

Watergate: There Is No Quick or Easy Way Out

Page 6/673

Last Sunday, this newspaper and others published a report, attributed to "reliable sources," that former presidential counsel John W. Dean III had told Senate investigators he was prepared to testify that he met with President Nixon at least 35 times in the early months of this year and that the President was deeply involved in the Watergate "cover-up." In the same edition, we published a White House denial, which pictured a conspiracy to "destroy the President" and which "categorically" denied "the assertions and implications of this story." A day later the same White House spokesman issued a second denial in which it was conceded that the President had in fact met with unusual frequency this year with Mr. Dean to discuss the Watergate investigation among other things, but that it would be "constitutionally inappropriate" for the White House to make available documentation of these meetings. So much for the blanket denial of the assertions in the original report.

This, of course, is only a short sequence of relatively minor events in the great sweep of charges, denials, revised denials and refusals to come forth with persuasive facts, which have characterized the sordid story of Watergate from the very start. And yet it almost perfectly illustrates the forces in play which make it urgent and imperative for Senator Sam Ervin's Select Committee to proceed in its own careful and methodical way with its investigation of the Watergate mess.

We think this need is urgent precisely because we agree with the conclusion, expressed on the opposite page today by Joseph Alsop, that "this can't go on"—that while the present crisis of confidence in the American government continues, "anything like effective government leadership is impossible." But just because effective government—rather than the narrower issue of the precise degree of Mr. Nixon's complicity—is the critical question the country now increasingly confronts, we see nothing to recommend either the quick political fix, born of political expediency, which Mr. Alsop apparently advocates or the more respectable alternative, advanced on purely judicial grounds, by Watergate Special Prosecutor Archibald Cox.

In asking the Ervin Committee to close down its hearings for three months, Mr. Cox and his fellow prosecutors have advanced some reasonable arguments that the public proceedings could impede an effective prosecution by generating pre-trial publicity, by arming potential defendants with an advance look at the possible testimony against them, and by discouraging key witnesses from breaking down and talking on the theory that they never will be brought fairly to trial. Doubtless, the Ervin hearings will have some of these effects. Indeed, Mr. Cox would have been remiss in his duties had he not argued the point. But Mr. Cox cannot hope to shut off all pre-trial publicity; the record of the last 12 months, right up to last Sunday's report about Mr. Dean, attests to that; moreover, other committees in both houses of Congress are at work on one aspect or another of Watergate. Finally, not all the evidence by

any means suggests that the most massive pre-trial publicity necessarily precludes successful prosecution; witness Charles Manson and Sirhan Sirhan. In short, if Mr. Cox is as serious about this as he sounds, he would have been well advised to have brought the question up with the Senate in his testimony at hearings on the nomination of Attorney General Elliot Richardson—hearings which turned almost entirely on the prospect of an effective prosecution of the Watergate case. It is rather late in the day for him to be raising new conditions about his ability to do his job.

If Mr. Cox's proposal would perpetuate an intolerable state of affairs indefinitely, while the judicial process worked its slow and tortuous ways, the procedure advocated by Mr. Alsop, and echoed by the White House and by the President's supporters elsewhere, would almost inevitably operate so as to perpetuate the present cover-up. The way this line goes, Mr. Dean is a liar (and a "bottom-dwelling slug" to boot, in Mr. Alsop's phrase) and that therefore the Ervin Committee should conduct a fast examination of a handful of higher-level suspects—Messrs. Mitchell, Haldeman, and Ehrlichman, notably—on the theory that this would speedily establish, one way or another, the President's role in the Watergate. Even if you leave aside Mr. Mitchell's proven record for mendacity, and forget for the moment the acknowledged "inoperativeness" of everything the White House higher-ups have had to say about the Watergate affair for almost a year, and ignore the "top-dwellingness" of Mr. Dean's frequent access to the President, this approach hopelessly misperceives both the enormity and the complexity of the conspiracy spawned in Mr. Nixon's White House over the last four years. And it ignores, as well, the increasing irrelevance, in terms of fitness or competence to govern, of proving or disproving—and still less, "half-proving," as Mr. Alsop would have it—the precise complicity of the President. It was, after all, *his* administration—and *his* White House.

We would not argue that there are not considerable risks to the prosecution in allowing the free play of the congressional investigators—or, for that matter, of the press. Nor do we relish the prospect that former trusted high officials of the government who may be guilty of crimes could go free while their lesser paid agents went to jail. But the crisis of confidence we face goes far beyond the judicial processes. That there can be no sure or painless resolution of the Watergate crisis is no more than a measure of the terrible state to which the President has reduced himself—and the country—in almost every aspect of his handling of the matter all along the way. For as long as he refuses to confront this crisis himself the next best hope for the necessary restoration of public confidence lies not in drawn out judicial processes but in the most careful and comprehensive exposure and analysis of what it was that was done—and what it is that the administration is still trying to cover up.