

Garry Wills

FBI pressure in the Kearney case

Richard Helms, in effect, blackmailed our government. He let it be known that he would bring others down if he were prosecuted. He would expose CIA secrets.

It is funny that the man was called a patriot for refusing to reveal secrets to Congress under oath. Yet what he would not do when he wanted an ambassador's job he was willing to do to

save his skin.

The government was put in an untenable position. It probably had to let him go. But he should not be treated as a hero simply because his blackmail proved successful.

Why bring this up now? Because it looks like another form of blackmail, more diffuse and indirect, is being used in the case of John Kearney, the indicated FBI man. Kearney himself is not threatening to reveal secrets. But agents and friends of the FBI are trying to pressure the Justice Department into dropping this case, as well as refusing to prosecute other FBI men.

These people say that FBI morale will be destroyed if the prosecution goes forward — in effect, that they will not be able to do their jobs. This attitude has the character of a self-fulfilling prophecy. They are saying, in effect, go ahead and prosecute if you

want to destroy the FBI.

It is interesting that this situation reached a critical state only after it was announced that Judge Frank Johnson would not be healthy enough to take over the directorship of the FBI. He might have brought discipline to the bureau, preventing this subtle form of blackmail. But right after that announcement, the prosecutors of Kearney's fellow agents reached a dead end and the whole prosecution team resigned in protest.

This is the first time in memory that an entire group conducting a prosecution for the Justice Department has resigned. Their act substantially says that the FBI's blackmail effort has succeeded; that the attorney general will not go forward with the prosecution of alleged criminal acts by FBI agents; that the bureau will be confirmed in its position above the law.

The case against Mr.

Kearney was apparently weakened by the accidental death of former FBI official William Sullivan — one of the perils of letting a prosecution drag on. But the five-lawyer team had always wanted to prosecute a group of agents, whose defense might have led to criminal acts higher up in the bureau.

There is a crazy logic at work here. To protect itself against criminals, a society must give certain people special power; but then it cannot defend itself against that power. To enforce the law, we create official criminals against whom the law becomes unenforceable.

People who do criminal acts in our name say that we are not supposed to think of them as criminal. It is this code and not some intangible "morale" that friends of the bureau are upholding. And they will use the impact of blackmail to uphold it.