

National security is no excuse

Drumming up support for an FBI in which public confidence has been badly shaken, the new FBI director, former Kansas City police chief Clarence Kelly, promised a new approach the other day in Philadelphia.

So long as he is in charge, he said, the agency will not use agents provocateurs in cases like that of the Camden 28, the Harrisburg 7, the Detroit 15, the Gainsville 8 and others.

Such use, he declared, is "illegal and unethical." So it is, and we might also point out that it has been counterproductive. In almost all of these conspiracy trials, the government's own methods have caused it either to lose in the courts or drop the cases.

In the Camden case, the defendants were accused of having broken into the Federal building and destroyed draft files, and admitted it. The jury acquitted them, however, because of the government's "creative activity" — informer

Robert W. Hardy had provided 90 percent of the burglary tools and most of the expertise needed for the operation, and prodded the defendants into proceeding with a plan they had given up.

In Detroit, the Justice Department has just decided to drop the charges against all the defendants rather than abide by the Federal judge's order to disclose any "burglary, acts of sabotage, mail searches, electronic surveillance devices, provocateurism, breaking and entering."

Methods like these have no place in a free society. National security cannot be used as a justification for the government's own subversion of the law.

Nor, in a larger sense, can the nation be made more secure when the government itself creates the conspiracies and prosecutes the cases as a means of stifling dissent and harassing the dissenters.

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