

RIPON FORUM

VOL. IX, No. 15

AUGUST 15, 1973

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White House and the Way of the Whigs

by Robert D. Bebn

The President's friends are right when they complain that the President's adversaries — liberals, Democrats and the press — are using Watergate to destroy Richard Nixon. On *The New York Times's* op-ed page, Patrick J. Buchanan, for example, argues that the "ultimate question" of Watergate is:

... whether the democratic verdict of the American people in November 1972 will be allowed to stand, or whether it will be overturned by a defeated minority — with Watergate as their weapon.

Clearly, the President is down, and his adversaries are up and making the most of the daily revelations of White House-directed crimes and indiscretions. This is also a clear reversal of their relative positions of six months ago. Then the President's adversaries were down, and the President was up and making the most of his dominance.

Indeed, the President was then misusing his re-election victory to justify decisions and actions that were in no way implied or promised during his fall campaign (or non-campaign). The impoundment of funds, the dismantlement of OEO, and the general disregard for congressional responsibility and authority were efforts made by the White House to destroy its adversaries when it had the advantage — and these efforts drew no credibility from public positions taken during the last campaign.

More significantly, the White House promoted its adversaries to "enemies," who were no longer to be treated as part of that democratic tradition of the "loyal opposition." Between "enemies" there are no holds barred and for Pat Buchanan now to complain — after the White House itself initiated, what Herbert L. Porter called, the "we-they attitude" — is tactically useful but hardly a reason for ending the Watergate inquiry. The investigation has become nasty — indeed, American politics has become nasty. But it is difficult to sympathize with those who took us to a new level of political pornography when they call now for self-censorship.

Second, the President's friends are right when they complain that most of the actions taken by the White House and the Committee to Re-elect are not new to American politics. To place Watergate in perspective, Buchanan and William Safire (Buchanan's former fellow White House speech writer who now writes a column for the *Times*)

and others have catalogued the parallels:

- between Dick Tuck's and CREEP's dirty tricks;
- between the use of the tape recorder by President Nixon and its use by Presidents Kennedy and Johnson;
- between the defense fund raised for Liddy, Hunt, *et al.* and the ones for Ellsberg, the Berrigans, etc.;
- between the Nixon Administration's use of the "national security" rationale for wiretapping, and the Johnson Administration's use of the same rationale when it tapped Mrs. Anna Chennault during the 1968 campaign;
- between documents stolen by Hunt and Liddy and those stolen by Ellsberg;
- between CREEP's infiltration of the campaign staffs of its Democratic opponents and the infiltration by Joe McGinnis (author of *The Selling of the President*) of the 1968 Nixon campaign;
- between the President's objective of keeping White House conversations and written notes confidential and the press's efforts to keep its own sources confidential;
- between Gordon Liddy's devotion to a moral command higher than the law and Daniel Ellsberg's similar devotion.

Clearly, CREEP and the Nixon White House have invented no new tactics that require rewriting the *Handbook of Dirty Tricks and the Abuse of Power*. But the White House and CREEP did escalate the use of all these techniques, so that they became central to an entire campaign strategy. In the spirit of Dick Tuck, Donald H. Segretti may have ordered 200 pizzas, a giant floral wreath and two magicians to a Muskie reception, but he also invited the ambassadors from foreign nations and sent out campaign slander concerning the personal lives of opposing candidates.

Further, the White House has taken a quantum jump in some of the distasteful or illegal practices of its predecessors. Neither Kennedy nor Johnson have been reported to have recorded *all* of their official conversations. Nor has the claim for confidentiality of internal documents — whether defended by executive privilege under the doctrine of separation of power, or by freedom of the press under the First Amendment — ever been so absolute as when explained by former Attorney General Richard G.

Kleindienst last April. Nor has anyone used the "national security" rationale to justify more criminal activities than John Ehrlichman did before the Senate Select Committee.

These two superficially correct arguments have formed the basis for the final defense of Watergate. The President's friends — and the President himself — have argued that, because all these things, and more, have happened before, the Watergate investigations should be put aside so we can get on with the important business of the nation. Indeed, Buchanan goes further and argues that:

There now appears no damage to United States interests that is unacceptable and no political principle they will not rise readily above — to sink their teeth in the President of the United States.

Here the President's friends are not even superficially correct; they are dead wrong.

Despite the fact that all the Watergate-style activities have been performed before, there are two important qualitative differences with the past. First, in the past these crimes have been committed individually, not as a central element of an overall strategy to elect a candidate. Second, these crimes have never been directed from the White House (even the Ehrlichman/Haldeman defense says these activities were directed by John Dean who worked in the White House) as part of a program to *maintain* the power of an *incumbent* President.

