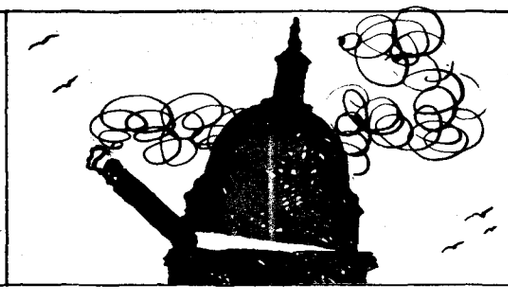
Letter from a Whig



by C. Bascom Slemp

Conspiracy in America Today

(Washington)—WITH PRESIDENT Ford's absolute and unconditional pardon of Nixon the White House honeymoon with the national news media ended.

After we had the pleasure of watching Mr. Ford on TV taking his daily swim, putting his own English muffins in the White House toaster, and playing what seemed to be one endless game of golf, the initial euphoria surrounding Mr. Ford's ascendancy to the Presidency waned. Not only is the public once again showing dissatisfaction with the state of the union, but the GOP too is coming up with foreboding predictions for the November elections.

GOP officials are once again talking of possibly losing up to forty-five seats in the House of Representatives and two to five seats in the Senate, with prospects for the gubernatorial races equally grim. Senator Bob Dole, the former Republican National Committee Chairman, who is up for reelection in Kansas this year, is locked into a tight battle with Representative William Roy for his Senate seat. Dole had expected Nixon's departure to boost his reelection chances, but Ford's announcement of amnesty for Nixon and the Vietnam draft evaders and deserters, as well as his nomination of Nelson Rockefeller for Vice President, have undermined any potential benefits of the change in the Presidency. In response to a question over whether or not Ford was going to be of any help to his candidacy this year, Dole replied that the actions of the President to date had only hurt him. Republican political strategists generally feel the same way and invitations for Mr. Ford to appear in Congressional campaigns have subsequently declined.

Consumers Struck Blow?

"S. 707 would coronate a Caesar within the Federal bureaucracy. With deference to Shakespeare, we say to other supporters of consumer rights that our support is no less than theirs; that we rise against this Caesar, not because we desire consumer protection less, but because we desire good government more."

Despite the Shakespearean eloquence of the opponents of S. 707 (legislation proposing the creation of an Agency for Consumer Advocacy), supporters of the bill remained unimpressed. The parliamentary battle over this legislation turned out to be one of the closest fought contests during the Ninety-third Congress.

Senator James B. Allen (D.–Ala.) and Senator Sam Ervin (D.–N.C.) led what is commonly called a filibuster (but what the Senate prefers to call "unlimited debate") against S. 707. And although they may not make filibusters like they used to Messers. Ervin and Allen showed that they can use the new-style filibuster just as effectively as the old.

Under the rules and procedures of the Senate, and based on the historic argument that minorities have rights which no majority should be able to override, the Senate requires a vote of two-thirds of the members present and voting to end debate on legislation and to bring a pending question to a vote.

During a 1960 filibuster against a civil rights bill the Senate stayed in session around the clock for 157 hours and 26 minutes, as repeated attempts were made to defeat the ongoing filibuster. In 1957 Senator Strom Thurmond (Democrat switched Republican from South Carolina) held the floor (filibustering) for 24 hours and 18 minutes—an individual endurance record that remains unsurpassed.

But filibusters today are not what they used to be; instead they are more "civilized" and more "educated." Under the accepted code of the new-style filibuster a member does not have to be constantly speaking to delay a vote on a bill. So long as the member filibustering, or a supporter, is on the floor he merely has to signal to the President Pro Tempore (the parliamentary arbiter) that he is ready to oppose any effort directed at bringing up for consideration the legislation to which he is opposed. As a result of this gentlemen's agreement the Senate can go on what is called a "dual track system" in considering legislation. This means that while one bill is being filibustered the Senate does not have to come to a standstill, other legislation can be considered, and a legislative backlog can consequently be avoided.

A filibuster can be broken when sixteen Senators sign a motion to invoke cloture if the subsequent vote on the cloture motion is passed by a two-thirds majority of the Senators present and voting. If the motion is passed no Senator can speak for more than one hour on the question under consideration, and as a result no one Senator can prevent a vote on the legislation from occurring.

Under the "gentleman's agreement" a motion to invoke cloture is usually offered only three times. If supporters of a bill fail on the third motion the legislation is generally tabled until the next session of Congress.

