

# L'Etat, C'est Moi

By Anthony Lewis

BOSTON, March 20—When the broadcasters in Houston asked President Nixon about his attitude toward the impeachment inquiry, he answered with many words and much emotion. But he was really putting two very simple propositions:

1. He, Mr. Nixon, will define what are impeachable offenses under the Constitution.

2. He will give the House Judiciary Committee only such evidence as he, Mr. Nixon, decides is relevant to impeachable offenses listed by the committee.

"I am suggesting that the House follow the Constitution," he said. "If they do, I will." His meaning could hardly have been plainer. The Constitution is what he says it is. In seeking information for impeachment, Congress must follow his rules.

That has been Mr. Nixon's attitude toward all phases of the Watergate investigation. It is exactly a year now since the cover-up began to unravel. In that time he has consistently and determinedly fought against disclosures of the facts. He has treated questions of evidence as questions of his power.

When the Senate Watergate committee wanted to ask questions, Mr. Nixon tried to keep all present and former members of the White House staff from testifying, abandoning that position only when the heat became too intense. He declined to answer questions himself and blocked the committee's request for tapes and other evidence.

When the grand jury sought the tapes, Mr. Nixon and his lawyers first claimed that he was not even subject to legal process. Then they argued that

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he had an absolute right to withhold any evidence that he, Mr. Nixon, decided was privileged.

It might be a little unpersuasive to make the same assertions of absolute power so boldly against the impeachment process. So Mr. Nixon is trying to obscure his strategy now behind a smokescreen of fantasies about history and about his own production of evidence.

"I am following the precedent that every President . . . since the time of Washington has followed," Mr. Nixon said when asked about supplying impeachment evidence. That was fantasy indeed. There is no precedent, and no basis in the Constitution, for withholding information from an impeachment inquiry. Five American Presidents, beginning with George Washington, have said that they would be obliged to disclose what Congress requested for impeachment purposes.

Washington was asked by a House Resolution in 1796 for papers relating to the Jay Treaty. He declined to turn them over, saying that treaties were the business of the Senate—to which he had already given the documents. He said they were not "relative to any purpose of the House . . . except that of impeachment: which the Resolution has not expressed."

At the same time Mr. Nixon claims publicly that he has cooperated lavishly and "voluntarily" with the House committee and the special prosecutor, Leon Jaworski. This is a brazen untruth.

Mr. Jaworski has been turned down on requests for more than 27 tapes relating to specific criminal offenses, many of them touching on critical episodes. Among the matters involved are the Watergate cover-up itself, the activities of the White House plumbers, the sale of ambassadorships and the dairy campaign fund.

In fact, Mr. Nixon has given Mr. Jaworski relatively little of value except for the tapes and documents produced under the pressure of public outrage last fall. Similarly with the House committee: It got the material turned over to Mr. Jaworski only because Mr. Nixon and his lawyers saw no effective way to resist that.

Finally, among these fantasies being propagated, there is Mr. Nixon's claim that the House Judiciary Committee wants "to go through all of the files of the Presidency," as he put it to the broadcasters—"bring your U-haul trailer and haul it all out." To the contrary, the committee has been limited and precise in requesting 42 specific tapes around the crucial cover-up period a year ago.

The misrepresentations of history and current events may conceivably affect some in the television audience. But in the House of Representatives, the game is up. More and more members understand that Mr. Nixon is desperately trying to conceal the evidence. They understand, too, that accepting his view of impeachment would make him not only the accused but judge and jury. Then the American President would really have the absolute power that Mr. Nixon wants.

The ominous logic of Mr. Nixon's claims could lead him to argue, even after impeachment and conviction, that the process was "unlawful." Nothing can be excluded in a man so intent on identifying the fate of the Presidency and the American system with his own. We should not underestimate the danger of reckless action from a desperate man. But there is no way now but for Congress to press on with the process of impeachment. It will.