

Mr. Nixon Takes a Whitewash

By Tom Wicker

WASHINGTON—Richard Nixon has ordered his own whitewash. He has put an end to an investigation of his Administration's activities that he had promised would be independent, unhindered and complete, and he has reasserted his political direction of the Department of Justice.

In so doing, Mr. Nixon has made it impossible that any Justice Department continuation of the Cox investigation could be credible, conclusive or acceptable to the American people, much less effective in uncovering wrongdoing. If Mr. Nixon had wanted a no-holds-barred inquiry, he would not have fired Special Prosecutor Cox; if the Justice Department now attempts to provide such an investigation anyway, Mr. Nixon has left no doubt that he will stop that, too, by firing the next crop of investigators.

That the Watergate investigation has been quashed by the man being investigated should not be obscured by all the diversions this devious politician has prepared to disguise it. White House lawyers apparently are going into court to argue that Mr. Nixon's unilateral proposal of a self-serving means of resolving the tapes controversy met the court requirement that he turn the tapes over to Judge Sirica. They will argue further that this proposal was indeed a "compromise," although it takes two sides to a controversy to make a compromise, and although, on its face, Mr. Nixon's proposal was more nearly a fiat accompanied by a peremptory order to Mr. Cox not to return to the courts in further pursuit of the tapes.

It also is being argued that this Nixon power play is a compromise because it was accepted, more or less, by Senator Ervin, whose flabby in-

IN THE NATION

quacy as an investigator was finally made clear, and by Senator Baker, who is a Republican Presidential possibility, on behalf of a committee that had no say in their decision. In fact, the committee already had been denied the tapes by the courts, so that the two Senators were not compromising but swallowing a Nixonian handout of sucker-bait. At that, they did not then know that their acceptance would be used to make Mr. Cox appear insouciant; although they presumably did know, as Mr. Nixon surely did, that

whether or not they accepted on behalf of the Senate committee had no bearing on what the special prosecutor had to do on behalf of the grand jury for which he originally had sought the tapes.

As for Mr. Nixon's selection of John Stennis as auditor of the tapes—a political master-stroke—it is no reflection on Mr. Stennis' undoubted veracity to inquire why he, but not a Federal judge in his chambers, should pass on the accuracy of the "summaries" Mr. Nixon proposes to provide; or to point out that the proposal would set aside the normal judicial process, by Nixonian decree, in favor of an ad hoc arrangement with nothing to recommend it but the reputation of one elderly and infirm man. As Mr. Cox explained, moreover, however John Stennis might vouch for them, no court would or should accept "summaries" rather than the tapes themselves as evidence for either the prosecution or any defendant—which may be something Mr. Nixon had in mind all along.

All of these matters are diversionary and are being advanced by White House double-talk artists in order to hide from the public the snuffing out of Archibald Cox's special investigation, and the reassertion of the same kind of political control of the Justice Department that made Mr. Cox's appointment necessary in the first place.

That appointment was forced upon Mr. Nixon by Congress because the Senate would not have confirmed Elliot Richardson as Attorney General without the promise that a special prosecutor would be named and given independent powers to investigate; and Mr. Richardson's resignation was in recognition of that promise and of its violation by Richard Nixon. Therefore, Congress has no choice, if it is not to see its expressed will thwarted by Mr. Nixon's perfidy, but to reestablish a special and independent investigation in such a manner that Mr. Nixon cannot nullify it by whatever new tricks he may devise.

How this may be done, as to a general investigation into all the alleged offenses, is not clear; but as to Mr. Nixon himself, there is ready at hand a resolution by Representative B. F. Sisk of California that the House of Representatives establish a select committee to inquire into the question of impeachment. To impeach, which only the House can do, is not to remove Mr. Nixon from office but to indict him in specified charges, which then would be turned over to the Senate for a fair trial on the merits of the case.

Mr. Nixon could not quash such a constitutionally based House inquiry. He could not contend that it violated the separation of powers. If he refused to respond to its subpoena, the committee of inquiry could draw its own conclusions, and make its own recommendations. By thwarting the legal process, Mr. Nixon has asked for precisely such political judgment.