

Analysis

Was Nixon aware? His ability to govern depends on 'no'

By ADAM CLYMER

Balt. 4/27/73

Washington Bureau of The Sun

Washington—Did the President of the United States know about the Watergate burglary and wiretapping beforehand?

If not, did he know soon after the first arrests and participate in or direct an administration coverup?

These are the two greatest immediate questions of fact facing the country, and President Nixon's ability to satisfy the country with "no's" to both of them will have a great effect on the longer-range problems the issues raise—most of all his ability to govern as more than a titular leader of his country.

The presidential spokesmen, Ronald L. Ziegler and Gerald L. Warren, who both obviously enjoy his current trust, have dealt with those questions with categorial denials.

But it is a function of their current state that disavowals are treated by their listeners, the White House press corps, with about as much ready acceptance as the administration's cheery predictions on food prices.

And it also tells something of the times that the disavowal of presidential involvement in burglary and obstruction of justice is front-page news. So is the assertion by the Vice President that he believes in the integrity of the President.

Beyond the denials, the President has coped with this problem by putting himself in the role of the grand investigator, seeking himself the truth which neither John W. Dean 3d, his counsel, nor Henry E. Petersen, L. Patrick Gray 3d, Richard G. Kleindienst and the rest of the Justice Department could find earlier.

Mr. Ziegler may be telling the literal truth when he says the President wants to get all the facts. Cynical students of Mr. Nixon may be wrong when they think all he is concerned

about is learning what other, uncontrolled investigators, like the Ervin committee and the grand jury, may learn.

Mr. Nixon may intend to spare no one in the White House he finds to be involved, although he has not warned of strictures except against those indicted or convicted.

But there are some puzzling aspects to his investigation, and not just the mechanical details on which Mr. Ziegler has little to say.

Questions have been raised by lawyers about his April 17 declaration that no high official would be given immunity in return for testimony.

Some lawyers consider this a deliberate hindrance to prosecution. But it may as easily be a simple presidential determination, whether for moral or political reasons, that no higher-up should be seen to get off free.

Mr. Petersen's own continuing role, in view of the failure of the earlier probe and his highly political defense of its thoroughness in the campaign, is also scoffed at by outsiders who call for a special prosecutor.

Others argue that Mr. Petersen is capable of overseeing a no-holds-barred investigation and he now knows—whatever he knew or thought before—that Mr. Nixon wants one.

One more very odd question is that of Mr. Nixon's meetings with John J. Wilson, the newly hired lawyer for two top White House aides, H. R. Haldeman and John D. Ehrlichman.

Neither Mr. Ziegler nor Mr. Wilson will say what the Presi-

dent and the lawyer talked about.

It is difficult to guess at, although one Washington attorney said sourly yesterday, "I've never bargained a plea with anyone higher than a district attorney."

Are Mr. Nixon's aides answering the boss's questions about the Watergate case only through a lawyer? Is the lawyer somehow finding out things for Mr. Nixon, even though he represents the aides? Just what is going on?

Aside from the rumors of staff shakeups on which gossip Washington always thrives, attention now focuses on burglary and obstruction of justice—and to a lesser extent on possible violations of the campaign finance law the Nixon campaign sought at least to skirt if not to break—but not on the area of presumably legal or at least fairly traditional political dirty tricks.

Some of those are silly, like trying to rig a television station's "poll" on the mining of Haiphong. Nonsense like that shows chiefly that the Nixon forces had more money than they knew what to do with.

Others, like putting spies in an opponents' campaign or forging letters or making late-night telephone calls with objectionable messages to hurt the candidate the caller claims to represent, are a lot worse.

For a long time, the White House sought to make a great

distinction between the burglary-wiretapping-obstruction finance group and the dirty tricks group.

One obvious reason is that there was then no solid evidence that involvement in the first class of crimes went higher than G. Gordon Liddy, while the second group seemed to involve Mr. Haldeman's closest aides.

Now there are grand jury leaks of testimony suggesting that Mr. Haldeman violated finance laws, Mr. Mitchell's admission that violating the wiretapping laws was discussed (though rejected) in his presence while he was the nation's chief law enforcement officer, and a series of reports that put Mr. Dean on hand for those discussions.

Examination of morals

Moreover, the suspicion of coverup now goes as high—to Mr. Haldeman—as the espionage reports ever have. And if the coverup involves indictable obstruction of justice, that may sound as bad in South Baltimore or Cedar Rapids as burglary, or worse.

It appears that the espionage-dirty tricks area may end up mainly in the lap of the Ervin committee, if grand jury indictments pre-empt the other area. And a committee of Congress is a perfectly reasonable place for an examination of the current state of American political morals.

A lot of questions may be answered there. And a lot of questions may be answered by the grand jury and by the trials that will almost certainly follow—unless everyone pleads guilty.

But those events probably cannot provide answers, though they may set a stage, for the questions of when and how Mr. Nixon learned about the Watergate case, and, if he did not learn much until March 21, or April 17, how he failed to learn sooner.

Even some witness swearing that he told the president about it on a specific date may not be conclusive.

And whether the predictable presidential denials are conclusive remains to be seen.

There are various devices for the fuller explanation Mr. Ziegler has promised—a televised speech, or the riskier route of a presidential press conference in which Mr. Nixon does not avoid the questions, perhaps even just a forthright briefing by Mr. Ziegler.

But the devices themselves cannot make credibility. And how to attain that—after months of sneering denials at reports that now seem well-founded (in Mr. Ziegler's shop, at least, the sneering has stopped)—is a problem affecting not only such minor matters as Mr. Ziegler's job security.

It also affects recapturing the basic trust a government requires in a democracy.