

Meeting the Issue...

By an overwhelming bipartisan vote, the House Judiciary Committee has subpoenaed the tapes of Presidential conversations that it has been seeking. By this action, the committee met squarely the issue of President Nixon's obstruction of the impeachment inquiry.

Although professing cooperation, Mr. Nixon and his lawyers appear to be following a strategy of calculated delay, withholding information from the committee as well as the Special Prosecutor for as long as possible. Members of the committee have reacted to this strategy over the last several weeks with remarkable patience, but the recent letter of James D. St. Clair, the President's counsel, was the last straw.

The committee has been seeking 42 tapes since February 25. Yet in his letter of April 8, the most that Mr. St. Clair would say was that the matter was still under review. The key sentence of his letter read: "We expect that the review can be completed by the end of the Easter recess, and that the additional materials furnished at that time will permit the committee to complete its inquiry promptly."

That sentence was in no sense a promise to furnish all of the tapes requested. It indicated that the President continued to claim the prerogative of deciding the materials he would give and the materials for which he would claim executive privilege, a prerogative that most constitutional experts do not believe a President possesses once an impeachment inquiry is begun.

Since the date set in the subpoena is approximately the same as the end of the Easter recess, the committee's action does not mean that it will get the tapes any sooner. Inasmuch as a subpoena directed against a President is almost impossible to enforce, it may have no immediate practical effect.

But the subpoena is of high symbolic importance. It signifies that the members of the committee, Republicans as well as Democrats, are united in their belief that the President's attitude is a deliberate affront to the House that must be countered. If the members of the House are to discharge their somber constitutional duty of determining whether articles of impeachment should be drawn up against the President, they cannot permit the President to be the judge of what is pertinent evidence in his own case.