

The White House decision to defy the House Judiciary Committee's subpoenas for additional evidence concerning the Watergate cover-up, as well as its request for evidence dealing with the I.T.T. and milk price cases, is a calculated act of arrogance.

The rationale offered by the President and James D. St. Clair, his counsel, reveals more effrontery than logic. Mr. St. Clair told reporters: "In substance, it's our view that the committee has had a great deal of information, really all it needs."

By what right does an official under investigation tell those investigating him how much evidence they need? How much is "a great deal" and how is the committee to know that it is enough?

The President in his letter to Representative Rodino, chairman of the Judiciary Committee, asserts that he is concerned about "such a massive invasion into the confidentiality of Presidential conversations that the institution of the Presidency would be fatally compromised."

As a matter of principle, confidentiality cannot be the controlling value when a committee of the House of Representatives is trying to determine whether the President and his close associates engaged in crimes and conspiracies. As a practical matter, Mr. Nixon knows that he violated confidentiality by making public partial transcripts of his conversations edited to serve his own political and legal purposes. Even if the concept of confidentiality were valid in the context of an impeachment proceeding, it has by now been too seriously compromised for Mr. Nixon to resurrect it.

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President Nixon apparently has reasons for defying the committee that go beyond mere personal whim or a disinterested concern for the welfare of his successors. He could easily foresee that his defiant posture would further weaken his position with the more conservative members of the Judiciary Committee.

His decision to withhold any further evidence—other than the transcript of a fragment of a single conversation—would appear to be based on a belief that his interests are now best served by narrowing the case against himself and by fighting with the committee on what might appear to be procedural issues.

The I.T.T. and milk cases appear to involve serious and substantial abuses of Presidential power. Either standing alone might be the equivalent of the Teapot Dome scandal of fifty years ago. Mr. Nixon apparently reckons that he can gain nothing by having his actions in those two cases further ventilated.

Disputes with the committee over how much evidence he should make available are, in any event, much more than procedural quarrels; they go to the substance of the committee's task of determining whether the President should be impeached. Mr. Nixon is underestimating his audience if he thinks the great majority of the public fails to see that point.

In relying upon an arrogant definition of his prerogatives, Mr. Nixon naturally hopes to gain more than he loses. But it is the Judiciary Committee and ultimately the whole House that is going to measure his withholding of evidence, in terms of what is impeachable conduct. Only when that judgment is reached will Mr. Nixon learn whether arrogance paid off.