

New Watergate Climate

Legal and Political Attitudes in U.S. Reflected in the Shortened Hearings

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WASHINGTON, Sept. 17—The Senate Watergate committee's decision to abbreviate public hearings on 1972 Presidential campaign sabotage and spending and to terminate the inquiry as soon as possible is the most significant reflection of a change in the legal and political climate of Washington.

The hearings were to have resumed this week. Instead, they have been delayed until next week and the panel will meet behind closed doors tomorrow to sort out uncertainties about its witness list and its life expectancy. What seems certain is that the committee members are no longer eager to serve as the focus of the Government's examination of the roots and aftermath of the Watergate break-in 15 months ago.

The seven Senators on the Watergate committee had proclaimed their determination in May to ferret out the facts about the campaign scandal. Now they seem willing, perhaps eager, to turn over the responsibility and the center of attention to the special prosecutors under Archibald Cox.

The function of the Senate Select Committee on Presidential Campaign Activities, as the panel is formally called, was supposed to be to recommend legislation to deal with the excesses represented by Watergate. Yet its members have voted unanimously to hear only the "very highly relevant" witnesses whose testimony about political "dirty tricks" or financial manipulations could provide the clues to corrective legislation.

The committee devoted 37 days on national television to delving into details of the Watergate break-in and cover-up before recessing the hearings on Aug. 7. Yet it plans only 18 more hearing days—between Sept. 24 and Nov. 1—to complete that first phase of the inquiry and to examine the more complex subjects of political sabotage and campaign contributions.

Some Aides Unnerved

"I think that the function of the committee is to reveal the broad outline of what it finds in the other two phases," Senator Sam J. Ervin Jr. of North Carolina, the Democratic chairman, said.

The decision has unnerved several of the committee staff members who had counted on more time to present their case to the committee and the national audience and prompted John W. Gardner of Common Cause, the citizens' lobby, to express "gravest apprehension" that the committee would give short shrift to the subject of campaign financing.

The central point in all of this, however, is that Senators are politicians and politicians are sensitive to even the most subtle changes in political atmosphere. After a month in their home states, taking soundings among constituents, the investigating Senators are aware of the sentiment detected by Edward J. Gurney, Republican of Florida. It is hardly subtle.

"Last week," Senator Gurney said, "we had 25 per cent of the mail directed to Watergate. This week it's down to 5 per cent. Next week it's going to be down less. What have people been writing about? The economy."

Confidence in Cox

Moreover, members of Congress no longer sense the skepticism of the legal system that prompted the Senate to vote, 77 to 0, in January to create the Watergate committee. There is growing confidence in the ability and determination of Mr. Cox and the other special prosecutors to deal with any criminal wrongdoing involved in the Watergate and associated legal cases.

One of the Senate investigators complained a few days ago, for example, that the committee staff had been unable to determine the origin of an apparently spurious letter to The Manchester (N.H.) Union-Leader that accused Senator Edmund S. Muskie, Democrat of Maine, of a slur on an ethnic group making up a large segment of the New Hampshire electorate in the Presidential primary last year. But the Senate investigator added that he believed Mr. Cox's staff had located the author of the fake letter.

Kennedy Backs Off

Similarly, Senator Edward M. Kennedy, Democrat of Massachusetts, declared recently that he would no longer insist that the Department of Justice turn over records on the International Telephone and Telegraph Corporation antitrust cases as a prelude to confirmation of William D. Ruckelshaus as Deputy Attorney General. His reason? Mr. Cox had assured Senator Kennedy that "he believed the nominee had performed his responsibility fully and thoroughly" as the acting director of the Federal Bureau of Investigation.

One of the principal, but unannounced, factors that led to the Senate panel's decision to delay the Watergate hearings until Sept. 24 was a warning that Charles W. Colson, the former White House special counsel, might decline to appear as the leadoff witness until he learned whether he would be indicted by a Federal grand jury. Several members of the Watergate committee staff said

privately that they were dubious of the merits of Mr. Colson's plea to be excused from giving public testimony. But the Senators delayed calling Mr. Colson because, as one of the aides stated it, they did not want to run the risk of jeopardizing Mr. Cox's case by giving Mr. Colson ground to argue that pretrial publicity had damaged his legal position.

Political Reasons, Too

At least as significant as these shifts in the legal climate here were the political considerations that were said to have affected the Watergate committee's judgment about the continuation of the inquiry.

One knowledgeable associate of the Watergate Senators said recently that there were four basic political considerations involved in the decision to hasten the hearings to a conclusion:

¶ Concern that continued public dissection of the Nixon White House would produce a "backlash" against the committee.

¶ A possibility that prolonged hearings would foster a belief that "all politicians are crooked."

¶ Recognition of some complaints that the Senators were devoting insufficient attention to home-state matters.

¶ Wariness that the campaign finance hearings in particular might produce embarrassing references to the Senators or their colleagues.

Citing a "hypothetical" possibility, the associate said that a witness might go before the Senators and say that he had donated, say, \$50,000 to Mr. Nixon's re-election committee from a secret Swiss bank account. "But what if he said he had drawn \$100,000 from the account?" the official went on. "It might be embarrassing to find out where the other half went."

The most timely indication that President Nixon had weathered Watergate came a few hours after the Senators adopted their schedule of hearings. A week ago, House Democratic leaders were confident that they could override President Nixon's veto of a bill providing \$185-million in emergency medical services. But the House, by a minuscule margin of five, voted to sustain the veto.

The vote also seemed to sustain the view of Senator Howard H. Baker Jr. of Tennessee, the Republican vice chairman of the Watergate committee.

Short of 'Hue and Cry'

The public, he said, has "heard a lot of testimony, they're glad these hearings went forward, they have a basis for judgment, they've made up their minds. But if you can judge by the political polls and the commentary I've heard as I've traveled around the country, they've also assigned a level of importance to [Watergate] and that level probably stopped short of a great hue and cry for impeachment or removal from office."

Senator Ervin and Senator Baker both said that the Watergate committee had adopted its fall schedule without regard to White House or Republican party suggestions that the panel had overstayed its welcome on the television screens. All the same, the schedule appeared to represent the likely success, before long, of President Nixon's campaign to take Watergate out of the public forum and leave its consequences up to the courts.