

# The Tightening Coils

By Tom Wicker

IN THE NATION

If anything, the House Judiciary Committee has seemed over-cautious in its inquiry into the possible impeachment of Richard Nixon; but the undeniable result has been that the committee has remained reasonably unified across party lines, and mostly immune to the criticisms and counter-offensives of the White House. Now the committee staff has made another good move in recommending to the members that the scope of the inquiry be greatly scaled down from the 56 original allegations.

The real meaning of this decision is that the coils are tightening around Mr. Nixon. When the Judiciary Committee inquiry began, no one could be quite sure where it would lead, what the special prosecutor was doing, how Mr. Nixon would cooperate and respond, what further disclosures might be made. The situation was amorphous and fluid, and the committee had little choice but to take as broad a view as possible of its responsibilities. No wonder that to some—particularly the White House—the committee at first appeared to be on a sort of fishing expedition for anything it might find.

Months later, Mr. Nixon's situation is much more clearly defined. His defense has been almost definitely that of a man with something—perhaps a good deal—to hide. Numerous indictments have centered on certain aspects of the case. The shocking income tax disclosures have been made. The committee itself, and its staff, presumably are much more knowledgeable about impeachment precedents and procedures, and have a clear view of the available evidence.

As any good prosecutor—there is no use blinking the fact that that is essentially the Judiciary Committee's role—would do, the committee is moving to bring not necessarily the most serious charges but those most likely to be considered impeachable offenses by the House, and those most capable of being proved against Mr. Nixon in a trial in the Senate.

Thus, it now appears that there will be no serious effort to write a charge that Mr. Nixon unconstitutionally impounded Congressionally appropriated funds, or that he improperly tried to dismantle the Office of Economic Opportunity; he may well have done both, but each is so nearly within the executive powers and prerogatives Congress has accepted—sometimes encouraged—in the past that it would be difficult to picture such actions now as "high crimes" or even "misdemeanors."

On other, equally sensible grounds, there probably will be no charges that Mr. Nixon was involved in the accept-

ance of campaign contributions in return for Government favors. There is reason to suspect that some of this favor-buying was going on, and it is true that a President sets, or ought to set, the ethical level of his Administration. Still, it would no doubt be extremely hard to prove that Mr. Nixon himself accepted or caused to be accepted money in exchange for Government favors.

Apparently, no decision has as yet been made to end the inquiry into whether Mr. Nixon acted unconstitutionally in ordering the secret bombing of Cambodia. If he did, that might be the single most serious "high crime" that could be alleged against him; yet, the limits on a President acting as Commander in Chief are so unclear, and the precedents so varied that it probably would be impossible to get an impeachment, much less a conviction, on that issue.

Even the question of Mr. Nixon's taxes may not be entirely fit for an impeachment charge; so long as it remains essentially a dispute between the Internal Revenue Service and a big taxpayer on the nature and validity of his deductions and his reporting of income, it is embarrassing but not culpable. If, on the other hand, evidence of deliberate taxpayer fraud is found by the I.R.S. and forwarded to the Judiciary Committee, tax evasion could be the most damaging charge.

But the Judiciary Committee seems to be moving toward a sensible recognition that the heart of the matter really lies in two rather specific allegations: (1) that Mr. Nixon knew of and participated in the cover-up of high Administration complicity in the Watergate burglary, and thus not only obstructed justice but violated his sworn duty to execute the laws; and (2) that by establishing the so-called "plumbers" as a secret and unauthorized police and investigative unit in the White House, Mr. Nixon caused or permitted numerous constitutional guarantees to be violated. His *ex parte* approach to the judge in the Ellsberg trial, and his approval of an "internal security" plan that shattered the Bill of Rights, could well be other particulars in a general charge that Mr. Nixon sought not to uphold but to subvert the constitutional rights of citizens.

That kind of conduct—violating the law, subverting the Constitution and breaking an oath—if it could be proved, would constitute the highest of crimes, the most grievous of misdemeanors, by a public official, particularly that official who, as George Mason put it in the Constitutional Convention, "can commit the most extensive injustice."