

# Ripples in Court <sup>NYT</sup> 7-10-74

The tempting fallacy is to anticipate that the Supreme Court will now finally "decide Watergate," once and for all. Increasingly skittish Congressmen look across the Capitol lawn to the Court for rescue from politically perilous decisions. An exasperated electorate longs for it all to end, sensitivity to public right and wrong dulled by the charges, counter-charges, the ambiguities real and contrived. However deeply desired, Watergate cannot simply be made to go away.

Only certain points of law are at issue before the Court. Basic though they are in their constitutional import, they form only part of the crisis into which President Nixon has led his Administration.

Only if the Court ruled against him and he defied an order to submit evidence would there be a direct impetus to the impeachment process, for defiance of the Supreme Court would seem as clear an impeachable offense as could be supposed—but even that could be undermined by a subsequent reversal and Presidential decision to comply after all. If, alternatively, Mr. Nixon decided to accept an adverse ruling and submit all the requested recordings, there would ensue many weeks of delay while the new evidence was analyzed.

Should the Court rule in favor of the President's position it would undoubtedly give a psychological boost to the White House's partisan campaign against the Judiciary Committee of the House of Representatives. But it would say nothing about the evidence already in hand suggesting criminal conspiracy in the Oval Office, for the obstructions of justice depicted in the published transcripts—up to and including the convenient White House deletions of damaging statements revealed in the Judiciary Committee's texts released yesterday.

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Nothing that the Court could now rule would affect the unresolved issue of Mr. Nixon's defiance of Congressional subpoenas. This may be the most serious offense of all, against the Constitution and the nation.

On the Court record, it is only the President's lawyer who makes a link between the issues before the Court and the parallel impeachment process, and this for the self-serving purpose of trying to frighten the Supreme Court into silence. Neither the Justices nor the special prosecutor made any allusion to impeachment in their arguments Monday until Mr. St. Clair himself rose to address the bench. Transparently acerbic questioning by several Justices seemed to do away with this extravagant point in Mr. St. Clair's presentation. "Any decision of this Court has ripples," Justice Brennan wryly observed.

Ripples there will be, whatever the Court rules. These may grow to a tidal wave of constitutional implication should there come an authoritative definition of executive privilege or of the status of the Chief Executive before the legal system of the land. But the unraveling of the Watergate conspiracy, and the impeachment process that it spawned, will of necessity go on and on.