, said government lawyers, are governed by personal relationships and preferences rather than hard and fast rules in the law books.

Washington Post