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## President and the Law

Although he was educated in the law, President Nixon seems to have difficulty comprehending that the problems that now engulf him are problems neither of politics nor of public relations, but of law. There are well-established legal rules of procedure that are followed regardless of the identity of the individuals involved in a particular case.

These rules, no less than the law itself or the Constitution, cannot be waved aside by cries of "national security" or "executive privilege" or by impatient slogans such as "one year of Watergate is enough." Neither will they yield to the outright defiance that President Nixon announced yesterday through his counsel, James D. St. Clair.

The President's response to the several subpoenas that have been served upon him have never been those of a lawyer cooperating in the settlement of serious issues or even those of an ordinary citizen respectful of the law. On the contrary, Mr. Nixon seems always in search of the one big fix, the public relations coup that will extricate him from legal issues in which, in reality, he is inextricably involved.

He has had his only success in fending off two subpoenas issued by the Senate Watergate Committee. But in dealing with the subpoena from the House Judiciary Committee, the President is not dealing with just an ordinary Congressional committee. In its impeachment inquiry, the Judiciary Committee is exercising a rarely invoked but awesome power of Congress to stand guard against Presidential attempts to subvert the Government by grave misconduct. This power has unique constitutional status, and no court is going to stand in the way of its exercise by Congress.

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Nevertheless, when the Judiciary Committee last month subpoenaed tapes and documents, Mr. Nixon responded with a publicity campaign built around a huge mass of edited transcripts. This publicity campaign was carried forward by a televised address by the President to the nation and two follow-up speeches, a one-sided summary of the evidence by his own counsel, and a round of appearances by Presidential aides on television interview shows.

This whole effort was a broad-brush appeal to those who read as they run or who watch only a few moments of television news. This media was apparently the President's last throw of the dice. Whether it has failed or not in public relations terms, Mr. Nixon is apparently determined to stand fast. But these public relations maneuvers have nothing to do with the law. One of the fundamental rules of law is that a judge or jury is entitled to the best evidence available. The tapes themselves are obviously better evidence than transcripts edited by the person under inquiry.

Public relations is concerned with general impressions; the laws deal in provable specific facts and carefully restricted inference from those facts. Mr. Nixon keeps trying to create impressions in the public mind and thereby influence the atmosphere in which the House committee and the courts do their work. But the work itself remains a matter of law. Regardless of atmospheric conditions, the law turns on evidence of deeds done and words spoken. Images are no substitute for evidence, and publicity is no match for the law. That is why the courts and the Judiciary Committee move inexorably forward and the President slowly but steadily retreats.

In a nation governed by law, Mr. Nixon cannot possibly win a confrontation on the ground on which he has chosen to stand and fight.