

7/14/73 ACLU Hits Nixon 'Contempt' for Rights

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The American Civil Liberties Union accused President Nixon yesterday of showing "a contemptuous disregard for constitutional freedoms" by sanctioning the widespread use of political espionage.

This charge was made in a 26-page position paper that dealt with a broad range of civil liberties questions raised by the Watergate scandals.

On the issue of political espionage, the ACLU statement asserted that "all of the methods of political espionage contemplated in the 1970 plan (excepting only mail covers ...) were employed by the federal government during the past few years."

The "plan" to which the ACLU referred was the presidentially-approved domestic intelligence program for conducting break-ins, electronic surveillance, opening mail and monitoring international communications adopted in July 1970. President Nixon said he rescinded the plan after five days because of the opposition of the late FBI Director J. Edgar Hoover.

The President's admission

that he gave even temporary approval to these activities—and more permanent approval to wiretapping of the telephones of news reporters and past and present members of the National Security Council for purposes of political intelligence—indicates "a contemptuous disregard for constitutional freedoms," the ACLU statement asserted.

The civil liberties organization took sharp issue with the President's May 22 statement that national security wiretaps installed without court order to trace news leaks were "legal at the time." The ACLU report said "those taps were as illegal when they were installed as they are now."

Such taps were ruled unconstitutional in June 1972. "The Supreme Court decision did not make such taps illegal," the statement held, "it merely confirmed that they were illegal."

Because of the intense publicity surrounding the Watergate case the ACLU said it may feel obliged to intervene against prosecutions or convictions that have been tainted by prejudicial news coverage.

"We will do so because we believe that public discus-

sion of the character or credibility of defendants and the public airing of both competent and incompetent evidence may make it impossible for defendants to obtain fair trials," said the report.

The ACLU statement took the position, however, that the Senate Watergate hearings should no be suspended because of the problem of prejudicial publicity.

"Even if they were cancelled or suspended, the problem would remain," the statement asserted "The press would continue to conduct its own investigations and would continue to publicize the results."

The ACLU expanded on previously voiced complaints of the sentencing procedures of Watergate trial judge John Sirica, who imposed stiff terms on the original seven defendants in the case as an inducement to give further testimony in the case.

"While Judge Sirica's interest in obtaining the full story is laudable, nevertheless the ACLU believes that the application of pressures, express or implied, upon a convicted defendant facing sentencing raises serious civil liberties problems," the ACLU said.

The position paper took strong issue with the presidential defense that the White House had to engage in illegal activity and restrict the flow of information to the public in the name of national security.

It specifically condemned efforts by the Nixon administration to enjoin the press from publishing the Pentagon Papers.

The ACLU recited as its own position in the Pentagon Papers case that the only information the government can lawfully withhold is that which bears on: (1) tactical military operations, (2) blueprints or designs for advanced military equipment or (3) secret codes.

"The White House view of 'national security,' as revealed in President Nixon's responses to the Watergate case, permits the government to withhold from its people virtually anything it pleases," the civil liberties organization charged.

Rather than inhibiting the flow of information, the ACLU said, "the Watergate events demonstrate the need for congressional and public scrutiny of the activities of the executive branch of government, and especially of such secret agencies as the FBI and the CIA."