

Mr. Nixon's Persistent Problem With

the Plumbers

Even while launching "Operation Candor" to restore his credibility, President Nixon was sidestepping questions about the White House plumbers unit and trying again to shield its covert operations with a national security cloak.

Otherwise well prepared for his talks with congressmen, Mr. Nixon had no ready answer when asked why in 1971 he secretly set up the special investigations unit—the notorious plumbers—in the White House without statutory authority. He simply invoked again his May 22 statement claiming considerations of national security. Simultaneously, his lawyers were revealing to the Watergate prosecutor secrets of national security so sensitive that they must be safeguarded even at the price of letting the plumbers go free.

But Special Prosecutor Leon Jaworski's intention seems clear: Vigorous prosecution of the plumbers without worrying about national security. Unless Jaworski changes his mind, leaders of the plumbers will soon be indicted—bringing into open court the aspect of Watergate most potentially damaging to the President.

Even some who fully accept Mr. Nixon's vow that "I'm not a crook" are concerned about his apparently intimate role in establishing a White House secret police, whose principals eventually pulled the Watergate burglary itself. Worrying his supporters is the possibility that prosecution of the plumbers might confirm presidential culpability in their operations.

It is surprising, then, that the President was so seldom questioned about plumbers' operations during last week's sessions with congressmen. An exception: during Mr. Nixon's tense Nov. 14 evening session with Republican senators, he was asked by Sen. Charles Mathias of Maryland to justify the aborted secret intelligence plan (the so-called Huston plan) and the plumbers.

Some, but not all, remember Mr. Nixon replying that the FBI, the CIA and "other agencies" urged that course—a statement unfounded in fact. At that point, presidential counselor



By Charles Del Vecchio—The Washington Post

Special Prosecutor Leon Jaworski, center, with Assistant Attorney General Henry Petersen, left, and Acting Attorney General Robert Bork.

Bryce Harlow broke in to suggest Mathias could get his answers from Mr. Nixon's statement of May 22.

Mathias retorted that the turgid May 22 statement, Mr. Nixon's first attempt to cover Watergate with a national security blanket, was part of the problem. The President ended the sterile dialogue by promising Mathias the answer in writing—an answer not yet received.

The exchange indicates how reticent Mr. Nixon remains about the plumbers. Moreover, at about the same time as that exchange with Mathias, the President's lawyers were warning Jaworski that the plumbers case involved genuine national security information which could never be divulged.

That was history repeating itself. Jaworski's deposed predecessor, Archibald Cox, was informed of the same secret material by the White House.

He told nobody at the special prosecutor's office about the details but indicated that a genuine national secret was at stake. He then delayed indictments in the plumbers case while devising a plan for prosecuting without revealing the secret information. Indictments were delayed but certainly not stopped.

Shortly after Jaworski filed his brief in district court Nov. 12—contending that not even the President can break the law in the name of national security—he was summoned to the White House. Like Cox, he was told about the national security matter, was convinced that the matter should not be divulged and did not reveal details to his staff. But unlike Cox, he ordered the prosecution to move against the plumbers without delay.

Jaworski, less the appellate lawyer than Cox, is not overly concerned that plumbers defendants can argue for

dismissal unless the national security matter, allegedly justifying their illegal conduct, is divulged. The special prosecutor believes this can be worked out with the judge in chambers.

Thus, while President Nixon responds to all questions about the plumbers (most recently to the editors at *Disney World*) by invoking national security, the plumbers case closes in on him.

Jaworski is near actual indictments in the case—another of many Watergate ironies. All last week, the President was telling congressmen that Cox had been “dillydallying” with Watergate whereas Jaworski would soon bring out indictments. Chances are today that those first indictments will come in precisely that aspect of Watergate where Mr. Nixon, from May 22 to today, has persistently discouraged the prosecution.

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