President Ford Steps Forward . . .

Gerald R. Ford, as he took his oath of office as 38th President of the United States of America, voiced the relief felt by millions of his fellow countrymen when he declared: "Our Constitution works. . . . Here, the people rule." His inauguration, in its simple dignity, and his inaugural remarks, in their innate humanity and sure historical instinct, served notably to lift up a troubled national spirit.

That same humanity revealed itself in the address delivered by President Ford, at his own request, before a joint session of Congress three days later. It guaranteed him a sympathetic welcome to office, from both nation and Congress, even beyond that inevitably elicited for him by the extraordinary circumstances under which he entered on his new post. And in his assertion that the most important words of the Constitution are, "We, the people of the United States," he demonstrated the same grasp on the genius of the American constitutional system revealed by his inaugural confession: "I am acutely aware that you have not elected me as your President by your ballots. So I ask you to confirm me as your President by your prayers."

Mr. Ford's inaugural address was, as he aptly labeled it, "a little straight talk." It aroused interest, on that count, in what he would say in his address to Congress. Most of what he said was what Congress, the American people and the world at large expected and wanted to hear. It needed, however, to be said.

The nation over recent months has registered increasingly grave concern about the state of the economy, one that Mr. Ford frankly, and thus refreshingly, described as "not so good." In moves that embodied his pledge to seek "communication, conciliation, compromise and cooperation" in his dealings with Congress, the President announced his intention to ask for reactivation of the Cost of Living Council, to summon and personally preside over a "domestic summit" on new approaches to economic policy and to seek together with Congress for cuts in governmental spending–with defense spending pretty much excepted.

More important, however, than concrete moves was the sounding of certain other necessary assurances. In a jocular vein, but with serious intent, the President noted that, while he is a Ford, not a Lincoln, he is also not a Model T Ford. He assured the rest of the world that he stood for continuity in all areas of established foreign policy, while challenging the American people, in a graceful citation from the late President John F. Kennedy: "Let us never negotiate out of fear, but let us never fear to negotiate."

One further passage, toward the close of the address, recalled more recent history and drew the rapt attention of all Mr. Ford's hearers and the greatest applause from those listening to him in the House. After reminding all that he had concerned himself with individual rights of privacy as Vice President, he pledged in most emphatic tones: "There will be no illegal tappings, eavesdropping, buggings or break-ins by my Administration. There will be hot pursuit of tough laws to prevent illegal invasions of privacy. . . ."

Finally, as he had in his inaugural speech, the President emphasized his intention to serve all the American people, people of every color, race and creed–including atheists, "if there are any atheists left after what we have been through." This brought back to mind, of course, his earlier reference to "an hour of history that troubles our minds and hurts our hearts." No one listening to either remark could be unmindful of the President who was not on hand.

In clearly heartfelt words, Mr. Ford referred, at the end of his inaugural, to the tragedy and suffering that had befallen the nation and, in a particular and personal way, the Nixon family and the former President. "Before closing," he said to his fellow citizens, "I ask again your prayers for Richard Nixon and his family. May our former President who brought peace to millions find it for himself."

. . . and Mr. Nixon Resigns

Indeed, despite the gravity of the charges against Mr. Nixon and the amplitude of the evidence against him, it is impossible not to feel compassion for his personal tragedy and that of his family. The composure he displayed in his final, difficult appearances before the nation commands our respect. He is no ordinary man, and he deserves no ordinary judgment.

What history will record about Mr. Nixon beyond his unprecedented resignation, it is too early to tell. Now that he is no longer President, some of his friends are urging the value of his initiatives in foreign policy as a reason for forgiving whatever "high crimes and misdemeanors" he was guilty of in the sordid mess we have come to identify by the term Watergate. Many others, both friend and foe of Mr. Nixon, are urging forgiveness for the sake of political harmony and domestic peace after so much divisiveness and

disquiet. Some are even suggesting that a general amnesty be declared for both Vietnam and Watergate.

