

By Tom Wicker

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Watergate building, nine associates or subordinates of former President Richard M. Nixon have been convicted of various felonies committed in Mr. Nixon's service. Fifteen others have pleaded guilty to felonies or misdemeanors in the Watergate matter, or in other cases "related" to Mr. Nixon. Thirteen of these Nixon men are, or have been, in prison, and at least six others probably will go to jail unless their appeals are sustained. Two other former Nixon Administration officials await trial on felony indictments. In only three instances have persons linked to Mr. Nixon been acquitted of felony charges brought against them in the thirty-month period.

This hasty count does not include businessmen who pleaded guilty or were convicted of various charges of illegal contributions to Mr. Nixon. It does not include the milk producers' officials who are serving time for arranging illegal contributions to Mr. Nixon. It does not consider Spiro Agnew, twice foisted on the American people by Mr. Nixon.

Nor does this unofficial count include Nixon associates whose reputations were ruined or diminished by association with him—L. Patrick Gray 3d, for instance, the former acting director of the F.B.I., or Maurice Stans, the former Secretary of Commerce.

This listing does not include Charles G. Rebozo, Mr. Nixon's closest friend, who is under investigation and may

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yet face charges of receiving an illegal contribution on Mr. Nixon's behalf.

Finally, the accounting does not include Richard Milhous Nixon, unindicted co-conspirator, the "big enchilada" himself—no matter how much he wished and plotted for someone else to assume the role. Mr. Nixon was only an unseen, if almost tangible, presence in the courtroom when Judge John Sirica read out the guilty verdicts on John Mitchell, H. R. Haldeman, John Ehrlichman and Robert Mardian.

As the evidence mounted over the months of the trial, and the defense seemed unable to shake it in any substantial way, it became apparent that guilty verdicts were likely; and whatever technicalities there may be by which the verdicts could be overturned, few will say that these verdicts were unreasonable or capricious. The acquittal of a fifth defendant, Kenneth W. Parkinson, seemed to underscore the jury's balanced judgment.

But if anybody belonged in that

dock, with or without the other defendants, it was Richard Nixon. If anyone should have heard the word "guilty" applied to him, it was Richard Nixon. If anyone should have had to suffer the judgment of the people, it was Richard Nixon, in whose name and service, for whose purposes and protection, so many crimes had been committed by so many people who might never, in their own interest, have broken the law.

What is a "Watergate-related" case? It is a case not directly connected to the Watergate break-in or cover-up, but connected in some way to Richard Nixon. And if all those cases—the milk contributions, the tax fraud, the Ellsberg break-in—have been lumped too conveniently into something abstract called "Watergate-related" cases, they are in reality, and ought to be known as, the Nixon scandals.

But the big enchilada escaped impeachment and removal from office by resigning two jumps ahead of constitutional retribution. He escaped legal accountability for any and all crimes he committed, caused to be committed, concealed or condoned, while President, because of Gerald Ford's unexplained but highly suspect pardon. He even escaped testifying at the trial just completed because of ill health—an escape no less to be deplored because of its reason, and one that the defendants may yet be able to use to reverse the guilty verdicts.

Mr. Nixon has admitted no guilt, no complicity, conceded nothing but poor judgment, and that grudgingly. If his acceptance of Mr. Ford's pardon was in some degree a confession, Mr. Nixon did not acknowledge it; if the Watergate trial proved his guilt beyond reasonable doubt, it did not state it explicitly, much less condemn or penalize it. If the loss of his office was a severe blow to him, yet that office had been his only temporarily and his resignation entitles him to \$55,000 annually for having held and stained it as long as he did.

But the damage appears to be done. Mr. Ford clearly will not rescind the pardon, even if he could. Mr. Nixon will not disavow it, if he could. The only real chance to challenge it disappeared when Special Prosecutor Jaworski refused to do so—a decision foreshadowed by his persuasion of the grand jury not to indict Mr. Nixon. Nor is any state likely to prosecute the ex-President, although some might have legal grounds.

Pardoning some or all of those convicted will not balance the scales. Too many have served time; too much guilt has been forgiven. The hard truth is that justice has not and cannot be done in the Nixon scandals, because the big enchilada has escaped.