

Mr. Nixon's Line...

In notifying Chairman Peter W. Rodino that he has drawn the line on furnishing any further information for the House Judiciary Committee's impeachment inquiry, President Nixon said that "a proceeding such as the present one places a great strain on our constitutional system." Mr. Nixon is right about that; but it is his arguments and his tactics, not the committee's or the courts', that are placing the greatest strains on the Constitution.

The argument in his letter to Mr. Rodino stands the Constitution on its head. His major assertion is that the principle of separation of powers requires that he resist the Judiciary Committee's effort to acquire the information it deems necessary to complete its inquiry. Acquiescence to the committee's subpoenas, he asserts, "would render the executive branch henceforth and forever more subservient to the legislative branch."

Congressional investigation and, if warranted, removal of high officials—including the President—is what the impeachment process is all about. The impeachment power is rendered meaningless without the power to conduct a full inquiry into alleged Presidential misconduct. The Constitution does not indicate that the executive and the legislative branches are to share that power. It gives it to the Congress.

Thus it is nonsense for Mr. Nixon to argue that his unilateral determination that the committee has all the information it needs should suffice and that any further requests for information seriously imperil the Presidency. Far from ransacking the White House files, the committee has been careful to justify each request for additional evidence. It has been respectful of Mr. Nixon and of the Presidency.

Yet Mr. Nixon suggests that if he were to be less resolute he would be inviting future Congresses to institute frivolous impeachment proceedings in order to subordinate the executive to the legislative branch. If Watergate and history teach anything, they teach the lesson that Congresses are not simply reluctant, they are loath to begin the impeachment process.

Mr. Nixon's argument fails not simply on law, but also on logic. If all the additional evidence the committee has requested is exculpatory, the quickest way to end the constitutional strains and to nail the lingering suspicions is for Mr. Nixon to turn over the requested material. Instead, he has chosen to point an accusatory finger at the committee as it proceeds with its constitutional responsibilities. It is he, not the committee, who is distorting the Constitution's intentions. By so doing, he is inviting the House and the Senate to draw the line on his constitutional obstruction.