

NYTimes

Out of Politics

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In refusing to appoint a special prosecutor to investigate the Watergate break-in and other alleged Republican irregularities in campaign financing, President Nixon has noted that the F.B.I., the Justice Department, the House Banking Committee and the General Accounting Office are already conducting various investigations as are the White House itself, Clark MacGregor, chairman of the Nixon campaign, and Maurice Stans, the Nixon finance chairman.

Yet, to list these investigators is itself to confirm the need for appointment of a special, blue-ribbon prosecutor from outside the realm of politics. The G.A.O. has no subpoena or enforcement power. The House Banking Committee cannot go very far with a case which may have criminal ramifications. Action on the F.B.I. investigation depends on the Justice Department.

Attorney General Kleindienst assured the public the other day that there would be indictments before the election in the Watergate case, but there is no certainty that prosecution will reach any higher-ups involved in assigning the five men arrested at the Democratic National Committee offices in the Watergate and in financing them to the extent of \$114,000 in Republican campaign funds.

The desirability of a special prosecutor is heightened by Republican charges that infractions of the campaign financing law exist in both parties. Senator Dole, chairman of the Republican National Committee, yesterday followed up earlier assertions by President Nixon and Mr. Stans that the Democrats are as guilty as the Republicans of violating the new campaign disclosure law. Whether the violations are technical or substantive, the central point is that the White House and the Justice Department in this hot political season cannot reasonably be expected to conduct a nonpartisan inquiry into their own party's sins or those of the opposition party.

When the election disclosure law was being enacted, this newspaper repeatedly urged that enforcement be entrusted to a nonpartisan Federal Elections Commission, made up perhaps of retired judges, rather than leaving enforcement to a politically-controlled Justice Department. In the absence of such a commission, the nation now needs a special prosecutor. The only way to lift these controversies out of a political context is to entrust the investigation to someone who is not a political figure. Thus, the old principle reasserts itself—justice must not only be done but must be seen to be done.