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Memorandum: The Next Step

TO: Participants in the discussion of "The Constitutional Crisis"

FROM: Alfred de Grazia

No doubt this idea of an intermediate step between "do-nothing" and impeachment proceedings has occurred to you but it may be well to discuss it along with other matters.

1. Congress should be as careful and just as possible under the circumstances of the Constitutional Crisis, but should recognize that there is never a perfect solution to any public issue. Assurance, thoroughness, calm and decision are the qualities now demanded of Congress.
2. Congress should not permit itself to be delayed or otherwise hindered in the execution of its duties due to
 - a. Maneuvers in private or public by persons seeking to save their skins.
 - b. Members with particular interest in past favors or future personal prospects.
 - c. The uncertainty of the public which is in fact looking to Congress for leadership.
 - d. The legal incapacity and inability of civic leaders who are also looking to Congress for leadership.
3. The Constitution clearly mandates Congress to act in the present crisis. If Congress cannot pull itself together to act at all in the face of blatant provocation, it will in effect be voting indiscriminately against every future proposal to strengthen its larger efficiency, effectiveness and representative authority.
4. Congress should take the necessary Next Step to position itself for other Steps that may soon be required. The Next Step may be to have a Position Paper for which the format of the concurrent resolution is ideally suited. A text is attached. It musters the national consensus up to this point in time. Its adoption will ready the Congress and

the country for actions which may well be required and which would otherwise be much more difficult to undertake.

5. The Next Step positions Congress to undertake impeachment proceedings more smoothly, to explain in a subsequent resolution its decision not to pursue impeachment "for reasons of the public good," to resolve to reprimand certain officials, or to go ahead with the constructive alternative of legislation strengthening congress in relation to the executive branch.

A Stand-by Position Statement

A concurrent resolution

The Congress of the United States of America, assembled in the House of Representatives and the Senate, resolves that:

1. Congress, in its capacity as representative of the American people and first branch of government under the Constitution, is mandated by the Constitution to take cognizance of and exercise jurisdiction over illegal and unconstitutional activities of the executive branch of government.
2. Congress shares the indignation of the American people at the fact that the highest executive positions of the nation have been disclosed to be operating defectively and possibly unconstitutionally in important and dangerous ways.
3. Congress assures the American people that it is prepared to act promptly in the event that any officials, whether elective or appointive, should be removed from office by the process of impeachment and conviction. Congress promises to take all necessary steps to minimize the period of deciding and dispensing with such matters.
4. Congress promises the American People that it will not permit the present crisis in the offices of the presidency and vice-presidency to continue to the detriment of the country and to the advantage of any person, agency, private interests, or political party. Nor will any individual avoid the principle of equality before the law, no matter how high his office.
5. Congress intends, if and when it removes an individual or individuals from the executive branch of government, to insure their replacement by qualified persons who will limit their acceptance of the responsibilities of their positions to the duration of the uncompleted present terms of office of those persons who are disqualified and removed. This will be done to reduce partisan maneuvers and to guarantee that the American People will have a full and equal opportunity to select in orderly and complete proceedings the candidates who will compete for the votes of the public in 1976.
6. Congress respectfully informs the American People that it will take steps promptly to organize its work forces on an emergency basis so as to guarantee the necessary vigilance and leadership in legislative, executive, administrative, and political affairs at home and abroad.
7. Congress pledges its complete and unswerving loyalty to the democratic institutions of the nation and affirms its full confidence in the ability of the United States Government to maintain its traditional course and to progress towards its national and international goals with integrity, efficiency, and effectiveness.