

post
1-3-75

The Watergate Cover-Up Verdict

THE VERDICT in the Watergate cover-up trial was not surprising except perhaps to the defendants and to those close to them for whom any perspective on the evidence may have been distorted by hopes and fears. The case built up carefully by Prosecutor James Neal over the last three months pointed overwhelmingly to the conclusion that a conspiracy to obstruct justice had existed inside the Nixon White House. No one seriously disputed that. The only question was whether Messrs. Mitchell, Haldeman, Ehrlichman, Mardian and Parkinson had been deeply enough involved in it to be held criminally liable. The jury said the first four men had been and Mr. Parkinson had not been. It seems to us that the evidence—and particularly the tape recordings—permits no other conclusion on the heart of this case and supports, as well, the perjury convictions returned against Messrs. Mitchell, Haldeman and Ehrlichman.

The final verdict in this case, of course, is not in yet. All four men will appeal, and a multitude of questions will be presented to the Court of Appeals in the hope of persuading it to set aside the convictions. Mr. Ehrlichman has already been talking about two of these matters—the contention that Watergate defendants could never get a fair trial in the District of Columbia and his claim that his defense was less than complete because former President Nixon did not appear as a witness. We have no idea how the Court of Appeals or the Supreme Court—if it comes to that—will view these and other points of appeal. And many months will pass before anyone does know. But, in the interim, some conclusions can still be drawn from this jury's verdicts.

The most important of these involves Mr. Nixon. It is worth recalling that the grand jury that indicted these five men wanted to indict Mr. Nixon on the same basic charge but was persuaded it should not do so because he was then President and impeachment proceedings were already going forward in the House of Representa-

tives. That grand jury, however, did name Mr. Nixon as an unindicted co-conspirator. One does not need to stretch evidence in order to reach the view that if Mr. Nixon had been indicted, this trial jury would have found him guilty also. The recordings of White House conversations make clear his deep involvement in the whole sordid affair from the day after the Watergate burglary until last summer. So inextricable was his entanglement in the conspiracy, in fact, that any conclusions that could be reached with respect to the four convicted conspirators would have to be reached with respect to Mr. Nixon.

The books are still open on Watergate. The Special Prosecutor's office has several other proceedings to complete. And it has a final report to write and send to Congress. That report, it seems to us, ought not to be confined to a recital of those facts which have become known in the courtrooms. It ought to do what the judicial process has been prevented from doing, first by Mr. Nixon's status as President and later by the pardon. The prosecutor's office, for instance, has many tape recordings which are related to Watergate and the other subjects of investigation but which were not pertinent to the issues or to the defendants in the cover-up trial. These should become part of the public record in due course, along with any other relevant evidence not yet known, in order to lay to rest any contention that the truth has been concealed and permit history to make an informed judgment on the events of the past 30 months. The verdict returned by the jury on New Year's Day is an important step toward that ultimate judgment, but not the final step. All the available information about Watergate and the related subjects of special investigation needs to be laid out, and the final report of the Special Prosecutor is the proper format for it. If special legislation is needed to make this possible, it should be a high priority of Congress.