

The Case for Erwin N. Griswold

To the Editor: *NYT 1/20/75*

As a citizen who regards fair play as the first essential of politics as well as of justice, as a student of the anti-trust laws who believed it would have been in the public interest to have had the Supreme Court determine whether the I.T.T.'s conglomerate operations were lawful and as an American disturbed by allegations about the C.I.A., I protest against the indecency of The New York Times in publishing Seymour Hersh's McCarthy-like report of Erwin N. Griswold's appearance before a grand jury [news article Jan. 8] and William Safire's false account of what President Ford knew of Griswold when he was appointed to the commission to investigate the C.I.A. [column Jan. 9].

It lowers the standards of journalism when a newspaper speculates upon the reasons for a grand jury summoning a witness, or upon the grounds for grand jury decisions. The abuse is aggravated when there is no showing that the witness deserved to be charged with crime.

It is unforgivable falsely to allege that a Presidential appointee failed to inform his nominator of his appearance before a grand jury, when in fact such disclosure was timely made.

Few persons have so courageously stood for civil liberty as Griswold. As Dean of the Harvard Law School and as author of a book on the Fifth Amendment, he has been a champion of constitutional rights. His role, offi-

cial and private, in the areas of civil rights have made all groups his debtor.

Differing as I do with many of Griswold's contentions as Solicitor General, I accord him the professional right to represent a client whose views he may not share. Some would go further and reasonably assert that it was his professional duty under the circumstances to make those contentions. They have not impaired his personal, lifetime dedication to justice, liberty and truth.

The freedoms of the press and of the people owe much to Griswold's integrity and ability. Only the ignorant or the irresponsible fail to recognize that the very cornerstone of American law is faith in the adversary process, and that to attack a lawyer for stoutly performing his professional obligation to his client is to subvert the judicial system.

Not Erwin N. Griswold but The New York Times has betrayed the spirit of the United States Constitution. It was The Times in the two articles cited that failed to support the presumption of innocence, to protect the grand jury system and to distinguish between the activities of an advocate in the courts and the views of a citizen summoned to a quasijudicial task by a President to whom the nominee has fully disclosed all relevant considerations.

CHARLES EDWARD WYZANSKI JR.
Cambridge, Mass., Jan. 10, 1975

The writer is United States Senior District Judge for Massachusetts.