

Books

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Watergate By the Young Prosecutors

STONEWALL: The Real Story of the Watergate Prosecution. By Richard Ben-Veniste and George Frampton Jr. Simon & Schuster; 410 pp.; \$11.95.

*Reviewed by
Robert Sherrill*

THIS BOOK will show you why most Americans, in the privacy of their bruised hearts, have always had a hidden allegiance to the rite of lynching. It gets the job done without the encumbrance of lawyers.

But one must discriminate. There are young lawyers, many of whom, still uncorrupted by their profession, look upon law as a system for speeding justice. And there are old slick-haired lawyers who often seem to forget the difference between law and politics of law and just plain money.

The authors of "Stonewall," Richard Ben-Veniste and George Frampton, were assistant special prosecutors in the Watergate investigation. The average age of that special task force was under 30. Its members, for the most part, believed that a crook like Richard Nixon should be treated like a crook—indicted and forced to cry for mercy.

Unfortunately, neither the young attorneys nor the grand jury were running the show. It was



BEN-VENISTE

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first in the hands of Special Prosecutor Archibald Cox, who in a way had the good fortune to be canned by Nixon and was thereby allowed to totter down the hallways of history in a roseate Chipsean glow. We will never really know what he was made of. His successor, Leon Jaworski, is one of those heavy-cufflinked, wealthy Houston attorneys whose lips don't move very much when they talk.

"To say that we had very little confidence in our new boss, Leon Jaworski, on the day he was sworn in would be putting it mildly," write Ben-Veniste/Frampton. "To us, Jaworski represented no less than the man President Nixon had

procured to perpetuate the biggest fix of all time."

But Jaworski plunged in with some steel, and they changed their minds about him. Then, as the showdown approached, Ben-Veniste/Frampton seem to have begun to wonder if their first impressions may not have been more right than wrong. Not that BenVeniste/Frampton try to portray Jaworski as an outright fixer. But the profile they present of the special prosecutor warrants the conclusion that Nixon, if he wanted to make sure he wasn't indicted, was crafty indeed to appoint such an establishmentarian.

Jaworski squirmed. He asked his young assistants to submit a memo on the question of whether a sitting President could be indicted. The answer he got—yes, he could be and should be indicted—apparently wasn't what he wanted to hear, and he became a bit sulky. He was confronted with the possibility of a rebellious staff and a runaway grand jury.

The grand jury, we learn, would have been delighted to indict a sitting President and to have their action announced publicly at once. But Jaworshi didn't want this, and he got his way: The grand jury made the President only an "unindict-

ed co-conspirator," and even that much was kept secret when the other indictments were made public.

Once Nixon resigned, the Watergate prosecutors were again confronted with the question of whether or not to indict. Now there was not the slightest constitutional doubt about their right to hit Nixon. The young prosecutors felt it would be a corruption of the criminal process not to give Nixon the same treatment guys like Mitchell were getting.

But Jaworski, say Ben-Veniste/Frampton, had other considerations. On the personal side, he was getting restless; he wanted to get Nixon out of the way fast so he could return to Houston. On the public-spirited side, Jaworski was afraid the nation would be too shaken by such treatment of an ex-President.

So he began looking for a way out. Finally he settled on the argument that Watergate had received so much publicity that Nixon couldn't receive a fair trial — an argument that his young colleagues considered "spurious" and which Jaworski himself, significantly, did not offer to extend to Nixon's aides.

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