On the consumer protection bill, however, there were an uncommon four votes on a motion to invoke cloture, spanning from July 30 to September 19. The final vote on the motion to invoke cloture was 64 yeas and 34 nays (a margin of just two votes), with only Senators Fulbright and Kennedy not voting.

Proponents of the legislation had been able to persuade the Senate leadership to grant the unusual fourth cloture vote because they were confident that they had the votes to break the filibuster. However their strategy collapsed when Ted Kennedy (D.–Mass.) missed the vote. A Senator who reportedly had promised his vote to the supporters of the bill decided to vote with the opponents of the legislation when Kennedy did not show up for the vote.

What happened to Kennedy? Kennedy claimed that the bells which alert the Senators as to how much time is left on a vote were not functioning correctly. (It would have been the first time in seventeen years that this had happened.)

A less flattering explanation of why the senior Senator from Massachusetts missed the vote was that he had stood chatting with the doorman of the Senate floor expecting to make a grand entrance, and thereby casting the headline-making decisive vote, but that he miscalculated.

Kennedy's cries of outrage led to speculation that an unprecedented fifth cloture vote would be taken. But Ervin, Allen, and other opponents of the legislation (who felt the "gentleman's agreement" was being violated) threatened to revert to the old-style filibuster, thus tieing up the workings of the Senate. Under normal circumstances proponents of the legislation might have accepted the challenge if they had thought they could break the filibuster. Because the Senate is interested in recessing for the November elections, however, and because some members who had voted with the supporters of the legislation would have switched their votes in protest of the behavior of the bill's proponents, a fifth cloture vote was not agreed to. Furthermore no one gave Kennedy's explanation for missing the vote much credence since the time of the vote had been scheduled days in advance.

The proposal for a consumer agency, however, is far from dead. A change in the composition of the Senate, which is to be expected after the November election, will probably enhance the prospects for passage of the legislation in the Ninety-fourth Congress.

The Benedict Arnolds of 1974

When the vote in the House of Representatives was taken to confirm Gerald Rudolph Ford as Vice President of the United States no one listened to Louisiana Democrat Congressman John Rarick's warnings about Ford's ties to that well-known international banker conspiracy—the Bilderbergers. With Rarick recently defeated in a primary contest there is now no one left in the U.S. Congress to carry the banner of warning about this "economic conspiracy" designed to "enslave labor in America." But through the "guidance of the Holy Spirit" and the "God we must trust," efforts are being undertaken "out there in America" to uncover the "invisible enemy." "The average American [might] not believe this [conspiracy exists]," say the Bilderberger critics. "That is why we must work together and allow them to gradually figure it out for themselves by uncovering one cartel and

conspiracy after another, and by utilizing secrecy, secrecy, secrecy, in every story."

The most recent effort to bring the Bilderberger conspiracy to light came during the Rockefeller confirmation hearings for Vice President. Testifying before the Senate Rules Committee, the Liberty Lobby left no skeletons unturned in their efforts to tie Rockefeller to the "Wallenbergs and other billionaire international financiers or their proxies." Some of these proxies include the Senate Banking Committee; William Simon, Secretary of the Treasury; Roy Ash, Director of the Office of Management and Budget; and Alan Greenspan, Chairman of the Council of Economic Advisors. Even Secretary of State Kissinger, blossoming in the garden of his "diplomatic successes," has the "glaring thorn" of the Bilderberger ties sticking in his side.

"Men, if you want your nation to remain free—you better act fast."

Faced with humdrum daily routine, Congressional offices can only delight in hearing from those of their constituents who thrive on the conspiracies we have in America today. Indeed the vast number of them makes one wonder whether the Bavarian Illuminati is not at work. □

The Public Policy

by Peter J. Rusthoven

On the Pardoning of Richard Nixon

ON SEPTEMBER 8TH of this year, President Gerald Ford, in the most publicized gesture of executive clemency in the history of the Republic, issued a complete pardon to Richard Nixon for any and all offenses the former President either did commit or may have committed during his entire time in office. In the days since, Mr. Ford has suffered the wrath of the whole mob of media sophists who expected so much more of him, and the rest of us have been treated to yet another well-orchestrated display of morally alarmed hysteria. *Time* magazine, which only a few weeks earlier had featured Ford's visage on a pair of covers entitled "The Healing Begins" and "Ford on the Move," now shifted gears and presented disapproving cover stories on "The Pardon" and "Ford Under Fire." The phrase "No man should be above the law" enjoyed a renewed burst of popularity that (incredibly) exceeded the homage paid to that concept during the earlier controversy over whether Mr. Nixon should be obligated to turn over his tapes to the special prosecutor. Senator Birch Bayh (D.–Ind.) opined that the President's action spelled the end of "200 years of history and tradition of equal justice for all," an assessment shared, according to the network news, by "large numbers" of "disturbed Americans." The President's own press secretary, Mr. ter Horst, was disturbed enough to resign his post, a gesture which he modestly labelled an "act of conscience," and for which he received lengthy huzzahs and a special award from his fellow journalists for this courageous illustration of the honor of their craft. Pundits everywhere hastened to inform us that "the honeymoon is over," and Mr. Ford, in an effort to salvage his hoped-for "good marriage" with the Congress, was preparing to mount Capitol Hill to field some sharp legislative inquiries about the reasons for his unpopular act.

