

Watergate: The Unfinished Business

Part 5/1/73

Mr. Nixon's speech and actions yesterday, far-reaching as they were in impact and effect, leave a lot yet to be done if he means to repair the damage of 10 months of temporizing, evasion and deceit where the Watergate scandals are concerned. Plainly, the President would like to turn the whole ugly matter over to the courts. And plainly too, that is where the prosecution of specific criminal violations should be. But almost from the beginning, the test of "whong-doing" has been neither exclusively nor overridingly whether men the President put in high office had violated criminal laws. An equally-important test has been whether these men met certain minimum standards of decency, propriety and honor, to borrow a word much invoked by the President. When one speaks about public confidence and trust, that is the heart of the matter: people are entitled to something more than confidence that their highest public officials do not break the law; they are also entitled to know that these officials do not lie and cheat and corrupt the institutions of government. Mr. Nixon acknowledged as much. But it is precisely in this area of earning (or restoring) public trust that Mr. Nixon's remedies fall short.

What has the President in fact done? The answer is that he has met only the minimum public and political requirements of the situation—rather as he did on April 17, when he finally acknowledged for the first time his serious concern over the Watergate corruption.

Now as then, it has been as if the President were determined to do no more than the least that is required by the pressures of each new spasm of revelations; it is as if he were continuing to probe to find that level of public tolerance which would oblige him to concede the least.

To see why this is so, one need only examine those positive and welcome actions the President actually has taken. He has, first, accepted the resignations of H. R. Haldeman and John Erlichman, his two top White House aides. These two resignations go a long way toward fulfilling the imperatives created by the disclosures of scandals. Second, he has accepted the wisdom of Attorney General Kleindienst's argument for removing himself

from a position which necessarily involves him in investigating and prosecuting friends and former colleagues. He has appointed Defense Secretary Elliot Richardson to be Attorney General and—pending confirmation by the Senate—directed him to involve himself in the Watergate investigation and prosecution. Finally, the President has dismissed his White House Counsel John Dean and assigned Mr. Dean's duties to White House aide Leonard Garment temporarily, until a permanent replacement is selected.

Commendable as all these actions may be, their common denominator is that none of them provides for the introduction into the investigative process of a detached and wholly independent party, a party with no previous connection with the administration and one unburdened by prior professional relationships—of a friendly or hostile nature—with those persons under investigation. It is not to question in any respect the integrity of Mr. Richardson and Mr. Garment to observe that it is long past the time when an in-housecleaning can meet the test of public credibility. That is not the fault of either of these men; it is the natural consequence of the character of the administration's self-investigation to date.

The clear solution, forcefully advanced by the prestigious New York City Bar Association, members of Congress and others, is for the criminal aspects of these cases to be put under the direction of a special prosecutor.

Mr. Nixon left open in his speech last night the possibility that something of this nature—a special "supervisory" prosecutor—may be created by Mr. Richardson. To his credit, he has finally accept ultimate, personal responsibility for the activities of his subordinates and acknowledged the crisis in public confidence that lies at the heart of what we have come to call Watergate.

In what could not have been a particularly easy gesture for him to make, he also acknowledged the role of the press as well as the courts in rooting out information his own investigators had sought to suppress. What remains to be seen—the unfinished business, as it were—is the firmness of the investigatory process which he has set in motion.