

# Justice Again Prevails

The 8-0 ruling of the United States Supreme Court that President Nixon must turn over 64 White House tapes to the Watergate investigation is a landmark decision of such historic magnitude that it should answer for all time the question of whether the President or any citizen is above the law.

It should also be footnoted by all Americans that the ruling of the high court in no way declares President Nixon guilty of anything other than trying to preserve what he feels is the integrity of the Presidency and the preservation of the principle of separation of powers.

The Supreme Court ruling Wednesday on the eve of the beginning of public impeachment debate was delivered by President Nixon's own appointee to the court, Chief Justice Warren E. Burger.

The Chief Justice read that: "We conclude that when the ground for asserting privilege as to subpoenaed materials sought for use in a criminal trial is based only on the generalized interest in confidentiality, it cannot prevail over the fundamental demands of due process of law in the fair administration of criminal justice."

The dispute between the President and Special Prosecutor Leon Jaworski, the court ruled, was subject to determination in the courts, contrary to Nixon's assertion that it was not on grounds it was a dispute within the executive branch.

"It is theoretically possible for the attorney general to amend or revoke the regulation defining the special prosecutor's authority," Burger wrote. "But he has not done

so. So long as this regulation remains in force the executive branch is bound by it."

The Supreme Court also ruled that:

— The material sought by Jaworski satisfied a federal court rule that subpoenaed material be useful and relevant as evidence in the trial for which it is sought.

— The doctrine of separation of powers and the need for confidentiality of high-level communications within the executive branch does not mean that the President has an absolute privilege to withhold material from the courts under all circumstances.

— In a case such as the cover-up trial in which the claim of confidentiality is not based on grounds of military or diplomatic secrecy, the President's assertion of privilege must yield to the need for the evidence.

The Supreme Court upheld U.S. District Judge John J. Sirica's finding that "the judiciary, not the President, was the final arbiter of a claim of executive privilege."

Not participating in the decision of the nine-judge panel was Justice William H. Rehnquist, also appointed by President Nixon who was an assistant Attorney General under John Mitchell, a defendant in the Watergate cover-up.

To reiterate a previous position, the foundations of United States government have been shaken by the Watergate scandal, but they have not been broken. On the contrary, the government under the Constitution has been strengthened, and once again the Constitution of the United States has proved to be the greatest instrument of democracy and freedom on the face of the earth.