The election frauds in Texas and Illinois in 1960 that defeated Richard Nixon have never been alleged to have been part of a central plot to elect John F. Kennedy; certainly they were not directed from the White House. The Ellsberg and Berrigan defense funds were public, not clandestine efforts and, the conspiracy mentality of the White House notwithstanding, were neither part of an overall plot to take control of the country nor directed from the nation's center of power.

In the Congress, Bobby Baker and Martin L. Sweig did abuse their power for private gain (though not on the scale of the abuses alleged in the I.T.T. affair) and three of the Democratic senators now sitting on the Senate Select Committee did vote to limit a 1964 Congressional investigation into Baker's activities (but these votes are no cause for indictment for obstructing justice). Congress has never been feared as the source of unlimited national power, even when it was under the control of Speaker Sam Rayburn and Majority Leader Lyndon B. Johnson. The diversity of views of 535 members and their desire to speak about everything they learn ensures that Congress will not be the branch of government to disrupt, through a silent conspiracy, our constitutional checks and balances.

This possibility could only be effected from the executive branch. That is why Watergate — the generic term for all the campaign and political crimes that were directed from the executive branch for the purpose of maintaining the power of the incumbent — is different from previous campaign crimes. The problems of public policy that face the nation today — the reconstruction of Southeast Asia, the détente with Russia and China, the domestic economy and the international monetary system — are critical, and as the President's friends assert, we need to proceed to tackle them as soon as possible. But the procedural questions of how we reach public policy decisions — how we as a nation govern ourselves — are even more critical,

and determine how we will solve our current problems. Last year, we thought we understood the answers to these procedural questions; today we no longer do.

The Republicans in Congress clearly recognize these distinctions; that is why they are pleading with the President to answer the substantive charges and to reestablish our faith and understanding of how our government and the Nixon Administration work. Pat Buchanan's efforts to belittle Watergate and to point to the "important business" of the economy and foreign affairs only illustrate the major schism between the interests of the Republican Party and the interests of the White House.

For the Republican Party to realize its goal — to emerge from the Watergate scandal as a viable political institution — all the facts must be revealed so the GOP can be vindicated as an honest and law-abiding party. For the White House to realize its goal — to continue to operate during the Second Nixon Administration in the unfettered style it developed during the first term — it needs to have its critics in the Congress, the public and the press drop Watergate as a legitimate political issue. It is no longer possible, however, for the White House to determine public policies independent of the critiques of the Fourth Estate or of the advice and consent of Congress. During the next three years, the White House will have to adjust to the new realities of the post-Watergate era; it must learn to share power through a balanced constitutional government and to lead the nation through explanation rather than secrecy.

If the President breaks his silence with a counter-attack on his critics, rather than with an explanation of what happened and why, he will serve neither his own needs — to be over with Watergate so he can get on leading the nation — nor the needs of the Republican Party. He will only serve notice on his critics that in this war between "we" and "they," anything still goes. At the same time, he will not be able to reverse the advantage that the "they's" have over his own "we's." And he will take the GOP one step closer to going the way of the Whigs.

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THE RIPON FORUM is published semi-monthly by the Ripon Society, Inc., 14a Elliot Street, Cambridge, Massachusetts 02138. Second class postage rates paid at Boston, Massachusetts. Contents are copyrighted © 1973 by the Ripon Society, Inc. Correspondence addressed to the Editor is welcomed.

In publishing this magazine the Ripon Society seeks to provide a forum for fresh ideas, well-researched proposals and for a spirit of criticism, innovation, and independent thinking within the Republican Party. Articles do not necessarily represent the opinion of the National Governing Board or the Editorial Board of the Ripon Society, unless they are explicitly so labelled.

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POLITICS: PEOPLE

● Not much movement is being forecast for next year's elections in Nevada unless conservative Democratic Sen. **Alan Bible**, 63, decides to step down. Former Gov. **Paul Laxalt** (R), who would be the GOP's premier candidate if he could be coaxed back into politics, doesn't have any interest in the race. U.S. Rep. **David Towell**, who was an upset winner last year, may have another tough race in store for him if he faces former Gov. **Grant Sawyer** (D), still a power in the state Democratic Party. The Republicans have a shortage of viable candidates at the present time and the GOP is thought unlikely to seriously challenge popular Gov. **Mike O'Callaghan** (D).

● **Monday** has been cancelled due to lack of money, not lack of interest. The Republican National Committee's weekly newsletter had flourished under the sometimes deft, sometimes heavy-handed pen of Editor **John Lofton**. But Lofton announced in July his intention to become a syndicated columnist with United Features Syndicate in September. A few weeks later, RNC Communications director **Robert Rousek** announced that **Monday** was another casualty of Watergate of the RNC's Watergate-prompted financial problems. What

the Committee to Re-elect the President had too much of, RNC has too little of.

