

Need for Independence

The glimpse the country has had thus far into the systematic perversion of governmental process in the Watergate scandal and the Ellsberg trial emphasizes the need for a genuinely independent special prosecutor to uncover the full extent of this conspiracy.

It also underscores the inadequacy of the assurance given yesterday by Attorney General-designate Richardson that the special prosecutor he intends to name will report only to him. The special prosecutor ought to be independent of the Attorney General in every respect. In 1924, when the lease of Teapot Dome confronted the nation with a much less pervasive scandal, Congress not only called on the President to appoint an outside counsel but also to keep the Justice Department out of any direct involvement in the case. Such divorcement is even more in order now.

Certainly little in the public record encourages a belief that the Administration is seeking people of demonstrated independence to take over top-level posts as a means of restoring confidence in the integrity of government. Mr. Richardson's own record inside the Administration suggests steady retreat from expressed convictions when a contrary signal came from the White House. While Secretary of Health, Education and Welfare, he ran out on himself when his views and the Administration's political goals collided on such issues as school busing and welfare reform. Even during his brief tenure as Secretary of Defense, he has been busy supplying lame justifications to explain why United States planes are bombing Cambodia in the absence of specific Congressional authorization.

We repeat our previous recommendation that a special prosecutor be appointed by the President or the Attorney General, on the basis of nominations from a screening panel of leaders of the national bar and deans of law schools. To insure total independence, that appointment should itself be predicated on a joint resolution of Congress.