

The Watergate Indictments

With the indictment of seven former members of President Nixon's entourage for the Watergate cover-up, it's only natural to speculate on what may be revealed about the President's own complicity. But it is also wise to stop to reflect on what the indictments show about the American system of justice.

As the weekend's extensive press coverage has amply demonstrated, the indictments provide plenty of food for speculation about the President's involvement. The grand jury gave Judge Sirica a sealed report and two suitcases of evidence. Special Prosecutor Leon Jaworski believes a grand jury cannot indict a sitting President, that any redress for presidential crime must be found through impeachment. So it's easy to conclude that — as "source stories" are already reporting — the grand jury has evidence it wants the judge to take to the House Judiciary Committee.

Beyond that, one count of the indictment is itself a dagger pointed at the President. The grand jury charges that Mr. Haldeman lied in saying, in his account of the crucial March 21 meeting of Mr. Haldeman, the President and John Dean, that Mr. Nixon said it would be "wrong" to raise money for buying the silence of the actual Watergate burglars. The jurors have heard the tape of this meeting.

We would hope that the grand jury would not base an indictment on a mere error in precise quotation, but would return such an indictment only if it believed no such inference could be found in the President's remarks. In other words, it's almost necessary to conclude that the jurors support John Dean's version of that conversation (which Mr. Dean dated March 13). That conclusion, of course, suggests the President was deeply involved.

Now, two things seem to us obvious. One is that indictments are allega-

tions, not facts. Mr. Haldeman, Mr. Mitchell and the rest are entitled to their day in court, no less than Daniel Ellsberg or Father Berrigan. Similarly, what the indictments do prove about Mr. Nixon will be evident only after the charges are aired and the defenses offered in open court.

Just as obviously, whatever evidence the grand jury has developed about the President ought to go, one way or another, to the Judiciary Committee. It ought also to go to the American public, which will be the actual jury on the possible impeachment of the President. A great deal will be learned simply from one public hearing of that March 21 tape. We recognize that there are legal difficulties in making evidence public before those indicted have been tried, but the necessities are also compelling.

Whatever decisions are ultimately reached in Mr. Nixon's case, though, the indictments Friday are evidence that American institutions possess great independence and considerable power to check wrongdoing. The Watergate revelations have naturally given rise to a concern with Executive power, and we would be the last to deny the danger. But it seems to us the evidence of Watergate is more impressive in the other direction, in showing the checks on Executive abuses by the courts, the press and even the Executive bureaucracy itself.

We doubt that there have been very many other societies in history that would indict so many people so close to the head of state or government for a crime like conspiring to obstruct justice. In most lands, in fact, we suspect that obstructing justice is considered the ruler's prerogative. So whatever the trials may ultimately prove about the mendacity of some of our prominent men, the indictments already stand as a testimony to our institutions.