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Ervin Panel

Has a Role

To Fulfill

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Fire from two fronts rakes the Senate Watergate Committee as it opens a new round of public hearings this week. Presidential loyalists are urging that the committee summon a handful of key witnesses and then close up shop. Judicial purists claim the committee should suspend operations in deference to Special Prosecutor Archibald Cox.

My own feeling is that both these views are radically wrong. Insofar as they are not merely a cover-up for Mr. Nixon, they express a poor grasp of the Watergate issue, and a refusal to recognize the central role of public opinion in American democracy.

Consider, first, the suggestion of the presidential loyalists. Their idea is that the one big issue is whether President Nixon was deeply involved. They think this can be resolved by summoning before the Senate Committee now the half-a-dozen men who had access to the President during the critical period between June, 1972 and April of this year.

The trouble here is that Watergate is an extremely complicated affair featuring a cast of accomplished liars. Former Attorney General John Mitchell, for example, has lied in public over and over and over again. So merely to call Mitchell and the others again without building a record in advance is to play out in public the old philosophic riddle: What do you believe when a liar says he's telling the truth?

The critique of the judicial purists is much more formidable. They argue that the best way to get the whole truth is to follow through hard on the criminal cases being developed against Mitchell and company. The theory is that under the threat of long prison terms, they will break and tell the whole story. Accordingly, the argument goes, maximum powers should be concentrated in the hands of the special prosecutor, Mr. Cox.

His task would undoubtedly be eased if the Senate committee suspended its work. Public hearings build for potential defendants the argument that pre-trial publicity precludes a fair trial. So Mr. Cox has felt obliged to ask the Senate committee to postpone its hear-

ings for at least a time.

The problem here is the problem of public opinion in a mass media society. Watergate is not merely, or even mainly, a set of criminal actions which need to be judged in a court. Watergate represents a way of governing, a total system of presidential power under which major national institutions—the courts, the FBI and CIA, the organs of public opinion—were subordinated to the political convenience of the man who happened to be President. That system had its roots in the cold war; and it has been building for a long time. Despite Mr. Nixon's superficial signs of change, the basic ele-

ments of the system are still in place. His White House chief of staff, Gen. Alexander Haig; his press secretary, Ron Ziegler; and his chief personnel man, Fred Malek are all hold-overs from the old team. There has been motion at the White House, but no real change.

So the essence of dealing effectively with Watergate is to focus public opinion on what has been going on. It is to show day after day after day how things have been working at the level of little men, such as the Watergate burglars, and at the level of big men, such as the President and the White House staff.

By luck approaching the miraculous, the leadership and inner dynamics of the Senate committee appointed to deal with Watergate fit exactly the needs of public opinion. At the top, there is a chairman, Sam Ervin, who commands respect in both parties, and exercises a hold on the public imagination. At the bottom, there is an idealistic young Republican, Lowell Weicker of Connecticut, who keeps surging against any disposition toward white-wash.

I have known Mr. Cox for years, and feel toward him something like reverence. I am confident he can make a strong case no matter what the com-

mittee does. But on his best day he is no match for the committee when it comes to reaching public opinion through the mass media.

In these circumstances it is up to Mr. Cox to make graceful accommodation. He must accept, as I think he is disposed to accept, the primacy of the present public interest in Watergate. He has to leave room for the Ervin committee to continue the slow, systematic questioning of witnesses in a way that will impress deep on the public mind the Watergate disease that even now continues to poison government in Washington.

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