

The Washington Post of Tuesday, May 29 carried a story quoting "Department of Justice sources" as saying that the prosecutors were wondering about calling Nixon to testify before the grand jury. These sources said that should this happen and should Nixon refuse, it could cause a real Constitutional crisis.

Nixon's over-reaction was strong and close to instantaneous. A minor bit of intelligence in this newest of Ziegler's this-is-our-last-comment comments was that the President had read the Post. This was not only against his principles, but he wasted time. He has Patrick Buchanan's daily press review, tailored for him.

It was not necessary for Nixon to say anything. He had often enough laid what he could cite as a basis for silence. But he directed Ziegler to respond. Ziegler refused to be recorded or televised.

He said the President would make no appearances anywhere, under any conditions - not before the grand jury, not before the Senate's committee - nowhere. Moreover, he would not provide written answers to written questions.

To do any of these things, according to Ziegler's version of what Nixon said, would be to violate the separation of powers doctrine.

There might be a question about whether the President could be compelled to respond to what for ordinary citizens if the "due process" of the law, but there is absolutely no question that of all Americans, the President surely can file a written statement, make voluntary response to questions asked of him, or to appear before any duly-constituted body. As a matter of fact, he does all these things regularly. His refusal to do any of them and the violence of that refusal raised new questions about his personal involvement in the crimes alleged.

Further assailing himself, Nixon directed his new and "independent" and "impartial" Attorney General and special prosecutor - both - to make thorough investigations to determine who of the prosecutors leaked the story. (Dan Rather's CBS TV version, WTOP-TV 7 p.m. which, if accurate, indicates he knew the source, for the one cited is ambiguous.)

When the President himself is criticized, when he has already been accused of some

of the crimes alleged, how impartial can he regard his "independent" officials when his orders to them are so vehement and so public?

When no poll shows fewer than half the people believing him guilty of some of the crimes, and this before the Senate investigation was well under way and before there had been any new indictments by the Washington grand jury, how wise was this over-reaction? How wise are his new ~~new~~ team of counsellors, if he heard them?

Can this, in fact, be regarded as his loss of control if not of rationality?

Anyone who has been around Washington for any time and in public life or a careful newspaper reader knows that balloons are floated to the papers. If the likelihood was not too great in this case, would not a prudent President who had complete control over himself have been silent and awaited developments? What had he to gain by this unseemly outburst? Most politicians learn early not to do what doesn't hold prospect of gain because there is always the possibility of loss, of adverse reaction, of opening a can of worms.

If the Post had wanted to trick him into another excess, another irrationality, another self-contradiction, it could not have fared better.

There is no question of separation of powers in any voluntary statement by the President, nor in any voluntary appearance.

On this Lil says people don't understand. Nixon has always been all for the separation of powers - for separating everyone else from all power.