

The missing figure at Watergate trial

AFTER THE NEW YEAR'S DAY conviction of four of Richard Nixon's very top aides for Watergate crimes, the former president said he would make a public comment the next day. But he changed his mind and remained silent. What, after all, could he say?

Only this: That the fault was all or chiefly his, and that he regretted the misfortune that he had brought upon those who served him. Anything else would have been a banality. Perhaps even that would have been a banality.

For Mr. Nixon's guilt in the Watergate cover-up—he was the maestro of the orchestra, as a defense lawyer put it—has been an accepted fact since the disclosure of the tape contents that led to his departure from the White House last August. He implicitly acknowledged that guilt when he accepted a pardon from his successor.

He was, moreover, the phantom defendant at the just-concluded trial of his four aides. By extension, the guilty verdicts against them were a verdict against him. The tapes that had proved so damning last August were equally damning on New Year's Day.

THE MAIN TRIAL has ended. But the Watergate agony goes on. What should Judge Sirica do when the time comes to pass sentence on John N. Mitchell? This man was the chief law enforcement officer of the United States as attorney general at the time of the Watergate burglary and by all accounts was privy to it. He not only broke the law, he violated a sacred trust.

Should the judge make an example of him with a severe prison sentence? But if he does, will there not then be a cry that the stern judgment was unfair because the leader of the orchestra—the man with an even higher responsibility to be a servant to the law—has already been pardoned?

We do not envy Judge Sirica as he searches his mind and heart for justice.