

What Better Forum?

By Anthony Lewis

WASHINGTON, Dec. 5—The witness swore to tell the whole truth, and counsel began his examination:

"General Haig, where are you employed?"

For just a moment in Judge John Sirica's courtroom there was the flickering illusion of an ordinary judicial proceeding. Alexander M. Haig Jr. described his education, his career, his position at the White House. Then we were back in the surrealist drama of the tapes.

President Nixon was "very, very disturbed," General Haig said, when he was told that a White House tape with an eighteen-minute gap was one that had been subpoenaed. His counsel, Fred Buzhardt, was "gravely concerned" at finding that he could not explain the gap. For General Haig himself "that was a very shocking piece of news."

So it went. With infinite patience the lawyers sought from General Haig and others on the White House staff explanations for the inexplicable.

Watching that remarkable scene—a great nation's most sensitive political mystery being explored in a courtroom—one felt conflicting feelings.

There was, first, renewed respect for the process itself: for the very ordinary business of lawyers beginning at the beginning and going on with their questions in the painstaking effort to construct a mosaic. And all that under the benign control of the one class of public figure who unquestionably does still command respect in this country, a Federal judge.

Certainly there is something about Judge Sirica's courtroom that seems to humble the mightiest. Perhaps it is

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just awe of the legal process. Or perhaps it is apprehension at the possible penalty for abusing that process.

There was a striking example the other day in the person of one Lawrence Higby, who worked for the fallen H. R. Haldeman and is still around the White House. In the Haldeman days Mr. Higby was a tough customer, a regular Macheath with a knife between his teeth. Or so it would seem from a memo he wrote, one of a number of once-secret internal White House papers on how to attack the media.

"We need to get some creative thinking going on an attack on [Chet] Huntley [of N.B.C.] . . ." Mr. Higby wrote in those days. "We don't care about Huntley—he's going to leave anyway. What we are trying to do here is to tear down the institution."

In the witness chair before Judge Sirica, Mr. Higby was a Milquetoast character with glasses who could hardly have been more deferential. He addressed Mrs. Jill Volner, the 30-year-old assistant special prosecutor, as "Ma'am."

But if respect for the judicial process was one strong feeling conveyed, there was also a sense that in these hearings there was something curiously askew. It was not just the confusion in the courtroom, which at one bizarre moment had Rose Mary Woods questioning the judge. More important was the inescapable thought that the company was playing "Hamlet" without Hamlet.

The issue in this drama is the honesty of the President of the United States. When the lawyers question Miss Woods about which button she pushed or which leg she stretched, it is Richard Nixon's good faith that really matters. But he is only a specter in the courtroom, a man not there undergoing the process.

The President has evidently kept his distance not only symbolically from the courtroom but actually from his lawyers—and with devastating effects on them. Again and again they have been caught unprepared for some bombshell in the case of the tapes. One reason appears to be that they have not been able to do what every lawyer knows he must: talk the case through with his client.

One Washington lawyer put the problem this way:

"It always may be awkward to talk to a client in trouble, but you do it. He says he is innocent. You reply that you have complete faith in him but you have to be prepared to answer questions from the other side. Now could he please explain points 1, 2, 3, 4 . . . ?"

"But this client is the President of the United States, and many lawyers would just be hesitant to push hard at a client who was so important and so busy. Only there is an alternative in the end if any client will not level with you: Tell him you will have to withdraw."

It is an imperfect way, then, to decipher the Nixon mystery. But somehow, even with the gaps and the flaws, this courtroom is conveying essential truths to the country. Its process is better than any other yet visible: more careful, more persistent, more unchallengeably honorable. Judge Sirica was surely right when he urged Rose Mary Woods to help him find out the truth. "What better forum is there than this one?" he asked.