

## Pattern of Deception

In his televised remarks from Houston last Tuesday, President Nixon sought again to convince the nation that he was being fully cooperative in supplying information to Leon Jaworski, his special prosecutor in the endless chain of Watergate scandals.

Now the country learns that the President chose to leave out of his virtuous recital any mention of the fact that earlier that same day the White House had received a subpoena from Mr. Jaworski for delivery of material which the special investigator believed he needed but which he could not get from the President.

This latest instance of double-dealing and double-talk under the guise of frankness is part of a consistent White House pattern. Last November, during the fading hours of Operation Candor, when Mr. Nixon assured the Republican governors that there would be no further Watergate "bombshells," the President already knew that the eighteen-minute gap in a strategic taped White House conversation was about to be revealed in Judge John Sirica's court.

Last January, Mr. Nixon told Congress in his State of the Union address: "I believe that I have provided all the material that he [the special prosecutor] needs to conclude his investigation. . ." Shortly thereafter, Mr. Jaworski informed the Senate Judiciary Committee: "It is now clear that evidence I deem material to our investigation will not be forthcoming." Yet, Mr. Nixon has continued right up to this week to assure the American public that he has proffered unstinted voluntary cooperation.

That Mr. Jaworski has had to resort to issuance of a subpoena is in itself evidence that White House promises remain subject to cancellation at the President's pleasure. When Mr. Nixon appointed Mr. Jaworski last fall—in the wake of the abrupt dismissal of his predecessor, Archibald Cox—the then Acting Attorney General, Robert H. Bork, assured the public that Mr. Jaworski enjoyed a firm Presidential promise of "full cooperation of the executive branch."

In the face of that oft-restated pledge, Mr. Jaworski has now found, as Mr. Cox discovered earlier, that without directly challenging the White House he cannot obtain all the evidence he deems necessary. In the course of such confrontation, it is once again the distasteful but inescapable task of the prosecutor—as it must be the task of the House Judiciary Committee in its impeachment study—to instruct the American people on a matter basic to these procedures: it is up to the prosecution alone, and not the President or his lawyers, to determine what constitutes the necessary evidence. Any deflection from such a course would be a victory for cover-up.