

Nixon interprets the law

WASHINGTON (API) — Richard Nixon, expanding on his televised comments about presidential power, said a president must have the ability "to go beyond the strict letter of existing law" in times of emergency.

He likened presidential responsibility to interpret law to that of judges, and says it would be disastrous to limit the president "merely to the mechanical function of executing the precise letter of the law written in other times and for other circumstances."

In a plea for public understanding, Nixon said he never claimed presidents are "above the law." He says the discretionary power to break laws in the national interest justifies his own intention to crush violent antiwar dissidents by burglary and wire tap. He urges the public to trust presidents, and leave them a "gray area . . . of inherent powers" to disregard laws when they feel they must.

Presidents must have latitude "for adapting the statutory laws to the laws of necessity and to the laws of reason," the former President said in a lengthy written statement to the Washington Star.

The paper planned to publish the statement today with Nixon's byline.

Nixon writes that his views are "not the way they have been represented by columnists and cartoonists on the basis of fragments of one conversation" with interviewer David Frost last month.

The former president, asked by Frost why he had authorized burglaries, wiretapping and other illegal actions against anti-war dissenters, replied that "when the president does it, that means that it is not illegal."

The quotation was widely interpreted and criticized as a claim that the president is above the law.

Nixon wrote the Star:

"First, I do not believe and would not argue that a president is above the law. Of course, he is not. The question is what is the law and how is it to be applied with respect to the president in fulfilling the duties of his office.

"Precedents over the years have sanctioned some degree of latitude in the use by presidents of emergency measures to meet emergency situations. I believe such

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latitude is necessary, and at times vital.

"My insistence that this latitude does not place presidents above the law is not a semantic quibble. To me, it is a vital distinction which goes to the heart of our constitutional system."

Nixon says the law is not a precision instrument; that all the circumstances in which the laws might be applied cannot be foreseen by those who write them.

"Therefore," he writes, "those charged with executing them need some measure of latitude, some room for the exercise of judgment, for prudent response, for protecting the public interest — for adapting the statutory laws to the laws of necessity and to the rule of reason."

Nixon's theme is that a president must find flexibility in existing law because "in dealing with a major threat to the public safety, a

president who let himself be paralyzed by the strict letter of the law would violate his oath; that would not be faithful execution..."

"Discretionary power in administering or executing the laws is

not unique to the president.

"Prosecutors sometimes elect not to enforce a particular statute, when the surrounding circumstances persuade them that to do so would result in an injustice."