

Mr. Nixon's Loose Talk

Speaking extemporaneously on important issues can be a dangerous practice for any President, as President Nixon proved Monday with his assertion that one of the defendants in the Sharon Tate murder case "was guilty, directly or indirectly, of eight murders without reason."

The White House press secretary swiftly issued a "clarification" of this remark, and the President himself several hours later retracted it altogether. But the clarification and retraction could not undo the damage. It is self-evident that if the President of the United States publicly states his belief that an accused man is guilty, then that man has an unfair burden in trying to defend his innocence before a jury. The only thing that prevented an immediate mistrial in this instance was the judge's confidence that the precautions he ordered would keep the jurors from learning of the President's remarks. However, the alleged killer has now undone those safeguards by smuggling a newspaper with a banner headline on the Nixon statement into the courtroom and flaunting it before the jury.

Not the least puzzling aspect of this episode is that Attorney General Mitchell stood silently at Mr. Nixon's side while he made his highly prejudicial comment. The country is entitled to expect that its chief law officer would have acted at once to rescue the President from so serious a gaff.

Nevertheless, the ultimate responsibility lies with Mr. Nixon. Although he is a lawyer, he has practiced over the whole of his career far more politics than law. He approaches the discussion of most public questions, not with the sensitivity to the nuances of language and the habitual caution of an experienced lawyer, but rather with the breezy metaphors and attention-getting if inexact analogies of the politician.

Quite apart from his specific comments on the Tate case, Mr. Nixon's remarks about Congress's "batting average" on crime bills and about "good guys and bad guys" in Westerns were inappropriate to the seriousness and complexity of any useful discussion of the responsibility of the press in reporting crime or of the problem of enhancing popular respect for law and order. His political intent was clear enough. It was to attack the Democrats on the crime issue and to put himself on the side of judges and the police, of improved law enforcement and, by association, of the "good guys" in Western films.

But President Nixon made scant contribution to the elucidation of any serious issue. Every good newspaper gives painstaking attention to the unending tension between the public's right to know about a major crime and a defendant's right to an unprejudiced trial. No paper can ever be sure it strikes a perfect balance in that effort to protect two often contradictory constitutional rights, but it is no help for the President to set his own example in imbalance. Similarly, the press and the public have to weigh the necessity of apprehending and convicting criminals against the harm which can come from "third degree" police methods or misplaced zeal by a prosecutor or judge. In both these fields, discrimination and discernment are everything; loose talk worse than nothing.