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## The Trial of Richard Nixon—and of America

*The judge:* He was not the Chief Justice, not a Congressional committee chairman, not even an American. The moral magistrate of Richard Nixon's guilt was, finally, a British journalist who, like the defendant, stood to gain great profit from the trial. Still, despite advance fears of mushy deference, David Frost played his role boldly, even brilliantly. "Admit," he exhorted this epic figure. "Apologize!"

*The defendant:* That Richard Nixon had been unseen for three years was startling in itself. For many of us, our entire adult lives can be calibrated by his six (or was it sixty) crises. Think how long he has been an integer of politics—since before half the present population was born. How minutely, thus, we inspected the deepened seams on the mask of his face, and wondered whether he thought even a million dollars could compensate him for the self-degradation of each new (tell-tale?) fluff, fumble and evasion. How suspiciously we examined such tailored touches as a quotation that Mr. Nixon pointedly described to his interrogator as coming from "one of your British Prime Ministers." And yet, before it was over, the mask, for once, fell away. After declaring he would never grovel, Richard Nixon, in his own way, apologized: "I let down my friends. I let down the country. I let down our system of government."

*The verdict:* There can be none. The very nature of the trial stacked the deck in the defendant's favor. Who could follow all the confusing or forgotten detail of what was said (or meant) when? In this setting, even resolvable disputes over facts could not be resolved. The interviewer could not slam down a gavel and declare, "Overruled." The most he could do was to agree to disagree; one man's word against another. Truth was neutered.

It doesn't matter any more. Indeed, to keep gnawing at the bone of Watergate guilt is foolishly distracting—as if arrogance, deceit and abuse of power began, or ended, with Richard Nixon; as if convicting him now would somehow relieve us of responsibility for the future. What does matter is how the past three years have affected the other side of the screen. Are we now more practiced at self-righteousness and self-deception? What lasting furrows of wisdom has Watergate impressed onto the American brow?

Watergate exposed an enduring dilemma that explains a strength of the Presidency but also says much about excess. It is summarized in the football credo popular with Richard Nixon: "Winning isn't everything. It's the only thing." To become President requires calculation, single-mindedness and ferocity, qualities which can, abruptly, become far less admirable after an election, depending on the character of the man. Even if the electorate judges character wisely, not even the most upright President can wholly immunize himself against the compulsions of office.

The nation has, so far, responded to this dilemma with a tide of reform. The campaign finance law already has vastly lessened the impact of private money on our choice of Presidents, and that benign result is likely soon to be extended to Congressional elections. Congress has risen from its torpid acquiescence to the Executive branch and now asserts itself generally, notably in overseeing intelligence activities and the Federal budget. Both Congress and the Executive are now fashioning new ethical codes, including extensive financial disclosure requirements for legislators and officials. The terms "executive privilege" and "national security" are no longer magic incantations that automatically paralyze inquiry.

Are such reforms adequate? Cynics already wonder whether they will not quickly degenerate into perfunctory piety. Some legislators seem resigned to enacting lifeless monuments to a fleeting national attention span. It will take years to find out; the ultimate Watergate trial lies ahead. It will test not our capacity to blame Richard Nixon but our ability to monitor and adjust the checks and balances we profess to be precious—to understand the infectious imperatives of power; Just how infectious is evident not from what Mr. Nixon says now, but from a conversation with John Dean, in September, 1972, about his political "enemies":

*They are asking for it and they are going to get it. We have not used the power in this first four years, as you know. We have never used it. We have not used the [F.B.I.] and we have not used the Justice Department, but things are going to change now. And they are either going to do it right or go.*

Dean: *What an exciting prospect.*

President: *Thanks. It has to be done.*