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Seeking Sanctuary on the Hill

Spiro Agnew understood that Congress is not part of the ruling class. So when the going got tough, he got going to the House of Representatives.

When the prosecutors closed in, he begged the House to begin impeachment proceedings against him. He knew a sanctuary when he saw one. If Mr. Nixon did not understand Mr. Agnew's cleverness then, he surely does now.

The evidence about Mr. Nixon moved 19 grand jurors to vote—unanimously—to name him an unindicted co-conspirator. But this evidence is not even sufficient to move the House Judiciary Committee to put in a five-day work week.

Evidently the House thinks impeachment must be like Brutus' suicide: a President must voluntarily hurt himself on his own sword. He must impeach himself by voluntarily serving up on a silver salver all the evidence against him.

But he need not believe that the House is so proud that it will impeach him for laughing at its legal coercion—subpoenas. According to prevailing theory, if a President refuses to impale himself, uncoerced, the House is duty-bound to write him disconsolate letters.

Duty is stern, but it is not forever.

“Agnew begged the House to begin impeachment. He knew a sanctuary when he saw one.”

Soon the House will return to work worthy of its talents.

The Senate, too, is playing a characteristic (that is, passive) role in making life ever safer for the executive branch. The Senate, together with some prosecutors and a remarkable judge, is demonstrating that “refusing to testify accurately” to a Senate committee is a risk-free vocation.

During his confirmation hearings, Richard Kleindienst, en route to becoming Attorney General, denied under oath that anyone in the White House had tried to influence his handling of a crucial antitrust case. Later he admitted that Mr. Nixon had ordered him to accept a particular settlement.

Mr. Kleindienst had said something that “he then and there well knew was false.” (The words quoted are those the grand jury used in indicting H.R. Haldeman for perjury in connection with his testimony before a Senate committee.)

Instead of charging Mr. Kleindienst

with perjury, the Special Prosecutor's office showed a special talent for unearthing an obscure lesser charge. Mr. Kleindienst was allowed to plead that he did “retuse and fail to answer accurately and fully” committee questions.

The judge imposed a droll sentence (a month in jail and a \$100 fine), suspended it, and fell to praising Mr. Kleindienst. He said Mr. Kleindienst's lie “reflects a heart that is too loyal and considerate of the feelings of others.”

Will such mercy droppeth as the gentle rain from Heaven upon a number of Watergate defendants—Mr. Haldeman, for example? They all must adore this new principle of American law: Moderation in pursuit of those who lie for Mr. Nixon is a virtue, because extremism in loyalty to Mr. Nixon is no vice.

Mr. Kleindienst told a lie, which, if it had been detected during the hearings, would have caused the Senate to refuse to confirm him. For this sin he has now suffered the sting of being

told, in open court, that he loved not wisely but too well.

Imagine, then, what Henry Kissinger will suffer now that he has awakened the Senate Foreign Relations Committee and demanded it express approval of his confirmation testimony concerning the secret wiretapping of administrative officials and reporters.

Mr. Kissinger testified that he never “recommended” wiretaps. Elsewhere he said he “almost never” personally authorized taps. Recently he said he never made “direct” recommendations for taps. One tape is reported to record Mr. Nixon saying that Mr. Kissinger asked for taps.

He testified that he was never “explicitly” involved in terminating taps. Some sources charge that his office directly ordered some terminations, and at one point forbade termination of a tap.

His various statements are flecked with weasel words of a sort which, when his boss uses them, are said to justify negative inferences. The Foreign Relations Committee is notoriously deferential to Mr. Kissinger, who says he will resign unless it blesses him. That is a gamble comparable to Mr. Nixon's 1952 “Checkers” speech in which he threw himself on the mercy of the Republican National Committee.