

Taking Refuge

President Nixon has a strong constitutional case in refusing to testify before the Senate Watergate investigation. The committee has indeed been mindful of the separation of powers doctrine from the start, and has never made any serious move to subpoena the President.

But in politics and the practice of leadership, as opposed to constitutional law, Mr. Nixon's problem remains serious, and all the evidence suggests that he still cannot bring himself to see this problem for what it is. It is simply that allegations of serious wrongdoing have been made, though not proven, against the President and his most trusted lieutenants.

Instead of acknowledging that he understands the gravity of these charges and moving promptly to refute them in a convincing form, Mr. Nixon has only taken refuge in constitutional abstractions, in a Constitution, moreover, which he showed little reluctance to bend to his own purposes when he has felt it necessary to continue war in Indochina or hold back public funds which the Congress had duly appropriated.

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It is at least arguable that the President may have the legal right to act in this way; but is it right for him to do so if he has the slightest awareness of the need to restore public trust in himself and his Presidency? It is demonstrably true that a very large number of Americans, irrespective of party, believe that Mr. Nixon has behaved dishonestly about the Watergate conspiracy. Under such circumstances, it is hardly effective leadership to wreathe oneself in flag and Constitution and trust that all bad feeling will go away.

In his letter to Senator Ervin over the weekend, the President said that he would publicly address the Watergate accusations "at an appropriate time." That promise is certainly to be welcomed, but Mr. Nixon must realize that he has no great reserves of either time or credibility to draw upon. Normally a forthright Presidential statement would clear the air, as Americans are naturally disposed to believe the President of the United States when he says something. But what is one to think of Presidential testimony that changes to adapt to each new disclosure; of the attempt to disown an officially prepared document (the memorandum submitted for the Senate's interrogation of John W. Dean 3d) as a "White House statement" but not a "White House position"; or even of the President's own reluctant admission that he had approved a plan for clearly illegal activity, though it was presumably never put into effect?

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Because he is President, Mr. Nixon finds it inappropriate to appear before a Congressional committee. But because he is President, he should have an interest in convincing the public that he is not implicated in any criminal conspiracies. The surest way of refuting his accusers before he is convicted in the public mind by default is to submit to the same test of veracity that the accusers went through: testimony under oath, in public, with full opportunity for interrogation and cross-examination. In his own political interest, Mr. Nixon would do well to volunteer to be interrogated, perhaps by the special Watergate prosecutors or by representatives of the Congress, or both, under special conditions that all could agree upon and that would leave the constitutional prerogatives intact.

At this late stage in the Watergate crisis, it is hard to see any other way in which Americans could once again be encouraged to believe in the President.