



## The Delicate Role Of Archibald Cox

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AS THE Senate Watergate hearings drone on, the importance of special prosecutor Archibald Cox becomes steadily more manifest. For the Senate inquiry is heading toward a series of delicate judgments.

The committee is far too blunt an instrument for such fine discrimination. But Cox, by contrast, is uniquely equipped to do the job.

The salient role of finely calibrated judgment emerged with special force from the testimony of former Attorney General John Mitchell last week. Prior to Mitchell's appearance, the big job had been to digest the vastly detailed stories of wrongdoing laid out for the committee by guilty men spilling their guts in order to avoid or mitigate prosecution.

Mitchell did not contest the basic framework of facts laid out by such witnesses as the President's former counsel, John Dean. But he placed upon the agreed facts a completely different interpretation.

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FOR EXAMPLE, Mitchell acknowledged playing an active role in efforts to keep details of the Watergate break-in from becoming public during the 1972 campaign and thereafter. To some, Mitchell had plainly moved to obstruct justice and arrange for others to commit perjury. But he himself claims that all he did was hold his tongue while raising money for the Watergate defendants to pay bail and legal fees.

Further testimony of a similarly confusing kind can be expected in the future.

That is particularly true of the President's closest former aides, H. R. Haldeman and John Ehrlichman.

In penetrating the confusion, the Senate committee can play a role. Cross-examination of Mitchell by the Connecticut Republican, Lowell Weicker, showed the dents that could be made in even a very cagy witness, by sharp questioning rooted in detailed knowledge. Despite the coming meeting between the President and Chairman Sam Ervin, the committee cannot easily acquire important documents if the White House insists they are privileged because of the constitutional separation of powers.

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COX IS in a totally different position. He rightly enjoys a reputation for the highest integrity, and has no need to cut a figure before anybody. He can work in a careful, deliberate fashion without the pressure of successive daily appearances before television.

Moreover, the Cox position with regard to getting documents from the White House is particularly strong. Since Cox is an officer of the Executive Branch, the claim of separation of powers, which has been used to fence off the Senate committee, does not apply to him.

So for the period coming up, Cox and his men will be playing a critical role. The Senate hearings will of course go on, with the President and his aides building their defenses. But the public perception of who's lying, and with it the direction of events, will probably be determined by the indictments the special prosecutor begins to hand down in the next several weeks.