

However much he may know about marketing municipal bonds or managing a political campaign, Attorney General John Mitchell has again demonstrated that he understands very little about the interdependence of law and liberty in a free society.

On Monday he compared last week's demonstrators in Washington to Hitler's Brown Shirts and extolled the police for violating the law. If this reckless speech had been delivered by a national party chairman to a partisan audience, it would have been regrettable but easily dismissed. Coming as it does from the Attorney General, the principal legal officer of the United States Government, speaking to an official meeting of California policemen, this speech evokes renewed dismay at Mr. Mitchell's unfitness to head what is supposed to be a Department of Justice.

The radical Mayday demonstrations were from the outset ill-conceived as a tactic directed against the Vietnam war. They inevitably presented a difficult challenge to the Washington police force. The police performance was mixed. The police certainly deserve credit for avoiding the bloody violence and loss of professional discipline, which has sometimes occurred in other confrontations in other cities.

But there was a resort to wholesale illegality. Normal arrest procedures were suspended. Thousands of individuals were hustled off to jail and to a detention center. They were not arraigned or charged with a specific crime. They were held for long periods without food and incommunicado. Most of them were released when the courts finally intervened.

These police methods were not those of a lawful society acting under the Constitution in protection of democratic liberties. In this respect the Washington police action is not to be condoned, much less extolled, as a pattern for police in other cities. It was indeed essential to keep the streets open; but that could have been done without resort to indiscriminate mass arrests. The failure to proceed lawfully and selectively was a serious lapse of judgment by the Washington police. To what extent this error of judgment was influenced by pressure from Mr. Mitchell is not yet clear.



The police may have feared that they were going to be in combat with tough urban guerrillas. In fact, the Mayday demonstrators were mostly feckless and leaderless. They did not generally taunt the police; they tried to engage in friendly dialogue with them, they did not resist arrest. Incidents of violence against property were comparatively few and well within the power of the police to contain.

For Mr. Mitchell to compare these demonstrators to Nazi Brown Shirts is absurd. For him to paint this lurid picture of Washington, caught up in a terrifying struggle against "mob rule" is deliberately to mislead the public. His motives appear to be blatantly political. Mr. Mitchell seems to think there are votes to be won by being "tough" with long-haired radicals. Instead of trying to maintain the delicate and difficult balance between the necessary maintenance of public order and the protection of individual rights, he has made a vulgar and inflammatory appeal to prejudice and passion.

A civilized society judges itself on the way in which it treats troublesome minorities. It is no defense of police violations of due process for the Attorney General to argue that some of the radical dissenters would deny rights to others and would like to destroy this nation's system of liberty. Of course they would.

But the law-abiding majority expects its public officials to dispense justice and enforce the laws according to the standards laid down by the Constitution and the courts, not by the depraved standards of the enemies of freedom.