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NYTimes **The**
President's
Judgment

By James Reston

WASHINGTON—In The Congressional Globe for June 4, 1842, the official stenographer in the House of Representatives reports John Quincy Adams as follows:

"Mr. Adams said. . . . Why, what mockery it would be for the Constitution of the United States to say that that House should have the power of impeachment, extending even to the President of the United States himself, and yet to say that the House had not the power to obtain the evidence and proofs on which their impeachment was based. It appeared to him [Mr. Adams] equivalent to a self-evident principle, that the power of impeachment gives to the House necessarily the power to call for persons and papers."

Nevertheless, 132 years later this is precisely the principle President Nixon is challenging in the Watergate case. He has refused to turn over the additional "evidence and proofs" requested by the House Judiciary Committee and the Special Prosecutor, Leon Jaworski, and his lawyer, James D. St. Clair has threatened to fight the case all the

It was probably inevitable that this conflict between the President's claims to "confidentiality" and the House's power to call for "persons and papers" in an impeachment proceeding, should be submitted to the highest court for judicial review. But again what is odd about the President's defense is that he has chosen to risk this confrontation in the Supreme Court at the worst possible time for himself.

He had the option of sticking to his original position: that demands for private Presidential documents were an invasion of the "confidentiality" of the Presidency, which he would oppose by invoking his "executive privilege."

As the U.S. Court of Appeals stated in *Nixon v. Sirica*, "wholesale public access to Executive deliberations and documents would cripple the Executive as a co-equal branch." It is a

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hard case to argue in an impeachment inquiry into possible criminal action by the President and his aides, but it might have been sustained by the Supreme Court.

What the President has done, however, is to weaken his own argument for the "confidentiality" of his documents by releasing over 1,000 pages of the most damaging conversations ever made public by a Chief Executive.

As his lawyer said in submitting

edited transcripts of the White House tapes to the Congress, "The President . . . does recognize that the House Committee on the Judiciary has constitutional responsibilities to examine fully into his conduct and therefore the President has provided the annexed transcripts of all or portions of the subpoenaed conversations that were recorded. . . ."

But having conceded this point and broken his own rule against releasing confidential documents, the President is now insisting that he alone must decide what other evidence the House needs to meet its constitutional responsibilities, who shall be permitted to hear the tapes to assure that a "full and complete disclosure" has been made, and what is relevant or irrelevant to the House's investigation.

Mr. Nixon has insisted that his lawyer be allowed to sit in on the private and public deliberations of the Judiciary Committee and interrogate witnesses, and this request has been granted, but he rejects the suggestion that the committee's electronic experts and lawyers be allowed to check the tapes against the transcripts for accuracy.

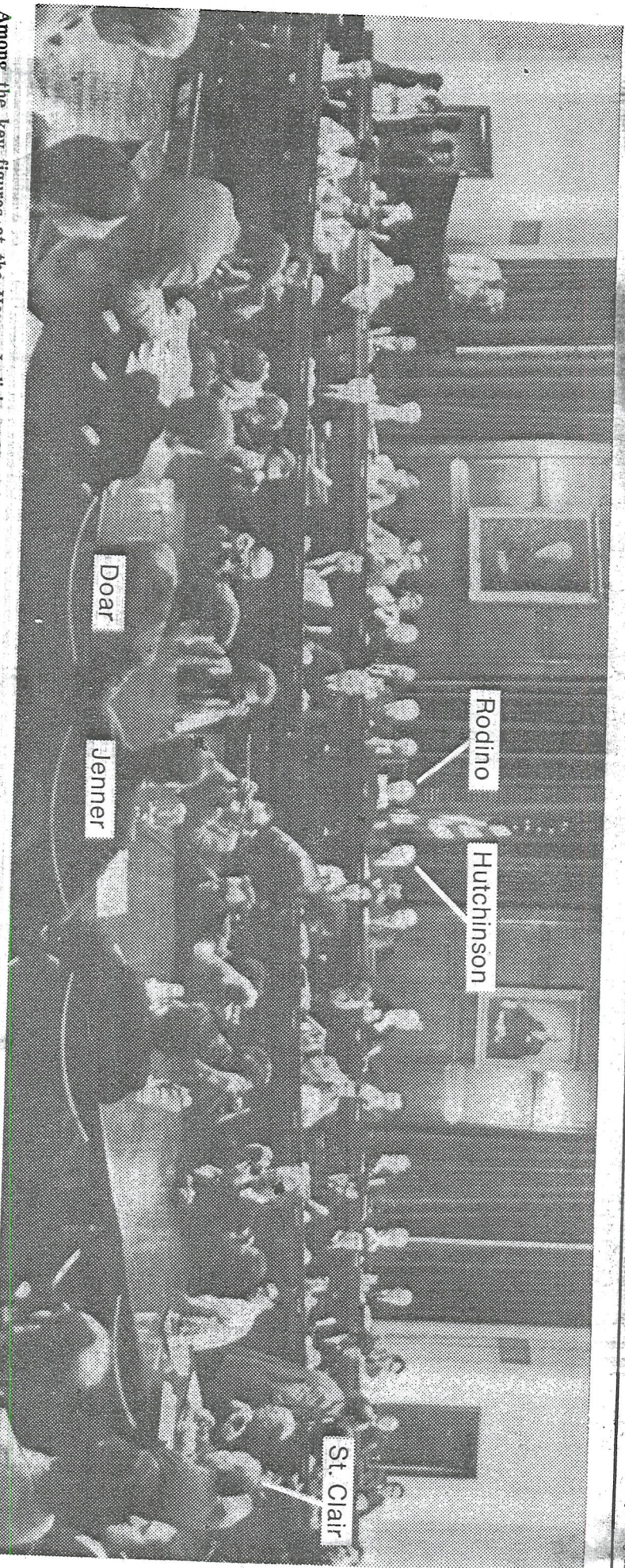
Thus, he has not ended the clamor for more information or silenced the doubts about the accuracy of his disclosures, or protected his privacy by releasing the edited White House conversations, but increased the demand for more information, raised even more suspicions than before, provoked an outcry among his own leaders on Capitol Hill—even a demand by The Chicago Tribune for his resignation or dismissal—and challenged the House and his own special prosecutor.

All this raises serious moral and legal questions, but leaving these aside for the moment, it also raises stark and troubling questions about the President's judgment of men and events, even of his judgment about how to defend himself.

How could he have picked this cast of characters and given them such power? How could he have installed this electronic listening system, bugged his own men and even visiting heads of government without their knowledge, and then talked the way he did, knowing the tapes were running?

His appointments to the Supreme Court and some of his appointments to the Justice Department, his approval of a secret investigating ring in the White House, his efforts to involve the F.B.I. and the C.I.A. in the cover-up, his misjudgment of Messrs. Agnew, Cox and Richardson, his misleading accounts of the scandals, which he then exposed by releasing the transcripts—all this and much more raise doubts about his judgment.

And the feeling here, as he backs and fills on handing over the evidence the Congress wants, and even trots out a resident priest in the White House to defend his character, is that his judgment, under pressure, is not getting better but worse.



Among the key figures at the House Judiciary Committee hearing on impeachment yesterday were Peter W. Rodino Jr., chairman; Edward Hutchinson, ranking Republi-

cans; John M. Doar, counsel; Albert E. Jenner Jr., minority counsel, and James D. St. Clair, counsel to President Nixon. Picture was taken at start, before session was closed.

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