Now personally, I must confess that all this rather surprised me. Had I known beforehand of the pardon, of course, I would have anticipated that some measure of adverse reaction would be forthcoming. But I would never have predicted that the whole pack in Washington and Cambridge and New York would start baying as loud and as long as they have. This, perhaps, is more indicative of a certain naiveté on my part than of anything else. Nevertheless, the immense pother that has accompanied the pardon of Richard Nixon does strike me as a matter of some significance; and accordingly, an effort to examine the issue with a modicum of perspective seems very much in order.

To begin, there should be no doubt that Mr. Ford possessed the constitutional authority to act as he did. Article II, Section 2 of the Constitution states that "The President . . . shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment." The prerogative granted by this section is complete; it is unambiguous; and (save for the exception of impeachment cases) it is unlimited and unqualified. Those who think this is belaboring the obvious should be informed that at least one federal district judge (perhaps scrambling to join Judge Sirica in the history books) has indicated that he is quite willing to rule on the legality of the pardon. More significantly, though, it is at least a partial answer to all those original folk who keep chanting "No man is above the law" to re-emphasize that the pardon is emphatically an expression (albeit a rarely used one) of the legal process—that it is indeed rooted in the single document that most symbolizes the rule of law in this country.

Of course, most of the sniping over the pardon centers not on its legality, but rather on whether it should have been granted in this particular case. Unfortunately, for all the highly critical public discussion, almost no one has articulated a set of standards that should be brought to bear in determining whether a pardon is appropriate. I think, however, that at least five interrelated factors can be identified as significant in making this determination; and while neither that list nor the discussion that follows is exhaustive, I believe that a legitimate case for the pardon of Richard Nixon can be made on each point.

The first question, which arises due to the timing of this pardon, is whether or not a trial would have accomplished anything. This issue depends in turn on whether important new disclosures are likely to come to light in a criminal prosecution; presumably, there is also some symbolic value, in terms of demonstrating the equality of American justice, in bringing a former President to trial. (Any vengeful pleasure some might take at seeing this particular former President in the dock, I think, can be safely ignored among reasonable people.) On the first point, it seems highly unlikely that any striking new evidence would be forthcoming in a prosecution of Mr. Nixon. His own complicity in the events at issue was as sufficiently and painfully demonstrated as such things need to be in the transcripts released the Monday before his resignation. Moreover, the trials of the ex-President's more prominent subordinates, currently getting under way, should provide a sufficient forum for disclosing any new evidence of a more general nature. The second point is a bit less clear—and indeed, a good many people are bothered not so much by a pardon *per se* as by the fact that the judicial process was not first permitted to run its course. But on balance, it is difficult to see what additional symbolic demonstration of the workings of American justice is truly needed. The fact that Mr. Nixon has been forced to resign the highest office in the land, with all the humiliation, both present and historical, attendant upon that act, should be an eloquent example to all but the densest observer that justice is no respecter of position and power. Thus, a trial of Mr. Nixon would seem to offer relatively little, either substantively or symbolically.

A second factor that should influence a decision on granting a pardon is the degree to which an individual, by virtue of his past contributions, merits special consideration. On this score, Mr. Nixon's case is undoubtedly stronger than that of any previous beneficiary of executive clemency. It is unnecessary here to attempt to compile a definitive list of the former President's accomplishments in some twenty-eight years of public service; it suffices to say that such a list would be both lengthy and, in many respects, highly praiseworthy. Moreover, whatever one's philosophical or political starting point in evaluating Mr. Nixon's public activities, I think that all but the most churlish critics of our thirty-seventh chief executive would concede that he brought to his final office the intelligence, dedication, and sheer effort the position demands. His fatal (and yes, even criminal) mishandling of the issue that led to his