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Privacy—For Whom?

The White House has now put itself on record with the American Civil Liberties Union in esteeming the right of privacy. Taken in a vacuum, this is a development we would welcome with unrestrained enthusiasm. Unfortunately, Mr. Ziegler's passionate embraces of the ACLU position comes to us with a background which impales his motives and debases the principles which he espouses.

Mr. Ziegler's statement came a day after L. Patrick Gray III had submitted at the hearings convened to consider his nomination to be director of the FBI, a memorandum disclosing that Herbert W. Kalmbach, President Nixon's personal lawyer, had admitted that he had been paymaster for Donald Segretti's questionable operations in the political campaign last fall. Mr. Ziegler said that the White House was concerned at the release of "raw, unevaluated material" from the bureau's files by the Senate committee. We will pass by for now the question of just how "raw" and "unevaluated" a voluntary statement actually is when it is made by the lawyer the President chose to handle the purchase of the Western White House.

To come to the nub of it, Mr. Ziegler said that he hoped the Senate would adopt the rules proposed by the ACLU on Tuesday to protect "the rights of [individual] privacy and to procedural fairness during this legislative investigation." And that's just fine. When the ACLU first came into the Watergate affair, it intervened in the criminal trial to preclude the use of the fruits of illegal wiretaps, bugs and at least two burglaries from being used to embarrass and further invade the privacy of the victims of those crimes. In other words, it was an effort to preclude the use of the product of an illicit and illegal search for secrets. And the perpetrators of that illicit and illegal search, it is now clear, were—at the very least—members of the effort to re-elect the President.

Now, members of that same President's White House team are seeking to invert that principle to obstruct a

search for truth in order to protect one of their own. Mr. Kalmbach's measured statement about what he himself did hardly falls into the category of information surreptitiously filched from Democrats' phones by the likes of Messrs. Liddy, Hunt, McCord, et al. Nor does it fit in with so much of the "raw unevaluated data"—Mrs. Jones telling an agent what she thinks of her neighbor, Mr. Smith, and what she knows of Mrs. Smith's drinking habits—which fills so many file drawers in the FBI headquarters.

So, excuse us, if we are a bit skeptical about concern for privacy expressed by the people who were kept in office by the people who brought us the Watergate bugging and burglary—privacy, indeed. Which brings to mind Maurice Stans, one of the principal people who helped re-elect the President. Mr. Stans is, at this very moment, attempting to use the processes of the courts to rummage around in reporters' and news executives' files to determine sources of confidential information. The people who talked to reporters about the Watergate under a pledge of confidentiality did so because they thought there were things the public ought to know, but with which, for reasons of their own, they wanted no public association. Without the veil of privacy, which Mr. Stans and his colleagues now seek to break, that information would never have reached the public. Mr. Gray, though he passed information to the Senate, understands the principle of confidentiality. He said: "People will talk to the FBI. They will and they did furnish information, but they will not continue to do so if we continue to spread this information on the public record."

The principle, then, is clear and so is the question. Do Messrs. Ziegler and Stans and those for whom they speak and work value the privacy of those who have been bugged and those who have said things that the administration does not like, as much as they value the right to keep secrets which might be embarrassing to their friends?