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The Dangling Man

By William V. Shannon

WASHINGTON, July 17—In the Watergate catastrophe that has engulfed him, Mr. Nixon is fighting desperately against two separate but interrelated dangers. As an individual, he has to defend himself against highly detailed charges that he is guilty of obstructing justice and of other crimes. As President, he has to cope with a crisis of public confidence in his Administration and its ability to govern.

The heart of Mr. Nixon's dilemma is that because of his need to protect himself as an individual against possible criminal charges, he cannot take the necessary actions as President that would end the crisis of confidence. Only he knows the exact degree of his own involvement in each of the multiple ramifications of Watergate. But, if he had no worries about personal complicity, he could indignantly denounce the former Cabinet members and White House aides who betrayed his trust, open up the White House files and his own taped conversations unreservedly to the Ervin committee and Special Prosecutor Archibald Cox, and make a clean break with the past.

Public sympathy would go out to him as a man wronged by those he trusted, and he would be able—weakened but still very much a functioning President—to turn his attention to domestic inflation, the speculative run on the dollar, and the nation's other problems.

But Mr. Nixon cannot afford a clean break with the past. He cannot denounce those former Cabinet members and White House aides because one or more of them may be able to corroborate part or all of the staggering indictment leveled against him by his former counsel, John W. Dean 3d.

Repeated efforts have been made to vilify Mr. Dean and to impugn his credibility but except for minor discredibility, but except for minor discredited.

Now that it is publicly known that tapes exist of all the disputed Nixon-Dean conversations, the President finds himself in an impossible situation. The tapes must in some way be incriminating. Otherwise, it is hard to believe that the White House would not have made them available immediately after Mr. Dean's testimony and thereby delivered a crushing, unanswerable rebuttal.

Mr. Nixon can use those Presidential

powers which he can still deploy, notably executive privilege concerning White House documents and tapes, to protect himself. If executive privilege applies to anything, it surely applies to tapes of a President's own conversations.

But would the Supreme Court uphold a claim of absolute executive privilege when the documents in question may be evidence of a crime? It is absurd to contend that litigation over this question might be tied up in the courts for years. When the issue is of overriding importance, the Supreme Court can act quite promptly. It disposed of the Pentagon papers case in ten days.

Aside from the courts, there is Special Prosecutor Cox standing athwart Mr. Nixon's path like Nemesis. If Mr. Cox requests the tapes, is turned down, and then resigns in protest, the President would lose heavily with public opinion. His position would be untenable if he were perceived as withholding evidence which would clear up the mystery hanging over his Administration.

Meanwhile, he and his lawyers still have to worry about the testimony of his former associates. He can afford to have them depict him as ignorant, incompetent, careless, astonishingly naive—anything so long as they do not back up the Dean charges about his personal knowledge and involvement. That is why Mr. Nixon hurriedly disavowed the hostile questions concerning Mr. Mitchell that were prepared in the White House and asked by Senator Inouye. The President cannot risk offending Mr. Mitchell.

Mr. Nixon is a dangling man, his fate in the hands of others. As long as he dangles, he cannot work his way out of the crisis in which the American Government is caught up. He may not even be able to save himself. He has to keep six lawyers on the White House staff working all or part of their time preparing his defense. He has to avoid the press for fear that he might inadvertently divulge some incriminating detail.

Mr. Nixon can get away with these defensive maneuvers with the ordinary public, at least for a considerable time. Most Americans are understandably ambivalent about the President's conduct and what to do about it. Nothing in our experience or in the history books prepared us to respond to a Watergate Presidency. Mr. Nixon, however, cannot rely upon the passage of time and the uncertainty of ordinary citizens to save him. The Ervin committee and Mr. Cox know what evidence they are looking for and press their search.

The crisis worsens. Meanwhile, the witnesses testify. The President dangles. And the country waits.

William V. Shannon is substituting for Jane Reston, who is on vacation.