

*Circulate*  
*"where do you see the creation of a new world?"*

# OPINION AND COMMENTARY

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## Nixon explains Nixon

Nothing that has gone before explains so clearly what went wrong with the Nixon administration as the use by Richard Nixon, at this stage in history, of the word "sovereign."

He used it in the sworn deposition he submitted to the Senate's Select Committee on Intelligence. The text of the deposition was made public on March 11 by Mr. Nixon's attorneys. He used the word in the following context;

"It is quite obvious that there are certain inherently governmental actions which, if undertaken by the sovereign in protection of the interest of the nation's security, are lawful but which, if undertaken by private persons, are not."

"If undertaken by the sovereign." But who is the sovereign in the American system of government?

As any American schoolboy knows, the United States is a republic in which sovereignty is vested in the people who depute one person among themselves to preside over the management of their public affairs for a specific term of four years. They do this by elections. But they do not by so deputizing a presiding magistrate transfer their sovereignty to

the person so deputized. A president of the United States is not an elected sovereign. The sovereignty of the nation is not transferred to him even for the limited period of four years. Sovereignty remains in the people.

Under this American system the presiding officer is never free to exercise the powers of sovereignty. King Louis XIV of France could say correctly, "l'etat, c'est moi." He was indeed the state. The law of the land was his law, promulgated in his name. The armed forces were his armed forces to command at will. The police were his police, to do his bidding. But the American system is not like that either in theory or in practice.

The U.S. Constitution specifically and firmly divided the powers of the state between Congress, judiciary, and executive. It gave to the executive magistrate only the obligation to execute the laws passed by the Congress under the supervision of the judiciary. There is literally nothing the president can do arbitrarily except within the limits authorized by law and policed by the judiciary.

The Oxford dictionary defines the word sovereign as meaning:

"One who has supremacy or rank above, or authority over, others; a superior; a ruler, governor, lord or master."

Richard Nixon was never authorized by the American Constitution or by the American people to be their ruler, their governor, their lord, or their master. He was never given supremacy or rank above or authority over his fellow citizens. He was only authorized for a period of four years to manage their public affairs.

The plain fact that he is no longer managing those affairs testifies to the difficulty he had in distinguishing between a first magistrate and a sovereign. Quite obviously the recluse of San Clemente, brooding over his unhappy career in high office, still labors under the illusion that somehow he was a "sovereign" and was authorized to exercise the arbitrary power of the sovereign.

Therein lies the clue to the tragedy of Richard Nixon. He never understood the workings of the American political system or he would not have thought that he was above the law. A real sovereign is above the law. It is an axiom of government that "the king can do no

wrong." In a monarchy in which the king or emperor is recognized as being sovereign, this is true. Since the king makes the laws he can change them at will. What he does can therefore never be wrong. He is incapable of breaking laws since he is the law. What he does becomes lawful simply because he does it. But Richard Nixon was never chosen by the American people to be their king.

I have always thought that the so-called "imperial presidency" dates from the "reign" of John F. Kennedy. During his administration began the military ceremonies on the back lawn of the White House, the trumpets sounding from the upstairs balcony and all that. But in those days it was a modest monarchy, only Camelot, a small mythological and medieval kingdom.

It grew apace under Lyndon Johnson. While he was far too shrewd a politician ever to use the word "sovereign," his manner was frequently that of a Roman emperor. But not till Richard Nixon did Americans have a first magistrate who literally thought that he was the "sovereign," hence entitled to behave as a real king. He did. He himself has said it.

*Point of Information:*

*Nixon's Freudian slip (equating himself with a sovereign) shouldn't obscure some truth to his statement. In point of fact, the national government, the Chief Executive in particular is constitutionally obligated to protect the nation's security. He must do so, however, without impairing, illegally, individual rights.*