

Voluntary Appearance

To the Editor:

Richard Nixon's failure both to appear before, and to release Presidential papers to the Senate Select Committee on Presidential Campaign Activities strongly implies his involvement in the Watergate plan and/or the subsequent cover-up. In explaining his present actions, Mr. Nixon insists upon his obligation to prevent "irreparable damage . . . to the constitutional principle of separation of power."

Such insistence is implausible coming from one whose recent actions have directly violated this constitutional principle. Specifically, I first refer to the United States invasion of Cambodia in 1970 without a declaration for such action by the Congress—a direct violation of Article I, Section 8 of the Constitution. Second, the impoundment of funds by the President again infringes upon the Congress's power, in this case to appropriate and authorize Government expenditures.

Nevertheless, despite Mr. Nixon's hypocrisy, it would indeed be constitutionally inappropriate for the President to be subject to a Congressional subpoena. This does not, however, prevent him from appearing voluntarily before the Ervin Committee, and he can do so without establishing precedent for the Congressional subpoena of Presidents. In fact, there is nothing in the principle of the separation of power which precludes cooperation between the executive and legislative branches of our Government. Indeed, the current political situation is so sordid and the position of the Presidency so clouded that every conceivable effort should be made to clarify and clean up both matters. This, in my opinion, is Richard Nixon's real opportunity to help his country and himself. If he is truly innocent, he and we have everything to gain. Yet failure to testify can only imply guilt on his part.

KENNETH I. JUSTER

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