

Mary McGrory Reports

The Defects in Cox's Plea

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Archibald Cox, the special Watergate prosecutor, has asked the country for a blind act of faith, to take his side in a showdown with Senator Sam Ervin over the suspension of the Watergate hearings.

It is a request justified by his sense of his own rectitude and his reputation as an honorable man. It is also a trifle anachronistic, reflecting as it does the creed of the president he first served, John F. Kennedy: "One man can make the difference."

Analysis and Opinion

In the context of Watergate, it is, as he said himself, a "trying" and "difficult" request, especially as it falls in with the thinking of the White House, and puts him in the unfortunate position of being suspected of covering up.

Last weekend, vice president Spiro Agnew, the sometimes spokesman for the administration, made a commencement address in which he inveighed against excellence and perfectionism, which is, at bottom, the basis of Cox's plea. If we had aimed low, Agnew seemed to be saying, if we had accepted the President's explanation that all politicians behave badly in campaigns, we would not be suffering such acute disenchantment and cynicism.

Cox is asking the country

to trust him, to forego the immediate gratification being provided by the Ervin committee in exchange for the larger purpose of bringing the major guilty parties to justice. His problem is that he must use the same agencies which failed so abjectly the first time around to achieve that end.

For Cox, he is telling us, those same men would be more rigorous than for Richard Kleindienst, the former attorney general, who assured the public last fall that the investigation was relentlessly pursued.

The public is still aware what a near thing it all was. Had it been anybody but touchy, hidebound John Sirica, the chief judge of the district court on the bench, we might still be as much in the dark as we were a year ago.

Cox told the Ervin committee in a letter that their activities would "increase the risk" that major guilty parties or even all, might go free. This is his most compelling argument. If a couple of people who hold up a gas station end up behind bars, why should men who, as Senator Lowell Weiker said, "almost stole the country" walk around for the rest of their lives, with disgrace as the only penalty and total distrust of the system as the consequence.

Chairman Ervin, when the matter of suspension first arose, rather unwisely said that it was more important to get the truth than to "put a couple of people in jail."

Cox argues that certain people might talk more freely in the secrecy of the grand jury than before the television light of the committee. The history of the first Watergate trial refutes him. Grand jury proceedings and the trial itself produced nothing.

It was only when Judge maximum sentences at the defendants that James McCord, who had no faith in the Justice Department or Sirica started brandishing the prosecutors, began to sing. He was silent in the courtroom. In the caucus room he told all.

The committee seems utterly indisposed to closing down its operations. It has heard itself praised for painstaking, non-sensational and meticulous procedures. It reminds itself that it has a mandate from the Senate and legitimate if seldom cited legislative goal, the reform of campaign spending practices. Such revisions after only five days of hearings seem all but inevitable.

What seems beyond dispute is that there is enough perfidy to go around, so that some rough division of labor could be made between Ervin and Cox.

The senators could go forward with their examination of the bizarre financial procedures of the President's campaign committee, its dirty tricks, and the steps leading to the break-in.

Cox, on the other hand, seems in a far better position to explore the coverup and President's involvement. As a case in point, there are the presidential logs, which would establish the truth or falsehood of John Dean's claim that he conferred with the President on Watergate some 35 or 40 times this year.

The White House has said it would be "constitutionally inappropriate" for the logs to be disclosed. Cox says he expects "access to everything."

The President, if past is prologue, would defy the Senate to the end. But a Cox request, backed up by a Cox threat to resign, might possibly get results.

The break-in, the coverup, the money-changing seem to be all of a piece, and may be indivisible. But Cox' best bet now would seem to be to negotiate areas of concentration with the Senate, so that the guilty would eventually be punished while the public's need to know, a prerogative that has been systematically abused since last June 17, could also be served.