

'Let the Truth Come Out'

The opening days of the Watergate conspiracy trial have already provided proof that former President Richard Nixon, though unindicted thanks to a technicality and immunized by a premature pardon, is in fact the irremovable principal figure in the dock. The prosecution's description of Mr. Nixon's active role in the cover-up set the stage for what can only be described as Mr. Nixon's trial *in absentia*. The stunning charge by defense lawyer William Frates that "Richard Nixon deceived, misled, lied to and used John Ehrlichman to cover up his own knowledge and actions" propels the legal drama further along toward its central theme—the documentation of Mr. Nixon's involvement.

Yet Mr. Nixon's safe position behind the pardon and beyond the reach of the law cannot be turned into a shield for all other defendants. Mr. Ehrlichman's sudden discovery of his former master as the only sinner stands in odd contrast to his earlier testimony before the Senate Watergate Committee.

It was Mr. Ehrlichman who described as unfair the refusal of Senator Sam Ervin to believe that Mr. Nixon had given instructions to the F.B.I. "to conduct a totally unlimited all-out full-scale investigation." It was Mr. Ehrlichman who, concluding his testimony before the committee with a sanctimonious lecture on patriotism, said it had been his objective "to raise a voice for the President, who is unrepresented here."

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To keep the meaning of the Watergate trial in proper focus it should be remembered that, although Mr. Nixon towers above all other issues, the whole case concerns abuses of power that would not have been possible without the complicity of a closely-knit oligarchy.

On March 22, 1973, the oligarchy's key members agreed in the Oval Office that John Dean should be made to write a report on Watergate, and it was Mr. Ehrlichman who told Mr. Nixon: "And I am looking to the future, assuming that some corner of this thing comes unstuck, you are then in a position to say, 'Look, that document I published is the document I relied on . . .'" Later in the same planning session, Mr. Ehrlichman summed up his advice to Mr. Nixon: "You have to bottom your defense, your position on the report. And the report says nobody was involved, and you have to stay consistent with that." Mr. Nixon agreed.

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If the defense persists in the use of the prematurely pardoned ex-President as a blank check onto which to enter the sum of the White House Horrors, it should not be forgotten that Mr. Nixon called Messrs. Ehrlichman and Haldeman "two of the finest public servants" he had ever known. Mr. Ehrlichman, for his part, after chiding Senator Ervin for not having given him an opportunity to disprove the "false allegations" against Mr. Nixon, told the committee: "I do not apologize for my loyalty to the President any more than I apologize for my love of this country."

Against such a background, it is already clear that the jurors in Washington are charged with an historic enterprise that transcends the determination of individual defendants' guilt. This was implicit in Judge Sirica's charge to the lawyers to "let the truth come out once and for all in this matter." At the heart of that search for the truth is the tragic story of how a small group of men undermined the laws, principles and institutions which are the foundation of a free society.