

**Royce Brier**

# Watergate Affair Jumbles Along

**T**HE BREATHLESS IMAGINING behind the Watergate affair is that sometime last summer President Nixon personally authorized a wiretap. That is what is meant by the recurring term, "higher-ups," and it is freely utilized by political opponents of the President.

Mr. Nixon is a lawyer, and presumably has a working knowledge of the history of wiretapping in this century, a technique undeveloped in the last.

Mr. Nixon was also a candidate for re-election when the Watergate was bugged. But innuendo touching his personal involvement is exceedingly dubious, since it lacks motive — there was never any doubt last year that, barring a colossal campaign blunder, he would be re-elected. He was never a candidate in desperation.

Does it seem credible, then, that he would engage in a practice which is criminal in some private investigations, and which at best is uncertain in any substantial yield?



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**S**ENATOR ERVIN, chairman of the committee investigating Watergate, has done some good work. He is a good man to have in the Senate, and the grand jury has nabbed a few minor party politicians who have confessed their operations.

But the Senator was going somewhat overboard when he threatened to jail higher White House aides, shielded by the President, who decline to accept the subpoenas of his committee.

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**T**HE SENATOR'S POSTURE is one part, and a small one, in the struggle between the President and the Congress over the division of power in the government. Mr. Nixon had perhaps gone somewhat overboard, too, in his blanket refusal to permit members of his staff to testify on anything whatever. The President relaxed his stand yesterday and announced an agreement between the White House and the Ervin committee on appearances of White House staff members.

The immunity of the Executive to congressional inquiry is a tradition going back to President Washington, but it has never been an absolute, and many Presidents have waived it.

There are statutes empowering Congress to find balking witnesses in contempt, and to punish them with jail terms, but these pertain to criminal cases referred to the Attorney General (subject to Presidential order) for prosecution. Simple refusal to talk to a committee where no charges have been laid is a more complex matter.

The Watergate jumble has been largely lacking in direction, or any visible goal, but don't hold your breath until it comes clear.

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