



The Uneasy

The probability that Special Prosecutor Leon Jaworski will not subpoena the latest tapes and documents denied him by President Nixon's lawyers may be hailed at the White House as a major victory, but in fact the new confrontation has ominous overtones for the President.

Even without the new material, Jaworski's prosecutors are confident they have evidence enough to indict and convict Mr. Nixon's former aides. Meanwhile, relations between the White House and Jaworski, hand-picked by the President last October to replace Archibald Cox, are lower than ever. Furthermore, the latest non-cooperation has hurt the President with the all-important fence-straddlers in Congress.

Worst of all, the new developments tie Mr. Nixon ever closer to the fate of his former lieutenants — particularly H. R. Haldeman and John D. Ehrlichman. If the prosecutors really do have the goods on them, the President is either guilty of foolish loyalties to fallen comrades or needs to shield them to protect himself. Thus, now more than ever, Mr. Nixon appears to be personally committed to exoneration of Haldeman and Ehrlichman.

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Nixon-Jaworski Relationship

The shadowy confrontation this week between the White House and Jaworski cannot rationally be explained otherwise. In recent weeks, the White House has privately stressed defense not only of the President but of former aides as well. The word being spread to Nixon loyalists is that former appointments secretary Dwight Chapin, a small fish indeed, may be the only staffer ever convicted by a jury; all the rest will go free.

The basis for this rosy forecast is the prosecution's reliance on testimony by deposed White House counsel John W. Dean III. Presidential lieutenants are telling friends in private what Sen. Hugh Scott has been telling the world in public: the tapes will prove Dean a liar. That, they claim, will demolish the prosecution's cases.

Hence, the White House believes it has Jaworski in a dilemma. If he subpoenas the documents denied him, he risks a court fight pushing long-delayed Watergate indictments into May or even later, as well as probably stalling House impeachment proceedings. But if he pulls back and does not press for the documents, the White House can claim Jaworski, when eyeball to eyeball with the President, flinched.

At this writing, Jaworski's probable course is to consult the House Judiciary Committee, which in turn may summon Atty. Gen. William Saxbe for help. But all this seems mostly going through the motions to make a record. In all probability, the documents will be neither surrendered nor subpoenaed. The White House can then claim Jaworski flinched.

But in fact, the prosecutors believe in their existing evidence. They believe Dean's testimony will stand up against the tapes. Consequently, as in so much of Watergate, all paths converge on John Dean's credibility.

If Dean is sustained in court, the President's strategy will have served him badly by further souring relations with Jaworski.

The day when presidential chief-of-staff Alexander Haig called Jaworski "a patriot," and other White House aides expected soft treatment from him, passed long ago and the relationship has deteriorated rapidly in recent weeks. Haig telephoned Jaworski two weeks ago to complain that his subordinates were leaking information contradicting Sen. Scott and defending Dean's credibility. The backstage White House refrain of 1973 that Cox was fumbling the prosecution has be-

come the 1974 complaint against Jaworski. Old friends in Texas say Jaworski is hopping mad.

Moreover, noncooperation with Jaworski will have an impact on President Nixon's potential jurors: the members of Congress. All but die-hard loyalists believe, rightly or wrongly, that refusal to give Jaworski documents suggests Mr. Nixon has something to hide.

There is no sign that the new material sought by Jaworski involves an attempt to focus the prosecution on the President. Contrary to published reports, the prosecutors have no special interest in taped conversations during January 1973 between the President and John D. Ehrlichman over executive clemency for the Watergate burglars that conceivably could implicate Mr. Nixon.

Rather, the new requests by Jaworski are really intended to buttress cases against former Nixon lieutenants. The White House refusal to cooperate reflects its unmistakable desire to confound the prosecution in these cases, a sentiment which can only enlarge suspicion about the President's motives.