

Poster

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They Did It With Lawyers

A Commentary

By Nicholas von Hoffman

Wouldn't you know it? They did it with lawyers, broke the First Amendment, and poured the gore of flackery over the act of censoring the *Times*. That's what they are, an administration of lawyers, flacks and goo-jobbers, men who think statesmanship is the sharp practice of concealing razor blades in Halloween apples.

We thought that if it ever came, there'd be boots and crunching of glass. We thought so bad a crime, so awful a thing would have to be carried out in some appropriately crashing and overtly smashing way. We anticipated storm troopers but we got lawyers, word mincers, thought grinders, guys in gabardine from the Justice Department, walking in creaking socks, who show by agate text that the greater is the lesser, that the first and most fundamental Amendment is subordinate to Title 18, U.S. Code, Section 793. The Bill of Rights breached and bleeding by Section 793.

We assumed they'd go after the little papers first, the hippy underground papers, the angry magazines of small circulation, and then the middle-sized, outlying dailies. We thought they wouldn't dare go for *The New York Times* first. Lawyers would, and it's sound politically. If they get the *Times*, all the rest will fold, or will we? Wouldn't it be a glorious act of contempt and assertion of right if every paper in America printed the censored installments tomorrow morning?

Imagine all the summons and writs they'd have to issue! How better to respond to Murray I. Gurfein, the grungy judge who paid Nixon back for appointing him to U.S. District Court by breaking the fundamental law of the nation. The first time in American history a newspaper's been censored, and by an ex-corporation lawyer hearing his first case from the federal bench. Nixon and Mitchell know how to pick their strict constructionist buddies. In his first case, in his first sitting, this unique jurist has earned promotion to the appellate bench.

Now it was done in the name of security . . . So be grateful and don't complain. You have nine of the first ten Amendments left and that should be enough for you in a time of high unemployment, inflation and serious troubles in the Middle East.

Done in the name of security. Not your security, not the nation's—there are no military secrets here, but the security of the politicians, civilian and military, who traduced America, not to another nation but to pride. For that's what they've got, a Coriolanus complex. Like Shakespeare's proud Roman politician, they refuse to bend their knee to the popular will. They know better and they are better, and the *Times* caught them at it, these self-confessed liars, these tough deceivers, superior men of the *real politik* that would be too much for an ordinary American to keep on his stomach.

The *Times*, however, has nailed them, done it so thoroughly that these men who grant interviews like

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Popes grant audiences are having to come out and answer the hard questions. And my! when they do, how they substantiate everything that appeared in the *Times* before the censors got to the editor's desk.

Thus we saw a different Gen. Maxwell Taylor on CBS the other night. The same Taylor who was our ambassador to Saigon in 1964 and '65, who was Johnson's special advisor through the rest of his term, this well-tailored Taylor, so handsome and hawkishly gray, distinguished man, a fine soldier once, now compromised by his own words on the pages of the *Times*.

Bernard Kalb and John Hart interviewed him, but on television the words enter the brain so fast you can't be sure what you've heard. In print, even in excerpt form, they sink in.

Q: You would like to see the remaining documents in the hands of the *New York Times* not be published?

A: I say this not because of what's in them . . . It's the principle of the thing, that we have here deliberate betrayal of government secrets, and I obviously have to be against that as a citizen.

Q: Well, what do you make, General, of the principle of the people's right to know when steps of this dimension are taken?

A: I don't believe in that as a general principle. You have to talk about cases. What is a citizen going to do after reading these documents that he wouldn't have done otherwise? A citizen should know those things he needs to know to be a good citizen and discharge his function . . .

Q: How do you assess the morality of the Johnson administration . . . leading the United States covertly into war?

A: Of course, when you get the word morality, or moral, that's a very tricky term. Do you mean that the intentions were immoral, that the execution was immoral, or that the consequences were immoral. You see, you open up a whole philosophical question.

Q: One columnist has assessed it in these terms. That in reading that report you get the sickening feeling of deception and betrayal. Now, do you accept that, reject it, or how would you comment on it?

A: Are they referring to the government or the people who published the papers?

Q: The reading of the Pentagon history, the reading of that tragedy, without being overtaken by that sickening feeling of deception and betrayal.

A: I wouldn't know, of course. If someone says that, that presumably is his subjective attitude . . . This is doing . . . three bad things: One, it's laying the foundation for bad history; secondly, it's initiating a practice of officials betraying their government secrets and a distinguished newspaper printing them; and third, it's ruinous to relations within our government and our international relations abroad . . .

Q: What you think went wrong?

A: . . . I'm writing a book. I'm going to have a couple of misleading chapters on the subject . . .

Q: Could you very briefly, General, do a quick anthology of the right and wrong as you review them now?

A: One of the most serious wrongs . . . in my judgment was our connivance at the overthrow of President Diem, because, regardless of what you thought of President Diem, we had absolutely nothing but chaos which followed . . . (Diem, you will remember, was the chap who John Foster Dulles, Mike Mansfield and Cardinal Spellman set up in power. He ruled and looted South

Vietnam with Dragon Lady, his wife, and his brother, Ngo Dinh Nhu, an opium junkie—shades of things to come. They were driven from power with the help of the CIA Hence Taylor's reference to "our connivance.") . . . the place would have disintegrated had not President Johnson made his two, very tough, courageous decisions to go ahead . . . so that's a case of one place I thought we were very badly wrong and secondly, one place where I think we were right.

Q: General . . . in retrospect, was it worth it?

A: It certainly has been a very heavy price to pay in many ways . . . the saddest things . . . are the indications of apparently fundamental weaknesses within the United States. It could just be that this price is worth paying to discover our weaknesses in time to correct them before we're faced with a major crisis.

Q: What weaknesses?

A: Division in the minorities, loss of patriotism, degradation and defamation of all the virtues which made us a great country in the past, the use of our own media to destroy us internally . . .

There you have Taylor, doubtless courageous, having served better in better wars, by his obsolete lights a good man, oblivious to his racism, still bemoaning the loss of order conferred on a helpless South Vietnam by two tyrannical brothers, one a madman, the other a dope addict. And there you have Nixon and Mitchell doing violence to the Bill of Rights to protect him.

A smart politician would flee this whole crew exposed by the *Times*, yet Nixon/Mitchell/Agnew don't. They don't because they need them. They need them to defend the continuance of Johnson's foreign policy, they need them to run up to the Senate every time Mansfield wants to bring the boys back home from Europe, every time there is a new and preposterous request for 10 more atomic aircraft carriers, 40 more submarines, for money for rockets, the Penn Central or Lockheed. He can count on Taylor to play the old general role once more and pull the con about paramount national necessity.

Once they had everybody believing it. Once, just before the Bay of Pigs, they got the *New York Times*, which had the story of the upcoming invasion to kill it. If that story had run, there might not have been a Bay of Pigs, and the *Times* learned from that; it learned that he who serves truth, serves his country. But Taylor, he learned nothing, nor did Nixon, nor any of them . . . nothing, nothing, nothing.