If compassion were the only virtue now at stake, one or all of these suggestions might safely be followed. It is, however, necessary for the present health and future security of our political system that the nature of the crisis that forced Mr. Nixon's resignation from the Presidency be made officially and unequivocally evident. The issue of Mr. Nixon's guilt is much more than that of a few mistaken judgments, the euphemism he used in his farewell address to the nation. The issue of Mr. Nixon's guilt or innocence directly involves the fundamental and indispensable value of integrity in the relation of the President to the people who entrusted him with that high office. The issue also involves the principle that no man is beyond the law. And, given the fact that so many of his subordinates have already been indicted, convicted and sentenced, it would be abhorrent to allow Mr. Nixon to settle into quiet and publicly funded retirement while his accomplices—if such they are—suffer fines, imprisonment and disbarment.

Forgiveness may be in order at some future date for all these men, but what is in order now is for Congress to set the official record straight both for our generation and for history. If, as seems both probable and proper, the impeachment process now comes to a halt, some other means must be found by which the elected representatives of the people make clear why Mr. Nixon's resignation, while personally poignant and full of fascinating ironies, represents an important triumph for our constitutional system in a crisis in which it was tested in an unprecedented way. Only if that happens will we have adequately repaired the damage done to popular confidence in public officials and institutions. Only if that happens will we have adequately compensated for the strains imposed by Watergate on our fundamental structures of government.

How can Congress accomplish these important results? First of all, the House Judiciary Committee should submit the same report to the House, recommending impeachment, that it would have reported had Mr. Nixon not resigned. In addition, the Committee should permit those members who voted against impeachment to state in an appendix to the official record that they would have voted the other way had Mr. Nixon previously disclosed the material in the June 23 tapes. In a final appendix, the full membership of the Committee should state that they are not now recommending impeachment solely because Mr. Nixon has resigned and no useful purpose would be served by pursuing a process designed to remove an official from office. The House of Representatives should then not only accept but fully endorse the report of the Judiciary Committee.

In this way, the gravity of the charges against Mr. Nixon will be made a matter of indisputable and official Congressional record. Future historians will not have to sift through newspapers and broadcasts or committee archives to piece together the basic facts. And the men who now hold high public office will know that resignation is no easy escape from public condemnation of serious misconduct.

The question remains whether Mr. Nixon should be prosecuted and, if found guilty, punished. Many are saying that his forced resignation is punishment enough. That idea should be firmly rejected. Political office is not private property subject to a fine or personal liberty subject to imprisonment. The Constitution itself clearly recognizes the distinction between removal from office and criminal punishment, and even the deepest sense of compassion should not obscure it.

The question of prosecution should be left to the duly constituted authorities: the grand jury and Special Prosecutor Leon Jaworski. In reaching their decisions, they should be guided solely by the evidence and their prosecutorial functions. If prosecution results, the courts can be counted upon to fulfill their constitutional responsibility of ensuring a fair trial on the charges.

Now that Mr. Nixon is a private citizen, he can safely invoke the privilege against self-incrimination. If he does so, the Special Prosecutor's job will become even more complicated than it already is. By resigning, Mr. Nixon has effectively shifted the burden of proof as to his guilt or innocence from his own shoulders to those of the Special Prosecutor. As President, Mr. Nixon was obligated to justify his conduct to the American people. As a private citizen, Mr. Nixon has the right to refuse to cooperate with the Special Prosecutor and to insist that his guilt be proven, without his assistance, by judicially acceptable evidence on specific criminal charges and beyond a reasonable doubt.

The possibility of Mr. Nixon standing in the dock and even being sentenced to prison is one we cannot contemplate without instinctive horror and compassion. But that horror and compassion are borne of our realization of the magnitude of the political injustice with which he is charged. It is also borne of our sense of our own frailty and of how we too, similarly tempted, might have similarly succumbed.

Perhaps the last act in Mr. Nixon's drama will be played by his successor, President Ford. At some future date, it may be appropriate for the President to exercise his pardoning power both with respect to Mr. Nixon and others involved in Watergate. But as matters stand now, the nation needs truth and justice. These values must, for the present, take priority over compassion for Richard M. Nixon.