

An Editorial

The President Should Resign

Richard Nixon and the nation have passed a tragic point of no return. It now seems likely that the President will have to give up his office: he has irredeemably lost his moral authority, the confidence of most of the country, and therefore his ability to govern effectively.

The most important decision of Richard Nixon's remarkable career is before him: whether he will give up the presidency rather than do further damage to his country. If he decides to fight to the end, he faces impeachment by the House, for he has indeed failed his obligation under the Constitution to uphold the law. Whether two-thirds of the Senate would vote to convict him cannot be certain. But even if he were to be acquitted, the process would leave him and the country devastated. Events have achieved an alarming momentum; additional facts that would be brought out under subpoena power at an impeachment trial could strike in many unforeseen and dangerous directions.

Moreover, a trial would take at least several months, during which the country would be virtually leaderless. The White House would be paralyzed while the U.S. and the world awaited the outcome. The Republic would doubtless survive. But the wise and patriotic course is for Richard Nixon to resign, sparing the country and himself this agony.

Nixon should of course be succeeded by a Republican. The Republicans did win the presidency last November (not because of Watergate or dirty tricks), and fortunately there seems no disposition among congressional Democrats to try to rewrite the election returns. We assume and hope that Congress will speedily confirm Gerald Ford's nomination as Vice President. If Nixon did leave office before this confirmation and Speaker Carl Albert became President, there is good reason to think that Albert would resign as long as Ford was confirmed.

Gerald Ford would be an unmistakable improvement over the grievously wounded Nixon. Barring some unforeseen revelations, Ford has the immense asset of a corruption-free reputation. He has a solid if unimaginative record in domestic policy, stands somewhere near the American center, and is greatly liked and respected on Capitol Hill. In foreign affairs, he is obviously inexperienced, but other Presidents have risen above such limitations, as the example of Harry Truman demonstrates. With Henry Kissinger's help, Ford should be able to carry on the basically sound Nixon policies. He would have one overriding advantage in dealing with foreign powers: their certainty that Ford would be in the White House for at least three more years. Nixon's great skills in foreign affairs are now alarmingly offset by the uncertainties about his future and his patent loss of power at home.

It was just one year ago this week that Richard Nixon was celebrating his fabulous electoral sweep and seemed to stand at the very summit of power and opportunity. Hard-core Nixon haters may gloat over his fall from those heights; for most Americans it is a matter of profound disappointment. The editors of Time Inc., speaking on the editorial page of TIME's sister publication LIFE, have endorsed Nixon for President three times, in 1960, 1968 and 1972. We did so with acknowledgments that aspects of the Nixon record and temperament were troubling, but we believed that his strengths of intellect and experience and his instinct for political leadership equipped him well for the office. In endorsing Nixon in 1972, following on his first-term achievements in foreign policy, we expressed a hope that by the end of his second term we could "salute him as a great President." Thus we come with deep reluctance to our conclusion that he must leave office. We consider the situation so unprecedented, the issue so crucial to the country, that we publish this first editorial in TIME's 50-year history.

In the almost daily rush of revelations, it is not easy for the numbed citizen to keep in mind the full enormity of "Watergate."

Despite ample instances of past Government corruption, nothing can be found in U.S. history even remotely approaching the skein of events that the word Watergate no longer defines or contains. A Vice President, twice personally chosen by Nixon, forced to resign to escape jail. A former Attorney General and intimate adviser to Nixon under indictment. Another former Cabinet member under indictment. One of the two most powerful presidential aides under indictment. Six other White House aides or Administration officials indicted, convicted or having pleaded guilty; seven more fired or resigned. Most of them shown to have been either in charge of, or aware of, illegal operations. The whole White House pervaded by an atmosphere of aggressive amorality—amorality almost raised to a creed. A ruthless determination to hide as much of this as possible from the public and investigators.

The question that once seemed so important—Did the President know about the cover-up?—was always somewhat beside the point. Whatever he knew or did not know, he must be held accountable for the actions of his top aides and the standards he established. To the extent that the question had meaning, it was almost impossible from the start to answer it in the President's favor: the men involved were too close to him to make his ignorance plausible; after initial indignant denials, each of his later explanations gradually admitted more knowledge, thereby conceding each previous explanation to have been at least partly false. One cannot think of any organization, public or private—including some dictatorships—where a Chief Executive could survive in office after such a performance.

