

# White House Strategy

## Partisans Feel Nixon Acted Shrewdly Despite Attorney General's Departure

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WASHINGTON, Oct. 21—It was not the kind of day for impeaching a President.

The sky was a clear blue, with just enough clouds to keep the blue from being monotonous. The air was clean and crisp, as it should be in October—football weather.

And almost everybody in Washington who might have any information or any opinion about President Nixon and the Watergate case seemed to be out at Robert F. Kennedy Stadium, watching the Washington Redskins beat the St. Louis Cardinals.

But at least one man was on the job: Prof. Charles Alan Wright, the President's constitutional lawyer. He was at his desk in the White House, drafting legal documents.

Other members of the White House staff, those closest to the President, were also on the premises, holding strategy meetings.

The situation their strategy was supposed to deal with was this:

In all its four years and eight months, the Nixon Administration had never seemed shakier than it did this morning, when America woke up and read the Sunday papers.

In just a few dazzling days, the Vice President had resigned, the special Watergate prosecutor had been dismissed, the Attorney General had quit in protest, and the Deputy Attorney General had also been discharged.

Before that, the President's two most trusted advisers had left their jobs in the White House, two former members of the Cabinet had been indicted, the President's counsel had pleaded guilty to conspiracy to obstruct justice, and a host of other greater and lesser officials of the President's Administration and his 1972 re-election campaign had faced criminal charges.

The President himself seemed to be defying the judiciary by refusing to turn over to the courts tape recordings of conversations in his offices about the Watergate case, thus practically inviting impeachment.

The constitutional crisis that everybody has tried to avoid appeared to be at hand.

### 'Holes in a Dike'

Some familiar with the White House under previous administrations said: "Nixon is like a man desperately trying to plug

the holes in a dike. Pretty soon it's going to break, and he may be swept out to sea with it."

The President's own partisans did not see it that way. They felt he made a shrewd move when he offered to make available to the Federal District Court a summary of the Watergate tapes, arranged for Senator John C. Stennis, a Democrat, to verify the accuracy of the summary, and dismissed the Watergate prosecutor, Archibald Cox, because he would not go along with the arrangement.

They had not counted on Attorney General Elliot L. Richardson's resigning, because he had proposed the tapes compromise to Mr. Cox in the first place. Nor had they expected he would be followed out the door by William D. Ruckelshaus, the Deputy Attorney General.

### White House Confident

The departures of those symbols of rectitude, however, did not destroy the confidence of the White House in the President's maneuver.

Professor Wright said today he hoped Federal Judge John J. Sirica would rule that the Stennis-monitored summary of the tapes constituted "adequate compliance" with the decision of the United States Court of Appeals for the District of Columbia that the tapes must be surrendered to Judge Sirica for his examination.

Melvin R. Laird, counselor to the President, made the same point today on the National Broadcasting Company's television program "Meet the Press" when he said he believed Congress would be satisfied with the "product" produced by the White House and Senator Stennis.

Tapes of nine conversations had been subpoenaed by Mr. Cox. He intended that relevant portions of them—chosen by Judge Sirica—would be given to the grand jury investigating responsibility for the break-in at the Democratic National Committee's headquarters in the Watergate office building on June 17, 1972, and related matters.

The tapes compromise, which Mr. Laird called a "tremendous victory" for Mr. Cox, but which the special prosecutor obviously did not regard as such, was

of course not the only matter at issue between the President and his critics.

There were moral, political and constitutional issues, as well as the simply legal one.

The moral issue was dramatized by the two "Messrs. Clean," Richardson and Ruckelshaus, who would presumably rather be right than Attorney General. They sided with Archibald Cox, who said last night, "Whether we shall continue to be a government of laws and not of men is now for Congress and ultimately the American people [to decide]."

The American people have yet to be heard from. When they last talked to George Gallup's pollsters, only 30 per cent of them expressed approval of the way President Nixon was doing his job, 57 per cent disapproved, and 13 per cent were undecided.

Mr. Nixon's action yesterday did not, on the face of it, seem calculated to improve the President's percentage.

Those members of Congress who were available—given the weekend and the weather—also did not appear, in the majority, to be pleased. But, with them, the question is whether they were displeased enough to do anything.

"Anything" might include impeachment, which has been talked about more seriously in the last 24 hours than ever before. According to the Constitution, the President may be impeached for "high crimes and misdemeanors."

### Pragmatic Definition

Legal scholars disagree on what is an impeachable offense, but Representative Gerald R. Ford, minority leader of the House of Representatives and Vice President-designate, had a pragmatic definition when he was proposing the impeachment of Associate Justice William O. Douglas of the Supreme Court in 1970.

He said that "an impeachable offense is whatever a majority of the House of Representatives considers [one] to be at a given moment in history."

One wonders whether one coordinate branch of Government (Congress) would consider it an impeachable offense for another coordinate branch (the executive) to ignore the orders of a third coordinate branch (the judiciary), and whether the House would think it an impeachable offense for a President to dismiss a subordinate, especially if the subordinate were investigating the President himself—and on such a nice October weekend.

\* "The White House ... said Friday night [19 Oct] that the compromise had been forwarded by Richardson and sought to give it his imprimatur."

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