● "Howie the Horse" is out of the starting gate in New York's 1974 gubernatorial campaign. New York industrialist **Howard Samuels**, who earned his nickname by gaining the devotion of patrons of the Offtrack Betting Corporation of which he is president, is making his third quest of the governorship held for four terms by Gov. **Nelson Rockefeller**. But three other Democrats are also considered likely entrants in the Albany Stakes: New York Mayor **John Lindsay**, Westchester County U.S. Rep. **Ogden Reid**, and upstate U.S. Rep. **Samuel S. Stratton**. Gov. Rockefeller is taking over Howie the Horse's New York City operation with a statewide agency.

● Kansas's Democratic governor, **Robert Docking**, has been encouraged to tackle Sen. **Bob Dole** (R) in next year's Senate contest by a poll showing him with a 54-40 percent lead over Dole. Docking has reportedly decided that he will not seek another term as governor and will instead make the Senate race. The poll allegedly showed U.S. Rep. **Bill Roy** (D) running behind Dole in a trial Senate heat. If Docking makes the Senate run Attorney General **Vern Miller** may finally get his change to run for governor. Possible GOP candidates to run against the "law-and-order" Miller include Lieutenant Gov. **Dave Owen**, State Insurance Commissioner **Fletcher Bell**, former GOP State chairman **Don Concannon**, and State Senate President **Robert Bennett**.

POLITICS: REPORTS

VERMONT

MONTPELIER — The key to 1974 politics in Vermont is Sen. **George Aiken**. Sen. Aiken is not expected to announce his decision until the spring of next year. Should the 80-year-old incumbent decide to seek re-election, Vermont politics will likely experience a 1974 freeze, with both Democratic and Republican incumbents retaining their offices.

Should Aiken decide to retire, however, a complicated game of political musical chairs may develop.

Gov. **Thomas Salmon** (D), in office only a half-year, has made no secret of his desires to relocate in Washington, D.C. An upset winner of last year's gubernatorial race, Salmon presently is regarded as a difficult 1974 target if he decides to seek re-election. Under a proposed change in the state constitution, next year's election may be the first for a four-year gubernatorial term. But if Aiken decides to retire, Salmon may covet the post.

The "natural" Republican successor to Aiken is U.S. Rep. **Richard Mallary** (just as former U.S. Rep. **Robert T. Stafford** succeeded the late Sen. **Win-**

ston Prouty in 1971.) If Mallary faces Salmon next year, a tough battle may develop.

If Salmon and Mallary contest the Senate seat, their positions will be open for upwardly-mobile politicians of both parties. The speaker of the Vermont House of Representatives is one of the state's most powerful positions (Mallary is a speaker alumnus.) Speaker **Walter "Peanuts" Kennedy** is one man viewed as a possible gubernatorial candidate. So is moderate former Attorney General **James Jeffords**, who was an unsuccessful primary candidate for the governorship last year. However, if Mallary sought the Senate, Jeffords might be more interested in congressional seat.

The National Life Insurance Co. has already yielded one Vermont governor in this decade: former company president **Deane C. Davis**. The name of the current president of the company, **John T. Fey**, was recently floated as a Republican gubernatorial possibility. Fey — articulate, photogenic and capable — might make an ideal candidate but is hindered by an "out-of-stater" image. The Virginia native and former Maryland legislator served as pres-

ident of the University of Vermont before he became president of the University of Wyoming. Fey returned to Vermont and National Life in 1966. The fourth name prominently mentioned in connection with the gubernatorial nomination is Lieutenant Gov. **John S. Burgess**, who won re-election last year despite the defeat of the Republican standard bearer for governor, **Luther Hackett**. Attorney General **Kimberly B. Cheney** (R) and Secretary of State **Richard C. Thomas** (R) may also have higher posts in mind. Thomas is considered may make another try at Congress; he ran second in the 1971 special primary to choose a successor to **Stafford** in the House of Representatives. ■

MAINE

BANGOR, Me. — Maine's 1974 gubernatorial contest may eventually pit U.S. Rep. **William S. Cohen** (R-2nd C.D.) against U.S. Rep. **Peter Kyros** (D-1st C.D.)

Although neither congressman has announced his intention to seek the position of outgoing Gov. **Kenneth M. Curtis** (D), who cannot succeed himself, both men might well be their

party's strongest candidates for the post.

Cohen, in particular, however, will not have an open field even if he decides to make the race. One leading contender would be Attorney James Erwin, who lost a close race to Curtis in 1970. The conservative Erwin was state chairman of the Committee to Re-elect the President last year and is still popular with Republican voters.

Other GOP possibilities are generally moderate-progressives. State Sen. Harrison Richardson, a Portland attorney, is already assembling a campaign staff. Richardson has a reputation for environmental concerns and for independence.

