

# Unanswered Watergate Questions

In testifying before the Senate Government Operations Committee, Henry Ruth, the Watergate special prosecutor, said, "As special prosecutor now, I take directions from no one. I report directly on ongoing investigations to no one, and I could easily abuse my power with little chance of detection." No doubt the respected Mr. Ruth could get away with abusing his powers if he so chose, but no one has suggested that he has. If there is a question about his performance, it is not over-excessive zeal or the persecution of defendants. On the contrary, the doubt is whether he has exercised his power vigorously enough.

When Leon Jaworski, the previous special prosecutor, suddenly resigned early last October, he left much unfinished business for his successor to complete. Now, almost a year later, Ruth is preparing to close up shop in the next week or two.

There may, of course, be some reassuring surprises in Ruth's final report, but up to now there is comparatively little to show for his many months in office. It will be interesting to learn, if we do, what he and a large, expensive staff have been doing all this time. The record is not impressive on developing new lines of investigation or successfully consummating the investigations that were known to be under way when Mr. Ruth took over.

In the debate over creating a permanent special prosecutor to deal with government corruption, nearly all the concern has been over the

danger of such an official doing too much rather than too little. Attorney General Edward Levi has been almost alone in preceiving the possibility of negative abuses.

When Levi was up for Senate confirmation several months ago, there was a significant but unreported exchange between him and Sen. Phillip Hart (D-Mich.) over the duration of the Watergate special prosecutor's assignment as defined in his congressional charter. Sen. Hart said he thought it required the special prosecutor to carry out his responsibilities "until in his judgment he has finished them, or the Attorney General and he agree to close it up." That prompted the following testimony:

Mr. Levi: I think the problem that bothers me is that it may very well be that the special prosecutor may at some time get rather tired of continuing his endeavors, and it is conceivable that some Attorney General might feel it is very important that he continue or that he have a successor, even though he did not think so.

Sen. Hart: That, frankly, had not occurred to me.

Mr. Levi: Well, it has occurred to me, and I have worried about it because I think it very important.

Sen. Hart: You're right, it is, but except for persuasion, I think the way we have written this thing is he can walk out any time he wants, announcing it is finished.

Mr. Levi: I think it's very important that he not do that.

Sen. Hart: Well, it is comforting to know that you'll seek to persuade him to keep going or then come to us and ask us for advice and counsel.

Since that exchange nothing more has been heard from Levi, but if he meant what he said, now is the moment for him to determine whether Mr. Ruth has fully and diligently completed his assignment. It may be that, for unexplained reasons, Ruth cannot do more, but as of today there are a number of crucial questions still unanswered despite long investigation.

What, for example, are the hidden facts about the secret fund allegedly controlled by former President Nixon's friend and crony, Charles "Bebe" Rebozo? And what was the true connection between Nixon and billionaire Howard Hughes, who gave Rebozo \$100,000 for the President's re-election?

Who was responsible for the 18-minute gap in the tape of the key conversations Nixon had with his chief of staff, H. R. Haldeman, three days after the Watergate break-in? And who was responsible for the faulty transcripts of the White House tapes given to the House Judiciary Committee during its impeachment inquiry? Perhaps Ruth intends to clear up these and other loose ends before he closes shop. But, if not, it's time for Levi to ask why not. And if the Attorney General is reluctant, a little prodding from Sen. Hart may be in order.