The catalogue of the President's involvement in illegal or grossly improper acts has become all too familiar. He approved the so-called Huston plan, which permitted illegal means (including burglary) to combat radicals. He established the "plumbers" unit, ostensibly to plug leaks, and it used illegal methods (wiretaps, forgery) to embarrass or spy on political foes. He impeded an investigation of the plumbers on specious national-security grounds while his aides tried to use the CIA and FBI to help the cover-up. He had a job offer (chief of the FBI) dangled before the judge presiding over the trial of Daniel Ellsberg. He withheld knowledge of the Ellsberg-psychiatrist burglary from that judge for at least a month. His aides offered Executive clemency to some of the Watergate defendants; others, including his personal lawyer, used campaign contributions for payments to Watergate defendants.

President Nixon's most recent actions come as a staggering climax to all that went before. We devoutly hope that it is the climax. When he originally refused to hand over the White House tapes either to the Senate Watergate committee or to Special Prosecutor Archibald Cox, his argument for the confidentiality of the President's deliberations certainly deserved consideration. Then the court narrowed the issue in such a way that confidentiality could be largely safeguarded: only the judge was to hear the tapes, and only for the purpose of deciding whether any parts were potential evidence in the cases arising from Watergate. If the President had wanted to contest this ruling, he had a clear opportunity to have the matter settled in the Supreme Court, by whose decision he had earlier said that he would abide.

Instead, the President and his lawyer worked out the "compromise" under which summaries would be provided (they would not hold up as evidence in court), and Special Prosecutor Archibald Cox was to be forbidden any further recourse to the courts in seeking presidential papers. Cox sensibly refused, and was promptly fired in flagrant violation of the President's pledge to the Senate, through then-Attorney General-designate Richardson, that Cox would be independent and could be dismissed only for gross improprieties. That brought on the resignation of Richardson and the dismissal of his principal assistant, honorable men

who both refused to carry out the President's order to fire Cox. After an outpouring of indignation from Congress and country, which saw Nixon as defying the courts and setting himself above the law, came the President's abrupt reversal and his decision to hand the tapes to the court after all. And only a few days ago, there was the sudden claim that two crucial tapes do not exist.

Now the President has found a new Attorney General and a new special prosecutor, equipped with not quite convincing promises of independence. Both are reputable men, but it seems to us that these appointments, or even the possible appointment of a prosecutor by the court, can no longer clear away the hopeless miasma of deceit and suspicion.

The right of free men to choose their leaders is precious and rare in a world mainly ruled by authoritarian governments. It is the genius of the American Constitution that it combines stability with liberty; it does so in part by fixing a term for the Chief Executive and largely protecting him from the caprices of parliamentary governments. An American President must be given the widest freedom of action, the utmost tolerance, the most generous benefit of every doubt. It is a system that has served us well.

A President's Gallup rating can fluctuate as much as the Dow Jones. He may push unpopular programs or oppose popular ones. Being a political as well as a national leader, he may dissemble within more or less accepted political limits. His Administration may be touched by corruption, provided that he does not condone it. He may make mistakes, many of them. He may fight the other branches of Government, for this is sometimes necessary to get things done. None of these matters—especially since they are always subject to partisan interpretation—are sufficient in themselves to justify the removal of a President.

Yet there is a limit beyond which even such "permissible" offenses, even such instances of "mere" misgovernment, become intolerable. And the situation changes fundamentally when the effect of the President's actions and the actions of his appointees is to subvert the constitutional system itself. He then betrays his formal oath of office and his informal compact with the people.

There are legitimate fears about the precedent that would be set by the President's resignation or impeachment. In two centuries, no American President has been removed from office other than by death or the voters' will. Once the spell is broken, would it become too easy for political opponents of any future President to oust him? We think not. Watergate is unique. In fact, the really dangerous precedent would be the opposite: to allow a President with Nixon's record to continue in office. This would be a terrible circumstance to lodge in our history, a terrible thing to explain to our children and their children.

In recent decades, the American presidency has assumed an almost sacrosanct aura. It is time to remember that quite literally, and not as a flourish of speech, the sovereign in America is not the President but the people. It is true that the people elect him, which gives him his unique mandate, but to conclude from this that a President must be preserved in all circumstances, at any cost, is the first unwitting step toward dictatorship.

As Watergate and related events emerged in congressional hearings and in the press, many patriotic Americans were nagged by a sense of disproportion. Crookedness and corner cutting? Yes. Crimes? No doubt—but after all, as the phrase went, "No one was killed." How could these acts, however shady or offensive, be weighed against the life-and-death responsibilities of the President? This rationalization will not stand; a President's "big decisions" cannot be put into a compartment separate from his other actions, his total behavior. His integrity and trustworthiness are perhaps the most important facts about him to his country and to the world. And these Nixon has destroyed.

The nightmare of uncertainty must be ended. A fresh start must be made. Some at home and abroad might see in the President's resignation a sign of American weakness and failure. It would be a sign of the very opposite. It would show strength and health. It would show the ability of a badly infected political system to cleanse itself. It would show the true power of popular government under law in America.

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