

More on the Continuing Cover-Up

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"... Attorney General Richardson approved of this proposition. Sen. Baker and Sen. Ervin approved of the proposition. Mr. Cox was the only one that rejected it. Under the circumstances, when he rejected it and indicated that, despite the approval of the Attorney General, and of course of the President, and of the two major senators in the Ervin committee, when he rejected the proposal I had no choice but to dismiss him."

Thus President Nixon, at his press conference Friday night, gave us his version of the firing of the Special Prosecutor in the Watergate case, Archibald Cox. In an editorial in this space on Sunday we noted that this version is squarely at odds with the public record in at least one crucial aspect. The President's "proposition" for resolving the battle of the tapes, we noted, came in two tightly connected parts: one consisted of the scheme to filter a presidentially prepared "summary" of the disputed tapes through Senator Stennis for verification and to present this paraphrase to the Senate Watergate Committee and to Judge Sirica; the second part of the deal—for that is precisely what it was—would have compelled Mr. Cox "in return" to desist from any further attempts through the courts to obtain "tapes, notes or memoranda of Presidential conversations." In other words, Mr. Cox was to be thrown a very small bone, in terms of his own definition of his potential future needs if he was to discharge his responsibilities in accordance of what he perceived to be the law. And Mr. Richardson, sensing this, not only did not approve of this quid pro quo but refused to transmit the second part of the transaction to Mr. Cox. "I did not believe . . . that the price of access to the tapes in this manner should be the renunciation of any further attempt by [Mr. Cox] to resort to the judicial process," Mr. Richardson said in a letter to the President.

Now it might be said that Mr. Nixon, in his account of the affair, had somehow lost sight of the second part of the transaction—although he did not lose sight of it in his statement on Oct. 19, when he simply ordered it into effect over the objections of both Mr. Cox and Mr. Richardson.

But the case for believing that the President was confused or merely unprecise on Friday night is pretty well demolished by the performance of his White House Chief of Staff, Gen. Alexander Haig, on Face the Nation on Sunday. Speaking of the President's desire to remove the "point of confrontation" over the tapes, both in the courts and in the Senate Watergate Committee, he said: "That is precisely what was attempted. And I must say that the collective judgments of Senator Stennis, of Senator Ervin, of Senator Baker, and of the Attorney—the then Attorney General of the United States—was that this was a very fair and very just solution to this agonizing problem." At another point there was this exchange:

General Haig: . . . what I do want to point out and emphasize very clearly is that what the President entered into was a very forthcoming and judged to be very fair outcome to a difficult situation.

Q. By whom?

General Haig: By all of the responsible players in this particular confrontation—with the exception of Professor Cox.

Now if these statements by Gen. Haig mean anything

—if they represent, in other words a serious effort by a Presidential spokesman to communicate to the public the essence of a crucial episode in the Watergate affair—they have to mean that the President's "herculean effort" (in General Haig's words) to resolve the tapes issue once and for all had the backing not only of Mr. Richardson but of the leadership of the Senate Watergate Committee as well—and that the only stumbling block was Mr. Cox. In the case of Mr. Richardson, as we have already noted, that is demonstrably false. And it is also demonstrably false with respect to the leadership of the Senate Watergate Committee. According to a spokesman for Senator Ervin, neither he nor Senator Baker was even aware of the limits that were to be put upon Mr. Cox—let alone approved them. All these two men apparently agreed to or were told about was a proposed procedure by which they would get "verbatim transcripts" (not the presidential "summary" that Mr. Nixon described in his Oct. 19 statement) of five of the President's tapes, authenticated by Senator Stennis.

Just as the President's proposal, in its totality, never had the full support of Mr. Richardson or of the Senate leaders, despite what the White House would have us now believe, so it never was flatly opposed in its entirety by Mr. Cox either. On the contrary, the Special Prosecutor was more than ready to negotiate on that portion of it which was first presented to him, involving the processing of the tapes through Senator Stennis—"I felt a very heavy obligation to consider that, to seek advice, to suggest improvements, and that is what I did," he said on Sunday on Meet the Press. It was the second half of the deal that Mr. Cox could not bargain over, out of consideration for the responsibilities laid down in the Justice Department order creating his job and for the commitment that had been made to the Senate by Mr. Richardson; in both instances, he was promised "full authority" to decide "whether or not to contest the assertion of Executive privilege or any other testimonial privilege." It was the President's abrupt and brutal repudiation of this and other guarantees to Mr. Cox, plainly agreed to by the administration, that prompted not only Mr. Cox but Mr. Richardson and Mr. Ruckelshaus to accept dismissal or to resign rather than to obey the orders of the President. For the President and his spokesmen to re-write the history of this event—to distort the plain public record—is to call more severely than ever into question Mr. Nixon's capacity to conduct an honest inquiry into the crimes and improprieties that go under the name of Watergate. The heart of the problem, in truth, has rarely been better stated than on Sunday by Mr. Cox in explaining why, in the end, he could no longer compromise:

"As soon as it was said that, as the price of getting evidence [the tapes, filtered through Sen. Stennis] that probably wouldn't even be admissible in court, I must abandon the fundamental of any impartial investigation, and that is that I would be free to seek evidence wherever it was in accordance with the rules of law, then I had to say no.

"I think that would have become a deal—a cover-up."