

By William V. Shannon

WASHINGTON, April 22—If impeachment were solely a matter of politics, President Nixon might well be able to work his way out of the many difficulties now closing in on him. But the question of his impeachment is inextricably entangled with the neutral and inexorable processes of the legal system.

Once those processes begin to move—with prosecutors assembling evidence and grand juries hearing witnesses and judges ruling on pre-trial motions—there is no safe way to halt them. Any attempt to do so multiplies the risks and makes much worse whatever the original crime might have been.

In the Watergate case, perjury, destruction of evidence and the bribery of witnesses have all been alleged. These are peculiarly judicial offenses because they strike at the fair and honest functioning of the courts. They are crimes that judges and lawyers are least likely to condone or treat leniently.

There would be no movement toward impeachment if it were not for the mounting suspicion that President Nixon is implicated in these crimes against the integrity of the judicial process.

At each critical turn in the last year, it has not been the politicians or the press or the public who decided the course or pace of events. It has been the special prosecutor or a judge, or, more recently, the House Judiciary Committee, a body made up entirely of lawyers and acting in a quasi-judicial capacity.

And the rules that have governed the actions have been rules of evidence and procedure laid down by law or legal custom. The rules have not been influenced in any significant way by politicians trying to arrange practical compromises or by public relations men trying to project images or by pollsters reporting the shifting currents of public opinion.

Mr. Nixon, a lawyer himself, early recognized the nature of his problem. Last October he fired Archibald Cox, sought to end the office of special prosecutor, declared that no more evidence would be forthcoming from Presidential files and ordered the Watergate investigation subordinated once more within the confines of the Justice Department. The "Saturday night massacre" was the President's desperate effort to break free from the legal toils entwining themselves about him. The failure of that effort doomed Mr. Nixon to a defeatist policy of step-by-step retreat.

Everything he has done since that time has been secondary or irrelevant in solving his real problem. Operation

Candor, a news conference at Disney World, twirling a yo-yo in Nashville, campaigning for a G.O.P. Congressional candidate in Michigan—none of these makes much difference.

Even if the Republican candidate had won last week's special election in Michigan, for example, it would only have buoyed the morale of the President and his supporters for a brief time. It would in no way have affected the subpoenas issued by Special Prosecutor Leon Jaworski or the decisions to be made by various judges or the judgments being reached by grand juries and trial juries that are now hearing evidence. It is these legal actions that are closing the circle around Mr. Nixon and determining public and Congressional opinion.

There has been a cynical and too easy assumption that the impeachment inquiry would founder on partisan disagreements in the House Judiciary Committee. But the conduct of the members of the committee thus far has belied that assumption. Seeking evidence and encountering evasion, they voted by an overwhelming bipartisan margin to subpoena it. Republicans and southern Democrats would like to be sympathetic to the President in his difficulties, but they understand the duty of a person under investigation to provide evidence. In short, they are lawyers first, partisans second.

When he failed to break the back of the investigation last October, Mr. Nixon did the next best thing. He hired a good lawyer, James D. St. Clair. Notwithstanding the predictable cant about defending the Presidency and not the President, Mr. St. Clair is doing everything that a skillful lawyer can to protect the interests of a client who has serious legal problems. If, as is now expected, Mr. St. Clair is allowed to intervene in the committee's development of the arguments for and against impeachment, he may well delay a committee decision by some weeks.

What he cannot do is alter the weight of the evidence. If that evidence were favorable to Mr. Nixon, then the committee and Mr. Jaworski would not have to issue subpoenas to obtain it. Since the members of the committee are likely to be guided by the weight of the evidence, a recommendation for impeachment is probable. Coming with the support of a substantial number of Republicans on the committee, such a recommendation would be conclusive with the whole House.

There is no way back on the narrowing road that President Nixon now must walk accompanied by crowds of witnesses, lawyers and robed judges.

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