

The joint motion by White House lawyers and Special Prosecutor Henry Ruth for a Federal court order affording the Watergate prosecutor access to whatever tapes and documents of the Nixon Administration are necessary for his staff's criminal investigations is a needed corrective of an initial White House blunder.

The agreement originally made by President Ford, recognizing Mr. Nixon's title to these materials and giving him control over access to them—including the right to oppose subpoenas on the grounds of executive privilege, national security or any other objection he chose to raise—was incomprehensible and indefensible. The new White House attitude, based upon consideration for "the due administration of justice and the public interest," represents the only position a post-Watergate Administration could reasonably take.

Former President Nixon's lawyers are opposing the motion on his behalf, but the argument that an unindicted co-conspirator in the Watergate cover-up case should be given a further opportunity to impede the work of the prosecutors appears ludicrous on its face. However, even a court ruling in favor of the White House and the special prosecutor will not finally dispose of the issue of the records of the Nixon Administration.

Only the legislation now pending before a House subcommittee can do that. Prior to the election recess, the Senate passed a bill which would make those records public property for all time and would provide means for compensating Mr. Nixon, if he is entitled to such payment. The House should make passage of that bill before the end of this session its highest priority.

## ...and the Record

True to former Special Prosecutor Leon Jaworski's pledge, the Government attorneys in the Watergate cover-up trial have laid on the line their considered judgment about Richard M. Nixon's role in that cover-up. In order to justify a proposed line of questions, Chief Prosecutor James F. Neal outlined the prosecution's theory that the former President directed the obstruction of justice and that Messrs. Haldeman, Ehrlichman, et. al. acted as his agents in carrying it out. "There's no other way you can show the agency—from the former President of the United States to Haldeman and Ehrlichman to Walters to Gray—and that is the obstruction," Mr. Neal said. "It's the act itself."

Although revisionist historians may play around with the fact that Mr. Nixon has not been convicted by the Senate or a criminal court, that clear and unvarnished judgment by the prosecutors will loom as a large obstacle to any major bending of an ugly truth that Americans will forget only at their great peril.