

Clayton Fritchey

The Unfinished Hearings

Considering the remarkable success of the Senate Watergate investigating committee in developing unexpected evidence against the administration, it is not surprising that the President wants to end this broad congressional dragnet in favor of a more restricted exercise in the courts.

Nor is it surprising that in the wake of Mr. Nixon's latest Watergate remarks the White House has been promoting a national effort* to generate support for the new presidential theme: "The time has come to turn Watergate over to the courts. . . . The time has come for the rest of us to get on with the urgent business of our nation."

Even Mr. Nixon's daughters have been out spreading the word. Since the line has a certain superficial plausibility, it may excite some public backing and may even soften up one or two members of the committee headed by Sen. Sam Ervin (D.-N.C.), who are either against the investigation for partisan reasons or who come from Nixon strongholds.

Despite this, there is little or no chance of sidetracking the hearings, especially now that the polls taken after the President's speech show so much confidence in the Ervin committee and so little confidence in what Mr. Nixon has said.

The courts, of course, do have an important prosecutorial role to play in the Watergate drama, but it is no substitute for the much broader responsibility of the Senate committee to explore all aspects of this attack on constitutional government, to educate the public on its significance and, finally, to recommend legislation which will protect America against another Watergate.

The mission of the Ervin committee is far from completed. Indeed, the second and third phases of the investigation, as originally planned, may contribute more to the commweal in the long run than the sensational testimony of the recently ended first phase.

The hearings to come are to deal with (1) the so-called "dirty tricks" operations, some of which may not be within reach of the courts because, although sordid, they are not necessarily illegal, and (2) the buying and selling of the government through hidden campaign funds, some of which may also be beyond the law.

Special Watergate prosecutor Archibald Cox, if he is not interfered with, can be counted on to indict and prosecute vigorously the principal malefactors in the Watergate scandal, but, in perspective, it won't matter greatly whether the defendants get long or short sentences, or even if they get probation or suspended sentences. What matters for the future of the country is total exposure of the whole mess, and that can only be done by the Ervin committee.

The President would be happy to see everything turned over to the courts for, very properly, the courts are confined to the narrow focus of the counts in whatever indictments are returned. Mr. Nixon then would not have to worry over the kind of wide-ranging but relevant explorations that produced the bombshells at the Senate hearings.

Probably the most damaging development of the hearings is the almost accidental discovery that the President had bugged his own offices, which meant there were tapes of his critical conversations with his assistant, John Dean. The President's refusal to make the tapes public has now become the crux of the case.

It is highly unlikely that the tapes would ever have come to light through an ordinary criminal investigation or trial. Like a number of similar committee discoveries, the tapes were uncovered because the committee has such a broad mandate that it can probe without inhibition, and this it has patiently, sometimes imaginatively, done to great effect.

Mr. Nixon's insinuation that Congress is neglecting the nation's busi-

ness because of the Watergate hearings is without foundation. Millions of television viewers can testify that the hearings were recessed countless times while the senators went to the floor to vote on important bills. During the course of the hearings there were 226 roll-call votes in the Senate and 216 in the House—a fast pace by any standard.

The public reaction is reflected in the latest Gallup Poll which shows a high rating for all members of the Ervin committee, ranging from 69 per cent to 84 per cent "favorable." John Gardner, president of Common Cause, seemed to be speaking for the great majority when in calling for continuation of the hearings he said, "The greatest political scandal in our history with a missing last chapter is unthinkable. The American people would never stand for it."

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*Stories on various groups making this effort:
WXPPost [UPI] 10 Aug; SFChronicle [Caen] 13 Aug;
WXP [Saar] 25 Aug