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Crime and Compassion

By Anthony Lewis

BOSTON, April 29—It is a country of one subject, preoccupied as it has not been for years. What is there in the collection of events labeled Watergate that so totally grips the American mind?

There is naturally a horrified fascination with the successive disclosures of thuggery and greed. But it is not the political espionage and sabotage alone, or the corrupt money, or the lies. It is the larger impression that at the highest level of power in this country there are men who reject the historic American premise of government under law.

An arrogant contempt for law has been seen before in this Administration. It tried to degrade the Supreme Court with appointments fortunately blocked. It used the most sensitive of legal symbols, the school bus, for divisive political purposes. It held political trials. It used grand juries to harass, security investigations to intimidate, the broadcast licensing process to apply pressure.

One of the puzzles of the Watergate case has been the slowness of public reaction. In Britain, even the hint of such a scandal would have led at once to resignations or to an unchallengeably honest inquiry. The American public's lethargy about Watergate last summer seemed almost a wilful refusal to hear bad news about a President it was determined to reelect.

But perhaps there was method in the public mind. For the reaction came when the fundamental danger appeared, the contempt for law: when witnesses were found to have been paid to obstruct justice, when Congress was told it could not demand answers from present or even former White House aides, finally, when the Attorney General claimed immunity for all government employes and said Congress had no recourse if it disagreed except to impeach the President.

In the end these brazen tactics failed. The press, or some of it, kept digging despite lies and threats. Enough politicians in both parties were faithful to an ideal loftier than their own power. But there is no occasion yet for self-congratulation.

If the larger meaning of Watergate is the importance of respect for law, respect for the American constitutional order, then an even more profound aspect of the problem remains. That is this Government's disdain for the rule of law and the Constitution in the making of war.

When Lyndon Johnson slipped the country surreptitiously into war, he did terrible damage to its political fabric. The way was opened for Richard

AT HOME ABROAD

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Nixon to repair that, by basing his policy in Indochina on candor with the public and sharing of responsibility with Congress.

Instead, Nixon made Presidential power the only touchstone of his policy. To preserve that power in the world arena, as he saw it, he moved furtively and suddenly; he talked of winding down the war and expanded it; he resisted Congress.

The American war goes on in Cambodia now, and without a pretense of constitutional authority. There is no law authorizing the President to bomb Cambodia, no resolution, no treaty. But the President and his men do not care, do not even discuss the problems; they act as if they were above the law.

It is a harder issue to understand than Watergate. Contempt for the idea of democratic control over war and peace is less dramatic, less visual than theft or bribery. And the only people suffering are Cambodians. But in the end the same fundamental interest is at stake: political legitimacy.

There is a notion in this White House that the President, when he is engaged in the conduct of foreign affairs, draws legitimacy from the world outside. The only test is his persuasiveness in the arena.

But the President of the United States, for all his preeminence, cannot be a Metternich, operating on the world stage within limits set only by the course of play. His legitimacy comes from within. His strength and his constraints derive in substantial part from American opinion and American law.

Henry Kissinger asked us the other day to have compassion for the Watergate conspirators. Compassion is never out of place in human affairs, but in this case understanding should come first.

The danger is that on Watergate as on Indochina this President and his men will be concerned only with the preservation of their power. What they have to learn is that the idea of government under law cannot be compromised. It means fidelity to law at home and abroad, whether convenient or inconvenient, not sometimes but all the time. When that is understood, it will be time for compassion.
