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Guilt or Innocence In the Oval Office?

Practically everybody would like to believe that President Nixon is not deeply involved in the Watergate affair. But Mr. Nixon makes it awfully hard.

As of this writing, he is not behaving as an innocent man. Ten days after stating he wanted to get "the truth," he is acting in a way only consistent with a continuing Watergate cover-up.

Consider first his relations with John Wesley Dean III, the White House counsel. Shortly after Mr. Nixon indicated he wanted to get to the bottom of Watergate, Mr. Dean issued a public statement saying he would not be made "a scapegoat." He issued that statement on his own, without advance clearance through White House channels. It was a brazen act of defiance.

But subsequently it became known that Mr. Nixon had talked with Mr. Dean and assured him that he was still White House counsel. One can only conclude Mr. Dean had so much dirt on the President or his closest associates that Mr. Nixon was obliged to yield to his crude threat.

Consider next the role of Assistant Atty. Gen. Henry Petersen. The President has given him major responsibility for the continuing investigation of Watergate. Mr. Petersen is a professional prosecutor and many people, including this columnist, have known him in the past as a straightforward law-enforcement officer. But he is far too compromised in the fiasco of the original Watergate investigation to be credible as the chief investigator of a cover-up. For example, on Dec. 16, 1972, in response to charges by Sen. George McGovern that the original investigation was a whitewash, Mr. Petersen said:

"The investigations by both the FBI and the grand jury have been among the most exhaustive I have seen in my 25 years as a prosecutor." He added that the investigations were conducted under his "supervision," and that there were "no limitations of any kind." But we now know there were limitations aplenty. The investigators did not talk to H.R. (Bob) Haldeman, the White House chief of staff. They did not question Mr. Dean. They did not question Mrs. Martha Mitchell. Nor did they look into the wider issue behind the Watergate break-in—the issue of campaign sabotage and fraud.

Moreover, there is the President's stand on the little noticed but central point of immunity from prosecution. Virtually all lawyers are agreed that the right to grant immunity from prosecution to guilty parties in exchange for information on higher-ups is a key tool for any prosecutor. The Nixon administration itself, in asking for that right as part of its 1969 crime bill, referred to it as an instrument "to strike at the leadership of organized crime, not just the rank and file."

But in his April 17 statement indicating he wanted to get at the truth, Mr. Nixon carefully ruled out the granting of immunity. He announced that he had told officials at the Justice Department that "no individual holding in the past or at present a position of major importance in the administration should be given immunity from prosecution." In other words, Mr. Nixon

tore from the prosecution's hands a major weapon.

Finally, there is the continued presence on the White House staff of parties deeply implicated in Watergate and its cover-up. Mr. Haldeman, for example, was a central figure in the President's re-election campaign. It strains credulity to believe that he and his co-workers on the White House staff did not know what was going on in the campaign. If they didn't know, they were derelict in their duties to the President.

To be sure, there is as yet no proof that they acted illegally. But if Mr. Haldeman and company are innocent, they will have plenty of chance to prove it before the grand jury and the Senate committee looking into Watergate.

Meanwhile, much more than mere legality is involved here. What is involved is the most important office in the republic. For Mr. Nixon to keep his cohorts in office is to give currency to the widespread suspicion that he is more interested in the good name of his friends than in the good name of the presidency.

All the suspicions raised in this column may well be wrong. I hope they are. Mr. Nixon can easily prove them wrong. But so far he has not begun to do so. He leaves all of us in the position of crying, "Say it ain't so."