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# Washington: The Crisis of Confidence

By JAMES RESTON

WASHINGTON, Dec. 3 — In the last few days the United States Government has been caught tapping the telephones of the Dominican Republic's Embassy in Washington. This was done, it is explained, for "reasons of national security."

Also in the last few days, the Justice Department has announced that it has begun a review of all court cases, past and present, in which evidence may have been gathered by means of electronic eavesdropping devices.

This raises some interesting questions. Doesn't the Department of Justice know when it used information gained by tapping phones or putting listening devices in various places?

Why does it need to investigate what its own people have been doing? Why did the Acting Attorney General, Ramsey Clark, have to send a memorandum to all United States Attorneys cautioning them that the Justice Department "must never proceed with any investigation or case which includes evidence illegally obtained or the fruits of that evidence?"

### The Diplomatic Problem

The bugging of the Dominican Embassy's telephone raises other questions, which every embassy in Washington must be asking today. If "reasons of national security" justify the United States Government in tapping an embassy's telephones, what embassy can be sure its phones are not tapped, since all embassies, at one time or another, may very well be talking about things that could conceivably be

interpreted here as affecting U. S. security?

There is obviously a case to be made for tapping phones to protect the security of the nation. Who, for example, would say it was wrong if the U. S. Government put listening devices in embassies and elsewhere at the time of the Cuban missile crisis, when the United States was threatened by the emplacement of missiles that could hit every city in the United States? In less dramatic but still important circumstances, who would argue that the F. B. I. should not use these electronic snoopers to deal with criminals who threaten the civil order of the nation? The justification for tapping phones and bugging rooms in such cases is clear, but what is not clear is that these listening techniques have been restricted to major questions of defending the nation from abroad or catching major criminals at home.

### The Moral Ambiguity

The trouble with bugging a telephone is that it doesn't discriminate between callers. The Dominican Embassy's phone—which incidentally was tapped all the way back to the 1950's long before the missile crisis in Cuba—may have been tapped for reasons of national security, but it also picked up calls from Bobby Baker, who is involved in criminal proceedings involving income tax evasion and political connections with Lyndon Johnson. It also picked up calls from newspaper reporters, Senators, and other private citizens engaged in their legitimate business.

Similarly, when the F.B.I. bugged a room at the Carlton Hotel in Washington in an effort to get information on the activities of one of Bobby Baker's associates, the listening device apparently picked up conversations, not only in the room where it was installed, but in adjoining rooms where wholly unconnected private persons were living.

The main issue here is whether the Government has been using justifiable wire taps for unjustifiable ends, whether it has been using information it gathered by accident during legitimate wire taps in illegitimate ways in other cases and for other reasons. The suspicion that it is doing precisely this certainly exists; otherwise, the Department of Justice would not be ordering an investigation into what its own agents and attorneys have been doing.

What is at issue here goes beyond the important but narrow question of tapping phones and bugging rooms. In extreme cases of external threat to the national security or criminal threat to civil order at home, the practice is not only justifiable but unavoidable. The fundamental issue, which is more important to the Johnson Administration than anything else—because it affects everything else—is the question of trust.

The most serious problem in America today is that there is widespread doubt in the public mind about its major leaders and institutions. There is more troubled questioning of the veracity of statements out

of the White House today than at any time in recent memory. The cynicism about the Congress is palpable. The disbelief in the press is a national joke ("It's just a newspaper story!"). Even the Chief Justice of the United States, chairman of a committee of some of the most distinguished citizens in America to inquire into the assassination of President Kennedy, is widely questioned, not only abroad but at home.

### High Priority

This is the general thing that must be corrected before any of our specific problems can be solved. Nothing that the Government is saying about wiping out poverty or creating a Great Society can be achieved in our lifetime; therefore we must rely on hope. Nothing the President is trying to do about peace in Vietnam or equality or civil order at home is certain to work; therefore we must rely on trust.

But there is very little public trust today. We do not know whether the Government is tapping wires for legitimate or illegitimate reasons—and neither, apparently, does the Department of Justice. We do not know whether the military draft is being cut to fit the military problems in Vietnam or the political and financial problems at home. And the tragedy of it is that the lack of trust, nourished by all the misleading official statements and political manipulations of the Johnson Administration in the past, makes things seem even worse than they actually are. **END**