

THE PURPOSE OF impeachment is not only to call President Nixon to account for the crimes that he may have committed. More important, impeachment reaches beyond the incumbent President to define once again the limits on the power of his great office. That is why it is now crucial to choose with utmost care the precise charges to be brought against him. The House Judiciary Committee bears a grave responsibility not merely to draft the charges most likely to secure conviction. The process of impeachment not only looks backward to the offenses that the incumbent President has already committed, but it also looks forward to future Presidents and the terms under which they will conduct a free people's affairs.

As we look over the articles of impeachment now under discussion by the House Judiciary Committee, it seems to us that the principal offenses are properly dealt with. The obstruction of justice, the systematic abuse of presidential power and the failure to control presidential agents who were operating under a reckless delegation of authority—all this is included, as it certainly should be, in the proposed charges against Mr. Nixon. But there are two affairs that no committee member seems very eager to come to grips with. One is ITT and the other is the milk money scandal. Each in its own way is worth examining in detail for the light it sheds on the hard business of drawing up charges that will establish standards for the future conduct of the office as well as identify past offenses.

The difference between the ITT case and the milk case illustrates the central distinction here. The ITT case began with the suspicion that a political contribution by a hotel, owned by an ITT subsidiary, had bought favored treatment for its parent corporation in an anti-trust suit. But that connection has never been made convincingly. The affair became more serious when former Attorney General Richard G. Kleindienst swore, at his Senate confirmation hearing, that he had never been pressed to go easy on the ITT anti-trust suit. Transcripts of tape recordings later showed that Mr. Nixon had ordered him directly and vehemently to lay off ITT. Mr. Kleindienst has answered for this transgression by pleading guilty to a criminal charge of refusal to testify. Consequently it is now possible to charge that Mr. Nixon knew, or should have known, that his Attorney General had stepped into office through the commission of a crime. But as a presidential offense it is neither sufficiently clear nor sufficiently grave to be solid grounds for impeachment.

The milk case, in contrast, is clear, grave and a fundamental threat to the whole concept of a President's responsibility to the law. If Congress permits this case to pass without rebuke, it will be acknowledging that it does not intend to enforce rules on future Presidents in regard to campaign contributions — even though the circumstances may be redolent of bribery and extortion. Mr. Nixon was barely in the White House before the Associated Milk Producers, Inc., began pushing money toward him with, in every instance, demands for official favor. Four separate incidents invite prosecution.

In the summer of 1969 AMPI offered a contribution to Herbert W. Kalmbach, asking in return a rise in the milk support price and access to the President. Mr. Kalmbach, then Mr. Nixon's personal attorney, has

testified that he checked with the President's principal assistant, H. R. Haldeman, and was told to take the money. The second incident took place at the end of 1970. The Tariff Commission had recommended restrictive quotas on imports of several dairy products, a device sought by AMPI to lift domestic milk prices. The President granted less protection than the Commission had recommended. In the context of White House staff memoranda published last week by the Judiciary Committee, it is apparent that the President was punishing the dairy lobby for inadequate obedience.

The President had been told that the milk producers were pledging \$2 million to his re-election campaign. On March 23, 1971, he met a group of dairy representatives and congratulated them on their political consciousness. "And," he added, "I don't have to spell it out." That afternoon he decided to overrule his Secretary of Agriculture and give the milk lobby a major increase in support prices. Later that afternoon his assistant, Charles Colson, told the AMPI to reaffirm its contribution pledge. AMPI did so and actually made the first token delivery of money before the administration publicly announced the new price support level — 48 hours after the President's actual decision.

Meanwhile, in a fourth instance of illegality, Mr. Colson pressed AMPI to begin paying retainers to the Washington public relations firm of Wagner and Baroody. The firm did little for the milk industry but it was helping Mr. Colson to organize ostensibly spontaneous expressions of public support for the President's policies in other unrelated areas, particularly the management of the Vietnam War.

This series of offenses is related, unfortunately, to other scandals surrounding Mr. Nixon. The milk producers' various pay-ins and pay-offs helped create the secret and unaccountable funds out of which various White House officials paid for other illegal activities. AMPI's first payment of \$100,000 in 1969, according to the Judiciary Committee, went into the fund in California that in turn paid the wages of Anthony Ulasewicz, the first of the White House's secret political agents. Later, the Committee found, Mr. Colson borrowed from Joseph Baroody, of the public relations firm, the \$5,000 in cash that was evidently used to finance the burglary of Dr. Lewis Fielding's office. Bribery and extortion not only menace constitutional government in themselves, but in this case they generated the cash that subsidized other menaces. Taken together, the repeated and deliberate extraction of money from the milk producers, in return for specific official actions, constitutes an abuse of power quite serious enough to qualify for inclusion in the case for impeachment of the President.

The House Judiciary Committee's staff, in its summary of the evidence and its proposed articles of impeachment, has gone very lightly indeed on the milk case. No doubt some members of Congress are embarrassed because they too have taken funds from AMPI. But congressmen and senators have, from time to time, been prosecuted and convicted for bribery. Will the President be held to the same salutary rule? For two years he and his spokesmen have insisted that a President can be called to account in only one way, through the process of impeachment. The House Judiciary Committee's duty is painful, but it is urgent and obvious.