

No Scarlet Letter for Mr. Nixon

By Tom Wicker

The carefully nurtured bipartisanship of the House Judiciary Committee is breaking down under the political strains of the Nixon impeachment inquiry. That will be no news to Ken Clawson, Pat Buchanan and other White House sources who have created and exploited discord with their charges that the committee Democrats and Chairman Rodino are prejudiced, unfair and out for Richard Nixon's scalp.

This line of pious, pouting protest—or should it be pouting, pious protest, Spiro?—destroys bipartisanship rather than aiding it. And the real danger is that the Democrats will retreat under the barrage, toward that kind of mushy Congressional "compromise" that represents something everyone can agree on because no one can object to it. Members of Congress can produce such compromises as easily as rabbits produce rabbits, and the outlines of one can already be seen in the talk of "censuring" Mr. Nixon.

In fact, not many fair-minded persons, studying the whole record of the Judiciary Committee, will accuse its majority of excessive partisanship or a blatant attempt to "get Nixon." The committee has allowed Mr. Nixon's facile attorney, James St. Clair, to participate in its proceedings; it tolerated Mr. Nixon's refusal to produce tapes and other evidence until it had no choice but to produce subpoenas; and it has tolerated his refusal to honor the subpoenas without undertaking contempt procedures.

Mr. Nixon's maneuverings and "stonewalling" have caused the committee to move more nearly at his pace than on the schedules it futilely sets for itself. With minor exceptions, Republican members and Mr. St. Clair have had no cause to complain of the

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conduct of the inquiry itself, or of their participation in it. Set against this record, the news leaks about which the White House has complained, sometimes with reason, and Mr. Rodino's unwise prediction of the Democratic vote for impeachment (which he denies having made), are shaky causes for charging partisanship or witch-hunting.

Nevertheless, it is true that if the committee can make a recommendation to the House that is broadly supported by both Republicans and Democrats, that recommendation is more likely to be adopted by the whole

House, again with members of both parties voting for it. That, in turn, would produce more public confidence in the rightness and fairness of the action; if such a bipartisan vote were for impeachment, it also would make it more likely that the Senate would convict Mr. Nixon on the charges.

But bipartisanship can be had at too high a price; certainly that would be the case if the committee could make a bipartisan report to the House only by recommending that Mr. Nixon be censured for certain of the acts alleged against him. Censure would be worse than nothing. It would impute some degree of guilt to Mr. Nixon without finding him guilty; it would punish him only with the resolution of censorship, which would be rather like branding him with a scarlet "P" for plumber; and it would leave him in office for two more years, to some degree disgraced, but deprived of none of his institutional powers and duties.

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For the country, censure would be "the worst of two worlds," as Representative John Rhodes, the House Republican leader, observed. It would give no final answer to most of the questions of Mr. Nixon's guilt or responsibility; it probably would not satisfy either his defenders or his detractors; worse, while his underlings were being found guilty or not guilty by juries of their peers, the President of the United States would be found not quite guilty, not quite innocent.

For Mr. Nixon, censure might be acceptable if he wanted nothing more than to cling to office—as sometimes seems to be his goal; but it could hardly be a satisfactory outcome for a man who has steadfastly protested his innocence of wrongdoing, and whose penchant for "firsts" could hardly include "first President to be censured."

For those members discussing censure, of course, it would be a way to avoid the hard question whether Richard Nixon has committed impeachable offenses. Yes, they could say to those who believe him guilty, let's censure this bad guy; but no, they could say to his supporters, there's no need to impeach.

Mr. Nixon and the country deserve better than that. Both are entitled to ask that the members of the Judiciary Committee and of the whole House give an honest answer to an honest question, which it is their constitutional duty to ask: Did Richard Nixon, or did he not, commit offenses for which he ought to be impeached? If they think the answer is no, that is the only answer they should give.