

President's Political Risks

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President Nixon's refusal yesterday to release the secret tapes of his conversations with central figures in the Watergate conspiracy signaled a determination by the President to run the legal and political risks that Watergate poses to his long career.

It pitted the President against the Congress in a test of their separate powers and was grave enough

to move Senator Howard H. Baker Jr., the Tennessee Republican, to declare that the nation was on "the brink of constitutional confrontation."

It posed a peril to Mr. Nixon's leadership of the country basic enough to prompt Senator Sam J. Ervin Jr. of North Carolina, the Democratic chairman of the Senate Watergate committee, to assert that Watergate was a greater tragedy than the Civil War.

Yet Mr. Nixon, by the accounts of his associates, decided to risk both his current credibility and his place in history in defense of an esoteric doctrine

called executive privilege, which never has been defined.

The Constitution's separation of powers must "preclude" him, the President said, from making available such evidence as the tapes — or, for that matter, an assortment of White House documents — that the congressional investigators would read into the record of their hearings or that Archibald Cox, the special government prosecutor, might introduce in criminal trials.

"I don't think," Ervin protested, "that the American people are so interested in abstruse arguments about separation of powers or executive privilege as they are in finding answers" to questions about the President's role in Watergate.

Thus Mr. Nixon's rejection of the plea for answers represented by the tapes brought into sharp focus the risks that he was confronting.

Proponents of presidential impeachment, who have been unable so far to get more than a detached discussion among their colleagues in the House of Representatives, will be armed now with the argument that Mr. Nixon is forcing them to subject him to a trial by the full Senate — with the prospects of examination of the

President under oath — as the only way to obtain Mr. Nixon's side of the Watergate story.

The public, whose faith in the President's denials of involvement in the conspiracy has slid to the lowest level of Mr. Nixon's rank in the opinion polls during his presidency, may be tempted to join Ervin in concluding that it is "more difficult" to maintain a presumption of presidential innocence when the President is withholding the hardest evidence available.

In his curt, 212-word letter rejecting the Senate committee's professions of good intent and its interpretations of executive authority, Mr. Nixon officially made his stand on the contention that he would not establish the precedent for opening up the White House files to outside examination.

There were, however, some political considerations that entered into the President's decision to make his stand at the White House door. His associates suggested that Mr. Nixon, after a long period on the defensive over Watergate, was back in form as a combatant at his best when the going was roughest.

The rejection of the request by the senators and prosecutors may well be the opening salvo in a counter-offensive in which Mr. Nixon will seek to persuade the public that the Senate committee, with its hearsay evidence and its questions about witnesses' assumptions, had overstepped its bounds.

Furthermore, the White House officials privately expressed—and intimated that the President held—the view that adverse public opinion had "bottomed out" in the most recent Gallup Poll, which estimated that barely 40 per cent of the voters approved Mr. Nixon's performance in the White House.

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