

Watergate: Once More Into the Wallow

Post 11/13/73

In a particular and limited sense, President Nixon's sudden flurry of activity concerning the broad range of Watergate charges represents a step forward. Thus, Mr. Nixon after months of accusing others of "wallowing" in Watergate while he was attending to what he defined by contrast as the "public's business," has finally acknowledged that Watergate is the public's business. He has done so, at least indirectly, by calling in members of his own party in Congress and promising elaborate explanations of his innocence of wrongdoing. Similarly, the President who previously (and consistently) refused as a matter of high principle to yield up the smallest scrap of what he labeled "presidential papers" has suddenly (and on his own motion) sent a small flood of them over to Judge Sirica's courtroom.

So putting the best face on it, one could say that we are making progress. However, when these gestures are put in the context of the President's performance since June of 1972—specifically, in the context of his unremitting reluctance to let others conduct the inquiries into Administration wrong-doing and his unseemly eagerness at every step of the way to declare the case closed and "behind us"—they constitute progress of a very special and unhappily familiar kind.

You might say that it began with a series of celebrated—by the White House—investigations, in response to public pressure, investigations which have since turned out to have constituted obstructions of justice rather than its pursuit. All this led inevitably to further public pressure to which the President finally yielded when he decided to speak to the nation on April 30 of this year. That account of his own record proved so partial and unsatisfactory that by May 22 he felt the need to issue yet another final accounting, this one a written statement running to 4,000 words and addressing itself to a wealth of new evidence of wrong-doing which Mr. Nixon had not seen fit to mention only three weeks before. As one horror story after another unfolded in the course of the Watergate hearings, Mr. Nixon felt obliged in August to give us yet another full accounting and yet another exhortation to put Watergate behind us. Since then we have had the decline and fall of Spiro T. Agnew (on which the President has volunteered not a word) and a whole series of White House explanations in reaction to a whole series of events that seemed to have gotten out of the President's control.

Along the way, in the course of this series of presidential responses, a lot has been given—and much of it taken back. For our anxieties on April 30, we got Elliot Richardson as Attorney General, with a plainly stated delegation of "absolute authority to make all decisions bearing upon the Watergate case and related matters," specifically including authority to set up a Special Prosecutor. On May 22, we got a promise from the President that "executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct in the matters presently under investigation, including the Watergate affair and the alleged cover-up." On that same occasion, we got a presidential pledge of "my full support" for the efforts of Mr. Richardson and Mr. Cox "to see the truth brought out."

It should not be necessary here to recall in detail what subsequently happened to that waiver of executive priv-

ilege, or to Mr. Richardson, or to Mr. Cox. It is enough to rehearse the key events: Mr. Cox began by asking for nine tapes and assorted other material and the courts supported his request; Mr. Nixon, who had admonished the nation to leave Watergate to the courts so that we could all turn to other matters, then cooked up a fancy way of evading the court's directive while also strictly circumscribing Mr. Cox's freedom to pursue further inquiries in the White House. And then in the turbulent public reaction to the consequences of this gross miscalculation, the President announced that he would yield up the tapes. Whereupon, it turned out there were only seven tapes, not nine. Whereas, Mr. Nixon announced that he was sending the court a bonus package of tapes and documents which would explain everything "once and for all" and he sought to effect the same clearing away of all public doubt by setting up a schedule of private meetings with Republican members of Congress.

That is where we are now, and the way we got there at the very least should make one wonder about the purpose and good faith of this latest exercise in presidential once-and-for-all-ism. Mr. Nixon, after all, has just turned over the Watergate affair once again to a new Special Prosecutor and granted him a license to practice without presidential restraints. This, we have been told, is to be the ultimate, definitive, unencumbered investigation of the Watergate affair. Why then has Mr. Nixon chosen this moment to establish some kind of ongoing tribunal of his own in which he once again is the sole judge of what evidence is and is not relevant and admissible? Can he really expect, even as his new prosecutor is settling into the job of carrying forward the series of investigations already begun, that the public will accept the verdict he seeks to impose through proceedings which remain entirely under his direction and control? Can he believe that the yielding up of documentary evidence selected by him and calculated to demonstrate his innocence of active wrong-doing, can resolve the questions that have been raised concerning his fitness and capacity to govern? These questions, after all, do not turn exclusively on the President's knowing participation in crimes. On the contrary, they have a great deal to do with the caliber of men he has put in the most powerful positions of government and upon the shocking freedom they were given to break the nation's laws in a systematic way.

Finally, there is in this program of quiet, closed-door briefings of legislators (beginning, not surprisingly, with those in Mr. Nixon's own party), the look of a preemptive move against the duly authorized process of impeachment which has already been initiated in the form of an inquiry by the House Judiciary Committee. Once again, the President seems unwilling to leave the investigation, the prosecution, and the ultimate verdict in the Watergate affair to any of those instruments or processes of government that have sufficient independence and historical sanction to guarantee a measure of public confidence in their conclusions. That is why one can take only the most limited satisfaction from the President's latest "initiatives." In other words, Mr. Nixon once again would have us believe he is undertaking something new and conclusive when, in truth, he is offering us no assurance that we are not going down the same old road.