

I wish to comment on some of the issues raised by the article by Frank Mankiewicz in your editions of June 9, 1975. In that article, Mr. Mankiewicz makes a point-by-point rebuttal of the recent attempt by New York Times columnist William Safire to suggest that former President Nixon's code of conduct was actually higher than his predecessors'.

For 15 months, from June 1973 through September 1974, I served as Counsel to Watergate Special Prosecutors Archibald Cox and Leon Jaworski. In that position I was daily brought into contact with the allegations and evidence concerning Mr. Nixon's conduct. Mr. Safire's attempt to rehabilitate the former President is apparently part of a broader effort, by Mr. Safire and others, to obscure the record and to rewrite history. Indeed, one of the great failures of the Watergate investigations was their inability to set down for history a clear-cut judicial determination of Mr. Nixon's complicity in the Watergate cover-up conspiracy.

By resigning prior to the vote of the full House of Representatives on articles of impeachment, Mr. Nixon spared himself even that form of official certification of the weight of evidence against him. Of course, he also avoided an impeachment trial in the Senate, the outcome of which seemed clear at the time but will be increasingly blurred over time by the efforts of Mr. Nixon's apologists.

President Ford's decision to grant a full and unconditional pardon to his predecessor made it impossible for the people to have Mr. Nixon's guilt or innocence adjudicated in a criminal court in the way such serious charges would have been decided for a private citizen where the societal interests in a clear resolution of the charges are even less compelling than they are in the case of a former President. I resigned from the Special Prosecutor's office partly because, in my judgment, President Ford clouded the record and made easier the kind of revisionist history that Mr. Safire and others will seek to rewrite.

It is important to remember that Mr. Nixon was named an unindicted co-conspirator by the same grand jury

that indicted his former aides, John Ehrlichman, H. R. Haldeman, John Mitchell and Robert Mardian, who have now been convicted for their roles in the cover-up conspiracy and sentenced to substantial prison terms. Mr. Nixon was not indicted at that time solely because of the policy judgment that it was more appropriate for charges of criminal misconduct by an incumbent President to be resolved through the constitutional process of impeachment. Although Mr. Nixon short-circuited that constitutional process by resigning from office, the failure to charge him in an indictment prior to the time President Ford intervened to preempt any criminal charges was in no way related to any judgment that Mr. Nixon's culpability was less grave than that of his previously indicted and since convicted associates.

It is grimly ironic that at the time that a number of Watergate figures who acted on behalf of Richard Nixon's private and public ambitions are serving sentences or are at large on parole or on bond awaiting appellate review of their convictions, the former President is reasserting a claim to a place of leadership in public affairs. The double standard that was permitted by President Ford's pardon is illustrated by the periodic stories about courtesy calls being paid upon Mr. Nixon by the leaders of our government and by foreign leaders as well, and about Mr. Nixon's plans to continue his involvement in the people's business.

Although men like Mr. Safire are straining to minimize the misdeeds of former President Nixon and to demonstrate that earlier Presidents had their own flaws, the events that prevented the public from obtaining a formal adjudication of Mr. Nixon's abuses of power and violations of the law should not obscure this central fact: Mr. Nixon remains the only President who was formally charged with being a conspirator in a crass and brazen scheme to misuse the powers of government and to pervert the judicial process in violation of several federal felony statutes. History should at least be clear on this.

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Washington.

One cannot help but admire the loyal, last-ditch attempt by Kennedy apologist Frank Mankiewicz to save the reputation of his old friends from the ravages of post-Watergate morality.

Always the effective polemicist, he stays on the attack, trying to rivet our attention to Nixon's misdeeds rather than to present a serious defense for the abuses of power we now are beginning to see took place under the Kennedy brothers.

The point of my column was not (as Mr. Mankiewicz distorts it) that Mr. Nixon was innocent, but that we are hypocrites when we apply a double standard to the actions of recent presidents.

Less admirable than Mr. Mankiewicz's honest partisanship is The Post's reluctant, namby-pamby, double-standardized coverage of Kennedy-Johnson transgressions. Where are the investigative reporters to track down the whole truth to the Kennedy-approved wiretap—and the subsequent bugging and defamation—of Martin Luther King? How long did that "single wiretap" last, anyway, who received the reports, and who in the Justice Department had knowledge of what seem to be illegal acts by government agents? Who closed their eyes to the apparent breaking of the law when it was their sworn duty to enforce the law?

Similarly, where are the ringing editorials demanding exposure of the continuing cover-up of the illegal surveillance of the Mississippi Freedom Party by the Justice Department at the 1964 Democratic Convention? Possible real eye-opener there.

Alas, the Post-Newsweek sauciness that helped cook Nixon's goose is not likely to be applied to his predecessors' gander. It is good to have Frank Mankiewicz blazing away in your pages again, but it is wrong for you to make an editorial policy out of President Kennedy's observation that "life is unfair."

William Safire.

Washington.