

Independent Prosecutor?

Elliot Richardson is assuming a bold stance in his appearance before the Senate Judiciary Committee for confirmation as Attorney General—but it is not a satisfactory one.

On behalf of an Administration in which the Acting Director of the F.B.I. burned documents; some of the President's senior aides appear to have been cognizant of espionage, sabotage and burglary; the first Attorney General and the former Secretary of Commerce have just been indicted while the second Attorney General resigned—on behalf of such an Administration, Mr. Richardson in seeking to become Mr. Nixon's third Attorney General blandly says to the committee: "Trust us."

Sentiment in Congress, in both political parties, in the press and among citizens is overwhelmingly favorable to the appointment of an eminent and independent lawyer to conduct the Watergate investigation. But both the selection of a special prosecutor and his conduct of the inquiry have to be totally insulated from the control of Mr. Nixon and his associates. Nothing less can satisfy the public that the whole truth is being sought.

In defiance of that widely shared public conviction, Mr. Richardson on Wednesday insisted that he would select the independent prosecutor, he would decide whether witnesses could receive immunity, and he would retain ultimate responsibility and control over the investigation. That is tantamount to leaving them under President Nixon's ultimate control, because Mr. Richardson is his man.

There is a distinction between integrity and independence which seems to elude Mr. Richardson. No one doubts his integrity in the sense that no one thinks he would commit or condone burglary or perjury. But there is good reason to doubt his independence of Mr. Nixon, whose purposes he has devotedly served in previous Government posts.

The country would like to believe that Mr. Richardson, if confirmed as Attorney General, would rebuild the Justice Department and over the next three years earn back the confidence that Watergate has shattered. But he cannot begin by asking for a grant of trust.

"In that event, my nomination should be rejected," Mr. Richardson observed when members of the Senate committee pressed these arguments upon him. Unless Mr. Richardson retreats from this stance, the Senate should call his bluff rather than risk a cover-up in this monstrous affair.

President Nixon would have done well to announce long ago that he was asking the deans of leading law schools or representatives of leading bar associations—or both—to serve as a panel to select a wholly independent prosecutor. That is still the proper course to follow. The identity of the new Attorney General is secondary to a decision on this question.

The country has suffered through enough cover-ups from this Administration. It is time for the President and his aides to cut out this political nonsense and start the process of choosing an independent prosecutor.