

# Hogan's Declaration of Independence

Disraeli, asked to distinguish between a tragedy and a calamity, is supposed to have replied: If Gladstone falls into the Thames, that is a tragedy. If someone rescues him, that is a calamity.

Mr. Nixon's Watergate tragedy would have become a Republican Party calamity if Republicans had tried to rescue him. But Congressman Lawrence Hogan's (R-Md.) blistering declaration of independence indicates that that calamity will not occur. The White House, as usual, has been too clever by half.

It persuaded Mr. Hogan that only proof of guilt "beyond a reasonable doubt" could justify a vote against Mr. Nixon, even at the Committee level. Then Mr. Hogan announced that the evidence is more than sufficient.

Mr. Hogan's announcement was, for the White House, an experience comparable to being slugged on the base of the skull with a sock full of wet sand. The blow knocked base over apex Mr. Ziegler's argument in defense of Mr. Nixon.

Like the boy who stood on the burning deck whence all but he had fled, Mr. Ziegler is the most durable flower of the Nixon White House. But even he must have been consigned to a diet of dry toast and Vichy water after Mr. Hogan's announcement.

Mr. Ziegler, whose interest in constitutional law does not predate his employment by a White House attempting to subvert that law, has argued this line: people who favor impeachment are partisan radicals who run kangaroo courts. But Mr. Hogan does not look like a radically partisan kangaroo.

An alumnus of the FBI (no nest of radicals), ex-agent Hogan flunks the test by which the Americans for Democratic Action, a liberal lobby, rates congressmen. The ADA rates voting records on a scale from zero (liberal-conservatism) to 100 (liberal



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perfection). For his voting last year, the ADA gave Mr. Hogan a zero.

Nevertheless, Mr. Nixon sent forth his counselor Dean Burch to suggest that Mr. Hogan is a louse of the first water, and a bad Republican to boot. Mr. Burch, looking like a man who had carelessly swallowed a family of farangulas, declared that Mr. Hogan is cynically using a strong pro-impeachment

stance to help his campaign for governor of Maryland.

Even if this slur against Mr. Hogan were justified (and not even a senior White House official should assume that everybody is cynical about the law) it would be an odd line for the White House to adopt. Mr. Burch, Mr. Nixon's principal political confidante, is suggesting for all Republicans to

hear that a strong pro-impeachment stance like Mr. Hogan's probably will be popular with the voters. Less than 24 hours after Mr. Burch spoke devoutly, the Supreme Court spoke unanimously, ruling that Mr. Nixon must surrender evidence needed for trials of his former aides. This decision emphasizes that there is no safe harbor toward which Mr. Nixon can tack. But the decision itself is anti-climactic.

The Court's decision was foreshadowed in a question Justice Lewis Powell asked Mr. Nixon's lawyer, James St. Clair, during oral arguments. Justice Powell, like much of Mr. Madison's Constitution, comes from Virginia, and he asked, rather decorously: "What public interest is there in preserving secrecy with respect to a criminal conspiracy?"

The White House probably will do to the subpoenaed tapes what it did to tapes subpoenaed earlier. It will destroy portions of some, and will claim that others never existed. Then it will release the "good" ones—those that are no more damaging to Mr. Nixon than the transcripts were.

But this next batch of tapes is of limited importance, regarding Mr. Nixon's fate, because, as Mr. Hogan said, the evidence available now is more than sufficient.

All Americans, but especially Republicans, should be gratified that Mr. Nixon, in his final throes, has been reduced to attacking Republicans like Mr. Hogan. The American people need Mr. Nixon's assurance that he does indeed feel abandoned by mainstream Republicans. And the party can only benefit from that kind of testimonial.

Mr. Nixon's congressional opponents in both parties have suffered his verbal abuse stoically because they know, as Mr. Nixon (a Disraeli admirer) should know, that Disraeli was right: "A majority is always the best reparation." "A majority is always the best reparation."