

# A Warning to President Nixon

Just before leaving for the Moscow summit, President Nixon received this stern warning from an important Democratic ally in Congress: the most dangerous thing you can do is defy a ruling of the Supreme Court.

Such hardboiled realism from Capitol Hill conflicts with the view inside Mr. Nixon's inner circle, where outright defiance of a Supreme Court ruling to hand over subpoenaed tape recordings is considered a viable option. The warning duplicates advice by Vice President Ford and House Republican John Rhodes, but Mr. Nixon often seems more attentive to conservative southern Democrats than his own Republican leadership. Thus, hearing the warning personally from a pro-Nixon Democrat could profoundly influence Mr. Nixon's decision.

The President received that advice because, threatened with impeachment, he uncharacteristically keeps in touch with key congressional supporters—particularly southern Democrats. On the eve of his trip to the Soviet Union, he telephoned one such Congressman whose support is essential to Mr. Nixon's survival. The President's big question: How am I doing?

Much better, he was told. But, the Congressman went on, don't get yourself in contempt of the Supreme Court. In other words, if, following tomorrow's hearing, the Court orders Mr. Nixon to turn over tapes subpoenaed by Special Prosecutor Leon Jaworski, obey that order. Otherwise, it was implied, you may well be impeached.

*“Mr. Nixon replied that he fully intended to avoid winding up in contempt of the Supreme Court—a somewhat ambiguous answer . . .”*

Mr. Nixon replied that he fully intended to avoid winding up in contempt of the Supreme Court—a somewhat ambiguous answer which reassured his Congressional supporter. Although Mr. Nixon sometimes gives replies in private conversation intended more to placate his questioner than reveal his intentions, the warning from Capitol Hill may push him toward compliance—even a recalcitrant, sluggish, partial compliance.

While National Chairman Robert S. Strauss's brilliantly conceived telethon last weekend was netting an estimated \$4.5 million for a Democratic Party seemingly reborn in unity after the debacle of 1972, McGovernites were demonstrating in two unlikely states—conservative Nebraska and Scoop Jackson's Washington—that they are alive and unreconstructed.

In the closing hours of last week-ends state convention at Norfolk, Neb., after more than half the delegates had gone home, the McGovernites won approval of unconditional amnesty for Vietnam draft-dodgers and civil rights for homosexuals (though endorsement of legalized marijuana failed narrowly). Approval of the amnesty and homo-

sexual proposals after most delegates had left duplicated the script followed at the Maine state convention a month earlier.

The hoary technique of coming early and voting late barely failed last weekend at Richland, Wash., where Sen. Henry M. Jackson's forces beat down unconditional amnesty by only seven votes. However, a Jackson-opposed platform plank opposing further construction of nuclear power plants was approved.

Moreover, Jackson will not enjoy the total control of his state's delegation to the Kansas City midterm convention in December that he had at Miami Beach in 1972. Jackson's forces claim 22 out of 30 delegates elected, but McGovernites say they have 10 delegates and that four others will vote with them on policy questions at Kansas City. In Nebraska, an estimated eight of the 13 delegates are McGovernites well to the left of Gov. James Exon and most other Nebraskans.

These two latest state conventions provide new evidence that Kansas City, though more moderate than Miami Beach in 1972, will contain substantial McGovernite strength and can-

not be easily controlled by Strauss and the regulars.

Members of President Nixon's Citizens' Advisory Committee on Nuclear Arms Control were aghast when the President named a long-time government physicist, Dr. Harold M. Agnew, as chairman.

Mr. Nixon appointed Agnew over protests from Secretary of State Henry Kissinger, who agrees with distinguished experts on the committee that the chairmanship should have gone to a nongovernment member. Kissinger's personal choice: John A. McCone, former head of the Atomic Energy Commission and the Central Intelligence Agency who is now a private citizen in California.

The President's selection of Agnew, for years head of the government's Los Alamos nuclear laboratories, was presided by Roy Ash, head of the Office of Management and Budget. Long a friend of Agnew, Ash persuaded Mr. Nixon to make him chairman despite protests from Kissinger and some members of the committee. The outgoing chairman, John J. McCloy, could criticize the government's nuclear policy without having to worry about keeping government funds flowing to Los Alamos.

Critics of the Nixon administration's nuclear weapons policy believe Agnew's selection was designed to give the White House extra leverage on the work of the Citizen's Committee, helping block committee recommendations that might be contrary to White House policy.