

Nixon's Two-Year Cloak

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The stone wall that Richard M. Nixon built finally has crumbled.

A few days ago in California, the former President of the United States swore an oath to tell the truth and, in the privacy of a Coast Guard station next to his home, testified before federal authorities.

It took two years for them to get him to talk. From the spring of 1973, when Justice Department sources first hinted that the testimony of the President himself was needed by a grand jury, Nixon had resisted.

"It would be constitutionally inappropriate," his press secretary, Ronald L. Ziegler, argued. "It would do violence to the separation of powers."

From that point on, Nixon pleaded "executive privilege," political harass-

ment and ultimately his poor health after a phlebitis attack to avoid sitting down with the prosecutors or other investigators.

He invoked Jefferson and John Marshall and Harry Truman to defend his position.

Reluctantly, he provided the tape recordings and documents that led to his downfall. He offered to answer written questions and, in one instance, actually did. But he wouldn't talk.

"I will do nothing to weaken the office of the President," Nixon told a presidential press conference last year, "and to submit to cross-examination under circumstances that would, in effect, put the President in the box if he went to the Senate, I think would be improper."

He declined to appear before the

Watergate grand jury or the Senate Watergate committee. He fought a losing battle to keep those investigations from getting the documentary evidence that would contradict his public denials of complicity in the Watergate cover-up.

Thomas Jefferson was summoned as his witness on one occasion, cited for refusing to turn over presidential papers to an investigation in the early days of the republic.

"Now why did Jefferson do that?" Nixon asked aloud. "Jefferson didn't do that to protect Jefferson. He did that to protect the presidency. And that is exactly what I will do in these cases."

The way things developed, his testimony was not needed to resolve the most crucial question: Whether he should continue as President. The more he denied complicity in his pub-

of Silence Finally Is Pierced

lic statements, the more he stood refuted by his own voice—the Oval Office tape-recordings of presidential conversations that formed the conclusive evidence against him.

After Nixon reluctantly turned over transcripts to the House impeachment inquiry and the Judiciary Committee received actual tapes from the Watergate grand jury, the value of his own first-hand testimony depreciated. The Judiciary Committee did not seek his

Nixon did provide courtroom testimony on one occasion as President, though not in person. Last July he answered a brief written interrogatory in the Ellsberg break-in trial of John Ehrlichman. He answered four questions about the White House "plumbers" unit, saying that he had established the secret squad to plug information leaks but, had not told it to commit a burglary.

After Nixon resigned from the Presidency in August, it became clear that he might be more valuable as a witness to his former associates, who faced criminal charges in the Watergate cover-up, than to the special prosecutor handling the case against them.

On Sept. 19, Special Prosecutor Leon Jaworski issue a subpoena for Nixon's appearance at the cover-up trial.

In the end, he never made it. The ex-President, a recluse at his San Clemente, Calif., home, was suffering from blood clots in his leg and as the trial got under way in October, his health declined.

Defendant Ehrlichman protested. Nixon could clear him, Ehrlichman's lawyer insisted. Judge John J. Sirica sent court-appointed doctors out to see for themselves how sick the former President was. They reported that

Nixon might be well enough to testify by January, but no sooner.

The judge wasn't interested in waiting. He wanted a verdict by New Year's Day and he got one on Jan. 1.

When Sirica declared that the trial would proceed without Nixon's testimony, some defense lawyers complained, but the judge himself discounted how much reliable information Nixon could give the jury about the Watergate affair.

"The value of Mr. Nixon's testimony to the defendants should not be unrealistically overestimated," Sirica said. "Mr. Nixon himself has been named by the grand jury as an undicted coconspirator in this case."

In short, the judge said: "His testimony would be subject to an instruction to the jury that it should received with caution and scrutinized with care."