

...Non-Compliance

As the House Judiciary Committee recognized last night, the simple fact is that President Nixon has failed to comply with a subpoena duly served by the committee. Nor, it seems, does he intend to comply with a subpoena served upon him by the special Watergate prosecutor, Leon Jaworski. The subpoenas required the submission of tape recordings, not selective transcripts edited by the person under investigation.

The coming days will be consumed by delicate maneuvering to surmount this potentially grave constitutional problem. Above all in this period, the Judiciary Committee is right to proceed cautiously. It is unfortunate that in last night's vote the decision was largely along party lines, particularly since the committee has enhanced its credibility up to now by preserving a considerable degree of nonpartisanship in its determinations.

While the committee considers carefully what step to take next, it would not be remiss for the prosecutor now to assume the initiative in challenging the President's non-compliance. With no constituency to serve except the law, Mr. Jaworski is in a strong position to press the issue at once, engaging the full mechanism of the judicial system.

Compromise arrangements, negotiated verification procedures—these might have had some value earlier in the investigation of suspected criminal activities at the heart of the White House. But once served by a legal summons, the President has no right to decide the extent to which he will obey the law.

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