

The Nixon Shield

To the Editor:

President Nixon's May 23 statement raises more questions than it answers, and attempts to shield from inquiry matters critical both to the assessment of responsibility for Watergate and the future of constitutional government.

According to the statement, Mr. Nixon on June 23, 1970, approved a plan for domestic intelligence operations that included "breaking and entering, in effect—on specified categories of targets in specific situations related to national security." This approval was rescinded because of F.B.I. Director Hoover's objections, but five months later Mr. Nixon created the Intelligence Evaluation Committee, and six months beyond that he created the Special Investigations Unit, which carried out the burglary of the office of Daniel Ellsberg's psychiatrist and other as yet unknown activities, perhaps including the Watergate burglary.

The President's statement does not delineate with any specificity the activities undertaken or authority given the Intelligence Evaluation Committee and the Special Investigations Unit and particularly whether they had implied or expressed authority to conduct "breaking and entering . . . on specific categories of targets" and whether they did so. Further, it does not delineate the "categories of targets" the President authorized for breaking and entering on June 23, 1970, which may

well have been the authority for all that followed. In this connection, it may be significant that with respect to the Watergate burglary Mr. Nixon says only that none of the activities took place with his "specific" approval and knowledge.

Breaking and entering into the offices and homes of American citizens is repugnant to our concept of citizens' rights. Where it is done without search warrant or other color of law except the executive's judgment that national security is involved, it is the activity of a police state, not a constitutional democracy. Indeed, the revelation that this occurred is the most chilling aspect of the Watergate affair and presents a clear and present danger to our system of government.

In this context, Mr. Nixon's attempt to separate from Watergate and shield from inquiry activities of the Government done allegedly for national-security purposes must be rejected. First, it may be impossible to understand or assess responsibility for Watergate unless all its antecedents are known. Second and more important, the full range of possibly illegal Government activities against American citizens must be investigated to insure that our constitutional system has not and will not be subverted.

No alleged danger to national security can take precedence over such an inquiry.

ROGER L. WALDMAN
New York, May 23, 1973

'A Dangerous Vacuum'

To the Editor:

If you are right in your editorial assertion (May 30) that "the Constitution and traditional practice make it clear that a President may not be subpoenaed to testify before a grand jury or in a trial," it would appear to me some constitutional revision is required. For one thing, such a sweeping dictum makes no distinction between the acts of a President in carrying out his Presidential duties, as to which it seems proper that he should be forced to answer only to the Congress, and his acts as an ordinary citizen.

While it may be difficult in the Watergate situation clearly to separate the President's activities as President from his activities as a candidate for the Presidency (certainly Nixon himself has had plenty of trouble on this score), surely no candidate for public office should be allowed to escape questioning as to the legality of his means of seeking such office by claiming executive privilege.

The President is either above the law or he isn't. Most Americans would like to believe the latter, and your editorial makes it clear that you share this view. But is the impeachment process the only way of bringing the President under the law? If there isn't a better, simpler way than invoking this drastic, highly political process, then this dangerous vacuum ought to be filled.

CHARLES W. V. MEARES
New York, May 31, 1973