

The Reason Why

By Anthony Lewis

ABROAD AT HOME

BOSTON, March 24—Why has President Nixon carried to such an extreme his struggle against supplying evidence to the impeachment inquiry?

Suppose a business executive behaved that way when the grand jury sought specified company records: Stalled for weeks, made speeches saying the grand jury had enough evidence already, denounced the jurors as children who wanted more before cleaning their plates, and demanded the right to have a third party go through the records and pick out items relevant to crimes that he thought the grand jury should be investigating. People would wonder why he was on a course so provocative and risky.

Suspicion and puzzlement are rising as Mr. Nixon's resistance goes on and his spokesmen grow shriller in their denunciation of those who want the facts. Mr. Nixon resisted Archibald Cox's demands for the evidence until Congress and the country came down on his head, and then again he resisted Lem Jaworski. He has resisted and tainted the House Judiciary Committee in its impeachment inquiry. Why?

Lawyers' tactics may be partial explanation. Defense lawyers usually regard as helpful any maneuver that cases delay, and in this case every day's delay is another day in office for Mr. Nixon. His counsel, James St. Clair, could also reckon that the House Committee, after a long struggle over its first request, might be too wary to ask for more.

But the tactics are so risky that Mr. St. Clair's client surely has further reasons. The common-sense reaction is that Mr. Nixon must have something to hide.

One thing could be more gaps on the tapes, like the famous wiped-out ½ minutes of June 20, 1972. Since Mr. Nixon has said that all the tapes were under his "sole personal control," the finding of any more gaps would strengthen the belief that he or his associates have tampered with the evidence—and done so on the cold-blooded calculation that discovery of the tampering would be a lesser evil than letting the evidence be heard.

Another thing to be concealed could be the tapes themselves, and what they reveal of Richard Nixon's character. If and when they are played for a general audience—the Judiciary Committee, the House itself, the Senate at a trial of the President, or at any stage the public—Mr. Nixon may not appear an attractive figure. Henry Brandon of the London Sunday Times, by no means a Nixon critic, wrote last January that a person who had heard some of the tapes thought:

"The language the President uses in private, the harsh way he berates other people within the four walls of his office, the mean way he thinks about manipulating them, could arouse such public disgust"

There may be an even more significant reason for the desire to hold back the original tapes. They could contain tell-tale phrases—clues that would lead a trained investigator familiar with this record to crimes as yet unknown. Some people do think that there are still undiscovered White House horrors, to use John Mitchell's words, of a different and perhaps even worse kind.

That last possibility would fit in with Mr. Nixon's determined effort to limit the definition of impeachable offenses. In public he has spoken of "Watergate" as if that word encompassed only the original break-in and the cover-up, when in fact the matters being investigated include such things as the White House plumber operation and possible tax fraud. Holding the inquiry to a few agreed subjects would let the White House limit its evidence to those, avoiding other embarrassing areas.

The Nixon notion of having a third party hear the tapes and produce an edited transcript of "relevant" passages would also fit in here. No one outside the staff of the special prosecutor or the House Committee would be likely to know the ground well enough to pick up fragmentary leads. A laundered transcript would be much safer.

If there is still incriminating evidence in the White House files, it is much more dangerous to Mr. Nixon now than when the horrors began emerging a year ago. Congress is watching more closely. And Mr. Nixon has a lawyer, James St. Clair, whose character and reputation insure that he would expose any fiddling of which he became aware.

For all these reasons, evidence remains a crucial concern of the House Judiciary Committee. It is indeed a test of our system's ability to deal with abuse of Presidential power.

Mr. Nixon has argued that the President, alone in this country, is exempt from the general duty to provide evidence to the courts and to Congress. But impeachment is the ultimate constitutional forum, to which a President must answer. By its very nature, an impeachment inquiry is entitled to all the evidence that it—not the President—deems necessary. The House Committee has wisely been polite and careful in its demands. But in the end it cannot yield its right to evidence without risking our constitutional balance.