

Tom Braden

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A Chance to Restore Law and Order

It seems a long time ago that Richard Nixon, speaking in Milwaukee, Wis., during the primary campaign of 1968, surprised his audience with a new speech line—an indictment of Lyndon Johnson's attorney general.

"Ramsey Clark," said Mr. Nixon, "is soft on crime, and I promise you tonight that the first act of my administration will be to replace him with an attorney general who will restore law and order to the country."

Reporters traveling with Mr. Nixon smiled. After all, new attorneys general come regularly with new administrations and Mr. Nixon was behaving like a man in possession of a new idea. But the crowd roared and from that point on the candidate used the new line often even working it into his Miami acceptance speech the following summer.

Now that Mr. Nixon is on his third attorney general, it seems fitting to raise a question about the legacy left to us by his first. The question is: How many wiretaps did John Mitchell authorize? How many of them are still going on? Who is being bugged?

When Mitchell first came to Washington, he talked tough. He talked mostly about wiretapping. The subject fascinated him, particularly the subject of a new law which gave him the right to wiretap without court order and on his own authority. "I believe it is not only a right," he said, "but a duty."

Again, "In a case where the national security is threatened, we first need intelligence on the movements of suspected conspirators. In order for a national security wiretap to do any good, it should come near the beginning of the investigation. Yet, at that time, we may not have enough evidence to show probable cause for a court order."

He sanctioned wiretapping as a means of learning about "domestic revolutionary elements." "The threat to our society from so-called domestic subversion," he said, "is as serious as any threat from abroad. Never in our history has this country been confronted with so many revolutionary elements determined to destroy by force the government and the society it stands for . . . information as to their activities can be obtained only in a covert fashion. Wiretapping has proved to be an effective method for obtaining such information."

"It is our position," he explained on another occasion, "that compelling considerations exist when the President, acting through the attorney general, has determined that a particular surveillance is necessary to protect the national security and that under these circumstances the warrant require-

ment does not apply."

Again: "National security wiretapping is an executive decision requiring a variety of national considerations other than judicial ones."

And still again, responding to a question on the government's right to tap telephones: "It is not only reasonable in this context (self-preservation), but the authorities would be derelict if they did not."

Mr. Nixon's new attorney general turned out in the long run to have very little respect for the law and order the President had promised. Thursday Mr. Mitchell was indicted on six counts of lying to the grand jury. Last March 29 he said, "I deeply resent the slanderous and false statements about me concerning the Watergate. I

have previously denied any prior knowledge of or involvement in the Watergate affair and again reaffirm such denials."

During sworn testimony in a civil suit, he was asked this question: "Was there any discussion at which you were present or about which you heard when you were campaign director concerning having any form of surveillance of the Democratic National Committee headquarters?"

Mitchell answered, "No. I can't imagine a less productive activity than that."

Yet now he has admitted attending three meetings where plans for bugging the Watergate were discussed, two of which were held while he was still attorney general.

Perhaps we should all have suspected that Mr. Mitchell's fascination with wiretapping would lead him in temptation and that his background as a super bond salesman might lead him to highly unsophisticated definitions of "domestic revolutionary elements" "self-preservation."

But it seems clear that the new attorney general-designate, Elliot Richardson, has a housecleaning job ahead. How many taps did Mitchell authorize? Who is being tapped? Democrats? Reporters? People who speak out? Civil libertarians? Republican critics of Mr. Nixon such as Sen. Charles Percy of Illinois?

One of the opportunities the Watergate affords is the chance to restore law and order in this country.

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