

Joseph Kraft

Watergate: Still a Live Issue

Watergate has been made to seem a fading issue by the postponement and abridgement of scheduled Senate committee hearings. But, in fact, all that has happened is that the forcing role has passed from the Senate committee to Special Prosecutor Archibald Cox.

The special prosecutor, thanks in part to work done by the committee, is pressing powerfully forward. He is on the trail of some sensational indictments, and he is keeping the issue of presidential impeachment very much alive.

The indictment possibilities spring from three sets of cases. First, there is the anti-trust settlement made with the International Telephone and Telegraph Company (ITT). The Senate investigators unearthed a memorandum from former White House Special Counsel Charles Colson mentioning six documents which implied a deal between the President and the company.

The Cox office has obtained all six documents from the White House. They apparently provide material for perjury indictments against former Attorney General John Mitchell, former Attorney General Richard Kleindienst, former Assistant Attorney General Richard McClaren, who is now a federal judge, and several top officers of the company. The big question is whether to go for the simple perjury indictments, or to review the whole case including the merits of the anti-trust settlement.

A second big case involves the work of the plumbers, the special White

House unit set up for security investigations. One of their activities was the burglary of Daniel Ellsberg's psychiatrist. Three former White House aides—John Ehrlichman, Egil Krogh and David Young—already have been indicted by a Los Angeles grand jury for their part in that operation. Cox has in the works a much wider case, that also would include the indictment of Colson.

A third set of cases grows out of the campaign contributions made illegally by large companies to the President's reelection campaign. A number of major company officers are going to be brought up in court for these activities. In at least one case—the case of George Steinbrenner of the American Shipbuilding Company of Cleveland—the charge may include an attempt to obstruct justice.

On top of all those actions, Cox is pushing for the extradition of Robert Vesco, the former head of Investors Overseas Services, who has fled to Costa Rica with occasional side trips to the Bahamas. The Vesco case seems to tie truly large sums of money, perhaps raised through the Teamsters and the Mafia, with the members of the President's own family.

Mr. Nixon's own involvement is, of course, at the center of the Cox inquiry. The President's role is now bound up with the complex litigation over the tapes of his conversations and phone calls.

In seeking access to the tapes, Cox has twice dented the President's claim

that the way is barred by the principle of confidentiality. Federal Judge John Sirica has ruled that the tapes were at least subject to judicial inspection for their possible relevance to Watergate. The Court of Appeals in Washington has suggested that Mr. Cox and the President's counsel examine the tapes for possible relevance to the Watergate investigation and report back to the court.

That suggestion clearly offers a way to get at the tapes without touching the doctrine of confidentiality. The implication is that if the President refuses their suggestion, the judges will probably find it difficult to sustain his claim. While no one knows for sure, the betting here is that the Supreme Court will follow the same line of argument—and by a substantial margin.

Maybe the White House will compromise. But if the President refuses to cough up the tapes, no matter what the courts say, the door to impeachment opens wide. Professor Cox would almost certainly ask the Congress to begin impeachment proceedings. Most soundings indicate that defiance of the courts by the President would sweep away congressional reluctance to impeach. One guess by an informed White House official is that the odds are about 50—50 the issue will go to impeachment.

What all this means is that Watergate is a long way from behind us. The major issues are yet to be resolved, and Mr. Nixon remains in deep trouble.