Another legislator, State Sen. Bennett Katz, is also interested in a gubernatorial run. Katz was the prime proponent of legislation enacted in the Maine legislature this year which would equalize school funding and taxation in the state. The Katz bill is the sort of legislation which would have had the Supreme Court ruled against the appellants in *Texas vs. Rodriguez*, early this year.

Former U.S. Rep. Stanley Tupper, who was succeeded in Congress by Kyros when Tupper took a Johnson Administration appointment, may also be considering the lure of the statehouse. Tupper has not been afraid to battle with party regulars; he refused to endorse Sen. Barry Goldwater in 1964 and had a long-standing feud with former Sen. Margaret Chase Smith (R)

A less-likely gubernatorial possibility at this point is Attorney General Jon Lund, who has earned a media label as the "people's attorney" for his consumer-oriented crusades.

On the Democratic side, Attorney George Mitchell, who recently lost a bid for election to the Democratic National Committee, is another gubernatorial possibility despite a severe name recognition handicap.

If Kyros does run for governor, there are several possible Republican contenders for his seat. Among them are industrialist Robert Monks, who waged an aggressive but unsuccessful campaign for the U.S. Senate nomination last year; House Speaker Richard

Hewes who has established an excellent record for legislative leadership; and State Sen. Jerrold B. Speers, another able legislator.

Whether or not Cohen seeks to return himself to Washington, State Sen. Peter Kelley (D) already appears to be in the running for the 2nd C.D. nomination. Kelley is largely a "one-issue" man. He has pushed through legislation authorizing a public referendum this fall on creation of public power authority for Maine. ■

MARYLAND

WASHINGTON, D.C. — Maryland's political weather has been a series of small gales lately, but a large hurricane may be in the forecast between now and the 1974 elections.

Republicans appear to be weathering the gale that arose from a falsified report concerning monies from CREP used to inflate the figures for a "Salute to Ted Agnew" dinner held in May 1972. One upshot of the affair has been the resignation of GOP State Chairman Alexander "Sandy" Lankler. A state committee meeting is scheduled for September to elect a new state chairman. The list of possible candidates for this post include State Sen. Edward Thomas, U.S. Rep. Lawrence Hogan (R-5th C.D.) and State Delegate Porter Hopkins.

Meanwhile, the Democrats have their own problems. A press release from Gov. Marvin Mandel's office in July announced that he and his wife were divorcing; his wife however denied any knowledge of the decision. In the wake of this revelation, Congressman Hogan announced that he had some interest in running for the governorship. Hogan had previously announced that he had some interest in challenging Prince George's County Executive William Gullett (R) for Gullett's office.

More recently, U.S. Rep. Gilbert Gude (R-8th C.D.) is being urged to run for governor. Gude would benefit from a united county organization — an asset Hogan would lack because of his feuding with Gullett.

A listing of possible candidates for governor — or any office in Maryland — includes GOP National Committee-

woman Louise Gore, Anne Arundel County Executive Joe Alton, Montgomery County Executive James P. Gleason, and Gullett. On the Democratic side, Speaker of the House of Delegates Thomas Hunter Lowe may challenge Mandel for the in a primary or run against Sen. Charles McC. Mathias, Jr. (R), who is up for re-election in 1974. The option to run for the U.S. Senate in 1974 is the only one which Congressman Hogan has closed at this time. ■

COLORADO

DENVER — The appointment of Colorado Gov. John A. Love to take charge of the White House Energy Policy Office has given Love's successor, Lieutenant Gov. John D. Vanderhoof, a boost toward's keeping his new job next year.

A Republican primary contest nevertheless is in the offing with an uphill campaign against the Democratic nominee to follow. One possible Democratic nominee is Love's 1970 opponent, Attorney Mark Hogan, a former lieutenant governor. GOP National Committeeman Bill Daniels is considered likely to challenge Vanderhoof for the GOP nomination.

One of Vanderhoof's first acts was to appoint State Sen. John Birmingham, a conservative Denver Republican, as his environmental advisor. Birmingham, a legislative leader of environmental causes in an environment-minded state, had sought the post. The maverick attorney had reportedly considered a 1974 gubernatorial run himself.

In other upcoming contests, former Astronaut Jack Swigert is being widely discussed as a possible opponent for freshman Denver U.S. Rep. Patricia Schroeder. Denver Republicans reportedly want to retire Mrs. Schroeder before she becomes invincible. Swigert is not just another pretty face; he is currently executive director of the House Committee on Science and Astronautics.

In the race for Sen. Peter Dominick's seat, Shakey Pizza executive Joseph Dolan is reportedly the front-running Democratic candidate. Dolan, a former Administrative Assistant to Robert F. Kennedy, is considered a more likely Democratic nominee than former McGovern aide Gary Hart. ■

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Published semi-monthly by the Ripon Society, 14a Elliot Street, Cambridge, Ma. 02138. Second class postage paid at Boston, Massachusetts.