

NYTimes Watergate Lives!

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By Anthony Lewis

BOSTON, Jan. 8—The jury's verdict in the Watergate cover-up case has ended one noxious attempt to bend the law to the service of politics. But the mentality that allowed the attempt to flourish for so long has not gone from government.

A little-noticed event last month signified the persistence of political toadyism in law enforcement. The Justice Department gave its highest honor, the Attorney General's Award for Exceptional Service, to the retiring head of its criminal division, Henry E. Petersen. The press release said Mr. Petersen was being honored for "long and distinguished service exemplifying the highest standards of the legal profession." It praised his "sound judgment."

Henry Petersen. Remember him? He was the man who steered the original Watergate investigation away from any evidence that might prove politically embarrassing. He arranged to spare Maurice Stans and White House officials the embarrassment of appearing before the grand jury; instead they were questioned in private or allowed to submit written statements. He sent a reassuring message to John Mitchell when that "man of high integrity," as Mr. Petersen saw him, was subpoenaed.

When Senator Sam Ervin asked why men of power had been given special treatment, Mr. Petersen said "not everybody can be treated equally" in law enforcement. "Not because of the man, Senator," he said, "but because of the office, and there are many, many, many concessions that are made because of the office."

Mr. Petersen decided to ignore evidence that President Nixon's personal lawyer, Herbert Kalmbach, had supplied cash for Donald Segretti's dirty political tricks. He told the investigators: "Keep your eye on the mark. We are investigating Watergate; we are not investigating the whole damn realm of politics."

He let John Dean sit in on F.B.I. interviews with the White House staff, and gave him and President Nixon secret grand jury information. Mr. Dean told the President that Henry Petersen was "a soldier" who made sure "the investigation was narrowed down to the very, very fine criminal thing, which was a break for us."

Before the 1972 election Mr. Petersen answered critics of the Watergate investigation in a highly political statement calling it the "most exhaustive" in his long experience. He told the Senate Watergate Committee that he resented the appointment of a

special prosecutor. "Damn it," he said, "that case was snatched out from under us when we had it 90 per cent complete."

Yes indeed, he saw to prosecution of the hirelings. But he never showed any interest in the higher-ups, the sources of money, the powers who tried to obstruct justice. If Henry Petersen had had his way, Richard Nixon would still be President.

The Petersen record on Watergate is detailed in December's Washington Monthly, in an article by Arthur Levine with the aptly ironic title, "The Man Who Nailed Gordon Liddy." The reason for sketching this ancient history here is that those in charge of the Justice Department have evidently learned nothing from it. They think the worship of power at the expense of law exemplifies "the highest standards of the legal profession."

It should be said that through most of his 27 years as a career Government lawyer Mr. Petersen was widely

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admired as straight and tough. That reputation makes it the sadder that when he came to a crucial test of character and judgment—a test of law against politics—he failed.

The honoring of Henry Petersen is a depressing symbol, but of course it is not the only sign of decay in what was for so long a great and respected department of Government. The professionalism and the ethics of the Justice Department are held in such low regard today that it has difficulty attracting the best law graduates to what were once prized jobs.

The damage was done in the years of John Mitchell and Richard Kleindienst, when the department became a zealous advocate of secrecy and power. It lost sight of democratic values, and it has not regained that vision. High current officials encouraged President Ford's ill-fated veto of amendments to enlarge the Freedom of Information Act. They produced an opinion on the Nixon papers and tapes that scandalously slighted the need for access to those materials. At a time of mounting serious crime, they are subsidizing a program to encourage local prosecutions of "obscenity."

Watergate was not just a burglary or a cover-up. It was an attitude: the attitude that law is made to serve power. The Justice Department was respected when people had confidence that it put law—the citizen's assurance of liberty and security—ahead of politics. Whoever becomes Attorney General now will have the fundamental task of rededicating the department, and thus the Government, to law.