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Watergate Needs A Special Prober

THE PRESTIGIOUS Association of the Bar of the City of New York has seized upon a suggestion tentatively put forward early on and has besought President Nixon to remove the Justice Department from the Watergate investigation and replace Assistant Attorney General Henry Petersen with an independent prosecutor who is unidentified with either government or politics.

In a letter to the President, the Association says that the gathering Watergate mess has reached a point where "the integrity of the entire process of justice is at stake" and that the present investigation of the government by the government has raised "justifiable doubt concerning possible conflict of interest as well as problems relating to professional ethics."

WITHOUT THE SLIGHTEST REFLECTION on the competence or probity of Petersen — he has been called "so honest that you could play craps with him by telephone" — it must be said that he is under the same impairment that constrained his superior, Attorney General Kleindienst, to withdraw from the investigation, namely: personal acquaintance with many of the figures now under suspicion.

Furthermore, Petersen is an admirer and former associate of John Mitchell, the former Attorney General who had admitted prior knowledge of the criminal activities under investigation. His failure to intervene either by precept or affirmative action has severely damaged his reputation and in the opinion of some critics makes him a possible candidate for indictment.

It can no longer be doubted that what was once shrugged off as a familiar exercise in practical politics or a "stupid caper" has taken on the status of high scandal. Alf M. Landon, the 1936 Republican nominee for President, has commented that "Watergate activities have produced "growing righteous indignation of the public to sordid political usage." Others speak of "a decay in decency," of blatant, contemptuous and continuing affronts to the public's intelligence, and of a direct threat to public confidence in the Presidency and in government.

The crucial issue is, how many in the White House who are close to the President have been lying? If the acting director of the FBI was burning sensitive documents, what further disclosures are to come?

WHILE THE PRESIDENT HAS indeed promised to find out and punish the guilty, it would go far to resolve doubts if he designated an independent investigator. Such a special prosecutor would be able, in the New York Bar's words, to proceed "without fear or favor." In taking this course, the President would well serve himself, his administration, his party and the high office to which he has been twice elected.