

Unfinished Business

By Anthony Lewis

There was a picture in the paper the other day of Archibald Cox perched on one of the bridges over the River Cam, in Cambridge, England, where he is teaching this year. In the background were the lawns and glorious buildings that make Cambridge seem so serene, so detached from the troubles of the world. Looking at that scene, one wondered what the academics there make of this professor who brought down a President.

It is a year since Mr. Cox said no to President Nixon's order that he stop trying to get any more White House tapes and documents. In doing so, he knew he would be dismissed as Watergate Special Prosecutor. He feared that the whole effort to reassert the supremacy of law in this country might fail. It did not, because his demonstration of character made the country understand what was at stake.

How long ago it all seems, that weekend in October, 1973. When a Special Prosecutor resigns, now, there is no earthquake. But Leon Jaworski's decision to leave is still an occasion to reflect on the Special Prosecutor's office and its unfinished business.

A word first about Leon Jaworski. He took the job under unfavorable circumstances. Because he was the Nixon Administration's choice, some naturally suspected he would be soft. Mr. Nixon clearly hoped so. When Gen. Alexander Haig telephoned to offer the job, he told Mr. Jaworski that the country faced "a revolutionary situation." The Nixon White House thought Mr. Jaworski's function was to damp down the firestorm over the Cox dismissal.

Mr. Jaworski was in fact no crusader. He was a cautious man, and deeply respectful of the Presidency. He advised the Watergate grand jury not to indict Mr. Nixon. He was re-

ABROAD AT HOME

luctant to prosecute Mr. Nixon after the resignation, and he was probably just as happy to be relieved of the responsibility of decision by the pardon.

But his natural conservatism made it all the more telling when Mr. Jaworski stood up for the law against White House maneuvers, as he so honorably did. His insistence on pressing the issue of the subpoenas for White House tapes to resolution in the Supreme Court played a crucial part in bringing on last summer's denouement. It is no wonder that Richard Nixon is reported to have trouble now in speaking the name Jaworski.

The main work of the Special Prosecutor's office—the investigation and prosecution of the many crimes of Watergate—is now well in hand. The pending investigations, notably those into Mr. Nixon's tax practices and his use of campaign money from Howard Hughes and others, should be concluded before long.

The duty that remains to be completed is informing the public. When the original charter was written for the Special Prosecutor, making reports to Congress and the public was pointedly listed as one of his responsibilities. Mr. Cox explained at the time that it was as important to know why someone was not prosecuted as to know that someone else was. We still need to know the reasons for some decisions—why, for example, former Attorney General Kleindienst's lie was handled so gently.

Another six months or so should be enough to complete the investigations and pending cases and write the final report. For that period it will be important to have a genuinely independent person in charge—presumably Henry S. Ruth Jr., who has been deputy to Mr. Cox and Mr. Jaworski.

But there is one other part of the business that requires urgent attention. That is publication of the full record of Watergate.

President Ford's pardon of Mr. Nixon cut short the ordinary legal process of bringing out the evidence. Whether Mr. Nixon will ever be subject to questioning in the cover-up trial is in doubt. The Special Prosecutor's office is concerned about including in its report an accusatory section about someone who is not going to be prosecuted.

For all those reasons it is important to consider the problem outside the prosecutorial framework. Then the solution is really quite straightforward. It is simply to publish all the papers and tape transcripts relevant to Watergate.

A sound approach is indicated in Senator Gaylord Nelson's bill, already passed by the Senate, to preserve the Nixon tapes and papers. It instructs the General Services Administrator to arrange access to the Nixon materials for a number of purposes, the first of which is to "provide the public with the full truth...of the abuses of governmental power" known as Watergate.

The mechanism should be for the Administrator to have an advisory panel go through the tapes, pick out all that is relevant to Watergate and not injurious to such other interests as fair trial, and publish it. Without comment: just the record.

We may forget that the few tapes made public were picked up by Mr. Cox and Mr. Jaworski almost in the dark, on the basis of dates. The rest must be sifted. There is no justification for a general fishing expedition in the Nixon files now; we are usually better off with a decent repose. But on Watergate the country will not be satisfied with less than all the evidence. It is up to Congress, not the Special Prosecutor, to point the way.