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Of Watergate and the Special Prosecutor

To the Editor:

It is not often than we have a chance to see Anthony Lewis lose his *haute* Bostonian temper, as he did with his attack on my article in the "New York Review" on the Watergate Special Prosecutor (column Dec. 8), and I for one would certainly not like to provoke him further. So permit me to clarify a few points in the hope that it may settle his composure.

First, Lewis is quite wrong in suggesting that I wanted the Watergate Special Prosecutor's office to use *illegal* prosecutorial weapons in pursuing the Nixonian malefactors. I criticized it rather for having foreclosed the possibility of using a variety of *legal* procedures, common to prosecutors everywhere, where they were obviously pertinent and could be carefully controlled—e.g., court-ordered surveillance, independent investigators, accurately drawn conspiracy charges, grand jury presentments, etc. If Lewis wants to have every prosecutor in the land abandon such practices, that's fine with me. But as long as they are being used every day, in every state, particularly against the poor and the black and the politically dissident, then I see no objection to using them against the rich and the powerful.

Second, Lewis is wrong still in charging that I wanted the rights of Watergate individuals curtailed or the "rules of fairness" jettisoned.

Far from it. All I asked was that the special prosecutor's office take up the many allegations against individuals that have already been made in public (in the Ervin Committee, the impeachment hearings and the press) and explain in detail where its work has shown them to be true or false. In addition, I suggested that all those now accused be given a chance to respond to the allegations as fully as they desired, in a public forum, with whatever confirming evidence they wished to submit. Surely that does not make me fit to be compared with Spiro Agnew.

Lewis understandably wants to defend his friends in and around the Harvard Law School who had so much to do with the Watergate Special Prosecutor and supervised his final report. But I would ask that he do me the favor, in a calmer mood, of re-reading what I actually wrote and reflecting thereupon. He's too valuable a man to The Times to be lost through apoplexy.

KIRKPATRICK SALE
New York, Dec. 13, 1975