

Some Possibilities For the President



Tom Wicker

PRESIDENT NIXON has got himself, as the old saying goes, between a rock and a hard place. He is permitting himself no convincing means of refuting what Senator Howard Baker called the "mind-boggling" testimony of John W. Dean III; but if that testimony is allowed to stand, it pictures Mr. Nixon as guilty of precisely the kind of "high crimes and misdemeanors" that require impeachment.

Constitutionalists differ on the matter, but Mr. Nixon probably is right, historically speaking, to reject in advance a Senate subpoena; that would set a precedent that might haunt future Presidents on many matters far different from Watergate.

He may also be right in precluding a voluntary personal appearance before the Ervin committee, but not on any apparent constitutional grounds, as Senators Sam Ervin and Baker have made clear. Whatever his reasons, this decision denies Mr. Nixon what would be the quickest and most effective means of refuting Dean — if he can be refuted.

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MELVIN LAIRD is promising a presidential news conference, and that would help, but no one knows better than members of the press that a news conference is at best a disorganized, noisy, competitive, frequently frantic kind of business at which the right questions might well not be asked, much less answered.

It can be no real substitute for planned, comprehensive, detailed cross-examination — and Ervin has made the point that such examination is by all odds

the best means of testing "the credibility of a witness."

A televised presidential speech is another possible response; so is the issuance of a detailed written statement. Both would lack the essential element of cross-examination but both would gain if accompanied by documentary evidence. Either would still be open to the charge of being a "contrived" defense not subject to direct challenge by Senators or lawyers.

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AS FOR THE forthcoming testimony of H. R. Haldeman and John Ehrlichman, while presumably they will be cross-examined by the Ervin committee, it must clearly be as much in their own defense as that of the President, and therefore might not be convincing.

If anything is clear so far, it is that whatever the President knew about Watergate and the subsequent cover-up, he knew it mostly through these two guardian associates, who kept him so isolated from everyone else. To insist on their own innocence, they are all but bound to insist on Mr. Nixon's, too.

So far, Mr. Nixon's various efforts to defend himself have been — in the opinion of many lawyers — blundering and self-defeating.

From an original position of absolutely no knowledge, he has had to concede considerable knowledge, whether or not it was guilty knowledge, and has had to plead that actions he took that might appear as part of a cover-up were dictated by "national security" considerations not so far substantiated by anyone.

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