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The Grand Jury's Vote

Confirmation that the Federal grand jury which indicted seven White House campaign aides last March also voted unanimously to name President Nixon as a co-conspirator in the Watergate cover-up, represents another shock for a nation that has had too many.

The indictment and conviction of so many of the President's closest associates, plus the degrading revelations left unexpurgated in the edited transcripts of White House tapes, have alerted the American people to the magnitude of the legal and moral issues at stake. Yet, even such massive insulation against fresh surprises could not have inured the public to the gravity of the grand jury's conclusion.

Presidential lawyer James D. St. Clair is entirely justified, of course, in implying that grand juries can be wrong. He is technically right, too, in insisting that the grand jury's action has "no legal effect"—but only because Special Prosecutor Jaworski seems to have dissuaded the jury from handing down an indictment in order to avoid confronting the constitutional question whether a sitting President is indictable.

Yet Mr. Nixon's response, as quoted by Mr. St. Clair, that the jury simply did not have all the evidence and that he was confident "that the true facts would come out in time and that he would be exonerated" is no response at all. It blinks the fact that, even though it was the White House that limited the available evidence, the grand jury was nevertheless persuaded—by a 19-to-0 margin—that the evidence was sufficient to name Mr. Nixon as a co-conspirator.

If the grand jury was then—as both the House Judiciary Committee and Mr. Jaworski still are—short of "all the evidence," who but Mr. Nixon is at fault in not providing it? If the President is confident that "the true facts" will come out "in time," who but Mr. Nixon is able to provide them?

The President's prediction that the missing evidence will be forthcoming "in time" once again exposes the White House strategy as primarily one of delay. That makes the message for the House Judiciary Committee more unmistakable than ever: it cannot let itself be deflected from determining the pace of the impeachment proceedings. No White House efforts at obstruction or White House claims that the President retains the right to determine the nature of the evidence needed to bring the case of Richard M. Nixon to its fair conclusion can stand in the way of its moving forward with every consideration for due process but without any undue delay.