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The Prosecutor's Reply

Once again, an apparently definitive Presidential statement has been rendered inoperative by the facts. In his State of the Union Address, President Nixon proclaimed: "As you know, I have provided to the special prosecutor voluntarily a great deal of material. I believe that I have provided all the material that he needs to conclude his investigations . . ." This week, replying to a contradictory estimate made to the American public by the special prosecutor, the White House conceded that it still has not acted on requests by the prosecutor for more tapes and documents he considers relevant to his inquiry.

The unmistakable implication of the President's initial counterattack was that Leon Jaworski, whom he had named as special prosecutor, was no longer entitled to ask for additional documents. Along with that went the equally strong implication that Mr. Jaworski and the House Judiciary Committee would be to blame for any further delays in ending the Watergate investigations.

The President's statement that "one year of Watergate is enough" was clearly intended to suggest that it is up to the special prosecutor and Congress to prevent any prolongation of the nation's misery. The history of the investigation tells a different tale. The White House has laboriously defended every inch of its ground—by delaying actions over the principle of executive privilege, through Presidential public relations gambits that ranged from the ill-named Operation Candor to vows to "fight like hell," from pledges of compliance to inexplicably incomplete and damaged subpoenaed evidence.

The current claim that the White House has provided the prosecutor with all necessary material is of a piece with the President's promise to cooperate with the House Judiciary Committee "in any way that I consider consistent with my responsibilities for the Office of the Presidency of the United States." Since the manner in which Mr. Nixon has discharged his responsibilities is focal to the entire investigation, it is hardly up to him to determine the limits of relevance.

Nor are these inquiries aided by the mysterious games played by the White House and Senator Hugh Scott, with titillating hints that Mr. Nixon is in possession of exculpatory evidence. The time is long past for attacks on unfriendly witnesses, such as John Dean, based on documents or tapes which no one outside the chosen circle is allowed to read or hear. Vice President Ford, who earlier lent his name—perhaps inadvertently—to that game, states the obvious when he now suggests that "it would be advantageous" to make public the document that "has convinced Senator Scott beyond any doubt that the President is right and Mr. Dean is wrong."

The American people are no less anxious than Mr. Nixon to re-establish a credible and effective Presidency. The speed with which that essential goal can be attained, however, must be determined by the special prosecutor and the Congress—independent of any timetable dictated by Mr. Nixon but rather, as Mr. Jaworski properly insists, "with care and with thoroughness."