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'I Am the Law'

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By Anthony Lewis

In the third of his television interviews, Richard Nixon spoke of the benefits of his foreign policy for Cambodia. "For five years," he told David Frost, "from 1970 till 1975, Cambodia enjoyed . . . 'enjoyed' is not the best word—it had what you call a flawed neutrality."

The actual impact of American policy was described by Rep. Paul McCloskey, when he visited Cambodia in 1975, as "greater evil than we have done to any country in the world." One of the last Western correspondents there, John Swain of The London Sunday Times, wrote on his journey out: "The entire countryside has been churned up by B-52 bomb craters, whole towns and villages razed. So far, I have not seen one intact pagoda. . . ."

The malign effects of some of the Nixon Administration's policies abroad—the human damage, the harm to true American interests—were immeasurably greater than those caused by the domestic abuses. Generations will pay for the excesses in Chile, the four added years of war in Vietnam. Compared to such enormities, Watergate was, as Mr. Nixon said, a "pipsqueak thing."

The destructive acts abroad were like Watergate—or worse—in manner as well as substance. They were carried out with crude deception of Congress and the public, with contempt for the constitutional system, with obsessive secrecy.

A gross example came in the interviews when Mr. Nixon was asked about the savage repression of East Pakistan in 1971. "Let's not leave any impression," he said, "that (we) condoned what the West Pakistani army was doing." But in effective policy terms that is exactly what Mr. Nixon and Henry Kissinger did: cov-

ered up the slaughter, refusing to criticize or even to notice it.

American diplomats in East Pakistan sent repeated cables to Washington asking for a statement against the killing. Roger Morris, a former aide to Mr. Kissinger, quotes the cables in a book to be published this summer. The diplomats said they were "mute and horrified witnesses to a reign of terror by the Pakistan military," to "selective genocide."

But Mr. Kissinger squashed a move in the State Department to say something. Mr. Morris concludes: "In the name of preserving Pakistan's territorial integrity . . . Washington's silence condoned a reign of terror that made secession (of Bangladesh) inevitable."

What is so striking about the arbitrary acts abroad, as the interviews remind us, is that Mr. Nixon and his aides were never called to account for them as they were for the domestic abuses. I think the reason for that distinction is clear, and extremely important to understand.

The United States is dependent on law to control the abuse of official power: more so than any other democratic country. While the British rely on Parliamentary questions to correct their leaders, or on the clubbish feeling of an intimate governing elite, we depend on judges—and on the ultimate respect for law that holds a heterogeneous society together.

That was the lesson of Watergate. The sense that he had violated a leader's fundamental obligation to obey the law is what brought Richard Nixon down. It was because the idea was so American that foreigners had diffi-

culty understanding Watergate, and still do.

But the sense of law and legal standards does not apply with the same force in foreign affairs. That is largely because judges have traditionally declined to resolve issues touching on foreign and military matters, deeming themselves incompetent in those areas even as they resolve the most controversial domestic questions of race and politics and abortion.

Without the restraints of law, Presidents moved from primacy to the assertion of unlimited authority in foreign affairs. The extreme was reached with Mr. Nixon, who treated disagreement with his policy as a form of subversion to be repressed by any method that he declared necessary. He introduced to the White House the maxim that Boss Frank Hague used to apply in Jersey City: "I am the law."

And men otherwise committed to law did not challenge lawlessness in foreign affairs. Elliot Richardson insisted that Spiro Agnew be held to account for graft, but he excused an act infinitely more contemptuous of our constitutional system: Mr. Nixon's bombing of Cambodia in 1973 without authority in any treaty, statute, resolution or need to protect American lives.

America has learned from Presidential abuses abroad, as from Watergate. Congress began to reassert a role in setting limits, with the War Powers Act and the law forbidding military action in Indochina. But in the absence of the judicial restraints that protect us at home, we shall have to rely ultimately on our political leaders' respect for the constitutional balance, the mutual understanding and restraint, that in the larger sense are law.