

Watergate: An Unhappy Anniversary

9. 25/23/74

THE PRESIDENT has an odd way of celebrating Watergate anniversaries. Yesterday marked the passage of one full year since Mr. Nixon issued his compendious statement of May 22, 1973, promising to make available all relevant information on the complex of scandals that go by the name of Watergate. He chose to commemorate the occasion by informing the House Judiciary Committee, which is conducting impeachment hearings and which has—if anything—a larger and stronger claim on relevant evidence than the other bodies of inquiry do, that he would decline to produce any further Watergate tapes requested or subpoenaed by it. The full story of Watergate and of his own involvement in it, Mr. Nixon advised the committee, reposes in the White House materials already in the committee's hands.

In more ways than one, that is an interesting assertion. It not only confirms that the President is prepared to defy the committee's requests for material it deems necessary to conducting its inquiry. It also confirms that there is no better documentary case for Mr. Nixon to make concerning his own role in the coverup than that which can be made (if it can) from the highly incriminating documents and tapes now in the committee's possession. May 22, 1974, was a bleak day for those who still held out hope that somewhere, somehow, the President could come forward with persuasive exculpatory evidence. Apparently there is none.

Although we believe that Mr. Nixon's outright defiance of Congress in this matter is as unconstitutional as it is unwise, it does occur to us that he has a point in his assertion that more than enough is now known for the committee to act—never mind that it isn't the point he was seeking to make. For the plain fact is that both the magnitude of the shocks and revelations of the past year and the complicated legal disputes the President has promoted and prolonged with Congress and the courts have combined to distract people from what they already know. They have given the whole sorry affair the aspect of a continuing, if not interminable, Grade B thriller, as distinct from the aspect of a body of confirmed information which is, in itself, more than sufficient to require a public response. The question, in other words, is not so much "what is going to happen next?" or "what will we learn about tomorrow?" but, rather, "what do we already know?"

Think about it: we know plenty.

We know that the President's best defense throughout—and it is a terrible defense—is that he so mismanaged the conduct of his office that he was unaware that his aides were authorizing common burglaries, were forging State Department cables, were perjuring themselves before federal prosecutors and grand juries, were paying blackmail money to criminals to buy silence about the White House's own involvement in their crimes, were

systematically seeking to politicize and pervert the allegedly apolitical agencies of government (the CIA, the IRS, the FBI, among others) for the sake of wreaking personal vengeance on institutions and individuals they considered enemies.

We know that the President on the eve of the sentencing of the originally convicted Watergate conspirators, learned that their trial had been skewed by perjured testimony and failed to so inform the judge.

We know that the President has repeatedly and systematically misled the American public in his state-

ments "from the heart" on this matter, telling them things he knew to be untrue.

We know that six of his former aides have been sentenced to terms in federal penitentiaries.

We know that his appointees have conspired to destroy evidence in criminal cases.

We know that the man he twice selected to be his (and our) Vice President has been convicted of a felony, forced to resign office and disbarred from the practice of law.

We know that the President—a great scourge of "welfare cheating"—was found to be almost half a million dollars light on his federal income tax.

We know that indictments are now outstanding and trials awaited for his closest White House associates and one-time most powerful deputies for a series of alleged criminal acts. We know that he has, while claiming all the protections and safeguards accorded an ordinary citizen in trouble with the law, simultaneously and shamelessly utilized the great and unique powers of the presidency not only to argue his own case (falsely) but to protect himself from scrutiny by the Congress or the courts. He declines to honor subpoenas. He fires the Special Prosecutor he has promised to give full rein when that Prosecutor appears to be getting warm. And now he tells us, in the course of telling the House Judiciary Committee, that he is only doing these recalcitrant things to protect "future" presidents. We think the evidence is overwhelming that he is, on the contrary, trying only to protect this one.

Presumably the members of the House Judiciary Committee and those legislators outside the committee who have authorized its inquiry will seek some further action on the materials Mr. Nixon has now declined to furnish. And presumably, too, his defiance of the committee will be added to the list of Constitution-

bending offenses for which he, as President, is responsible. But we would hope that the committee would not permit itself to be drawn into a prolonged and diverting dispute over the production of this evidence to the exclusion of its responsibility to continue and conclude its inquiry as quickly and carefully as possible. The American people know plenty—and the members of the Judiciary Committee know even more. A variety of charges against Mr. Agnew were never fully adjudicated because he preferred that they not be, and the same may be true of certain of the charges against Mr. Nixon because he too has now indicated that he will not risk orderly and complete adjudication in a single body that is empowered to consider his case—namely, the United States Congress. Mr. Agnew copped a plea. Mr. Nixon is merely refusing, in the name of his office—or what remains of it—to let the full information come to light.

People have been, in our view, exceptionally patient so far, and that is especially true of the legislators themselves. And they have also been exceptionally judicious and restrained. But it seems to us that by this latest act of evasion and contempt, the President has released everyone from the injunction against drawing inferences from his refusal to produce subpoenaed evidence. And if he will not cooperate—so be it: the House will have to proceed without him on the basis of what it now knows.