

Loud And Clear

By Anthony Lewis

WASHINGTON, March 6—The ceremonial courtroom of the United States Courthouse rang with phrases about the historic character of the case.

"This is the first time in 100 years," Philip Lacovara of the Special Prosecutor's office said to Judge John J. Sirica, "that the country has faced the possibility of impeaching a President." President Nixon's lawyer, James St. Clair, agreed that it was "indeed an unusual case," bringing before the judge representatives of the three branches of Government: himself for the Executive, John Doar and Albert Jenner for Congress, Mr. Lacovara for a grand jury and thus the system of justice.

But the most remarkable aspect of the scene may have been something so accepted in our culture that it went without being remarked upon. That was the simple fact that the political future of the United States was being shaped by considerations of law.

Americans have been turning political issues into questions of law and the Constitution for so long that we no longer realize how unusual that is. The reach of the Federal Government and the states, the right to limit slavery and then protect the freed blacks, the power to tax and spend—all these and a hundred other great political problems have been tested in terms of law in our history.

No other country does such things. Just now the British have had what they call a "constitutional" dilemma: whether Prime Minister Heath should resign after an inconclusive general election. But no one in Britain would have dreamt of putting the question to a court.

One advantage of a political system like Britain's, where legitimacy

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rests in Parliament, is that political change comes easier. A Prime Minister is in one day and out the next, and no one turns a hair. Queen and Parliament are the threads of continuity, and shifts of power are part of a process so familiar that it is unfrighting.

Much has been said about the American public's fear of impeachment as a strange and untried device. It is fear of the unfamiliar, really, and understandable enough. But the hearing before Judge Sirica suggested that the

idea is quickly becoming more familiar, more comfortable, and that one reason is its infusion with characteristic American legalism.

It was striking to notice in that courtroom how easily the word "impeachment" was used. Less than six months ago, in that same room, Archibald Cox was arguing for the grand jury's right to hear President Nixon's tapes. The idea of Presidential culpability was still so shocking then, so novel, that it was approached in a gingerly, indirect way. Today it came through loud and clear.

Not that any lawyer would speak casually of impeaching the President of the United States. But it is no longer an unthinkable thought. The whole thrust of the proceeding before Judge Sirica was that impeachment was a lawful and necessary process—"an overriding constitutional responsibility" of the House, as Mr. Doar put it.

The question is whether the American public generally will adjust to living with the idea of impeaching a President. Law and lawyers will certainly help in the adjustment, if it comes. For Americans, the picture of lawyers calmly arguing in courtroom or committee room makes anything seem more natural. Law and its forms provide our equivalent of the legitimacy and familiarity that the British draw from Queen and Parliament.

What is clear now is that the proceeding is going to go ahead. The House committee will not be stopped from investigating and deciding whether to recommend a bill of impeachment against Richard Nixon.

Any doubt about that ended when Mr. St. Clair announced that the President would give the committee all the White House tapes and documents previously provided to Special Prosecutors Cox and Leon Jaworski. He said that in the least dramatic of voices, but the drama of a changed policy could not be missed. The President who had resisted any disclosure for long months was now responding to a House request for evidence.

Asked why, Mr. St. Clair said there had been "a change in circumstances." He must have meant both political and legal. The House committee's request, supported by Republican pleas to the President to cooperate, generated great pressure to comply. And Mr. St. Clair must have advised the President that a refusal would have lacked adequate legal grounds—and might itself have brought impeachment.

The battle for evidence has not ended. The House committee has not been promised all it requested—and it will probably ask for more tapes and documents, including those Mr. Nixon has refused to Mr. Jaworski. But that great and curious hybrid of law and politics, the impeachment process, is under way.