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The doubts about conspiracy laws

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their own conspiracy.

WASHINGTON — Richard Nixon's most powerful aides were convicted in the Watergate cover-up trial under the very laws they themselves often used as a weapon against administration enemies — the conspiracy statutes.

During John Mitchell's tenure as attorney general, the Justice Department invoked the conspiracy laws to prosecute Dr. Benjamin Spock, the Chicago Seven, the Berrigan brothers, the Gainesville Eight and Daniel Ellsberg in what were referred to as the "New Left trials."

On New Year's Day the Watergate jury found Mitchell and three others guilty of

Conspiracy, as Judge John Sirica told the Watergate jury several times, is simply two or more persons acting together in the furtherance of a crime.

The Watergate convictions raised anew some serious questions about the fairness of the nation's conspiracy laws.

Melvin Wolf, legal director of the American Civil Liberties Union, said he finds those laws and trials conducted under them objectionable because:

● Each member of the alleged conspiracy becomes responsible for the actions of every other member, whether or not they ever met.

● One member of the conspiracy may testify to what another member told him—testimony that would be inadmissible hearsay in other types of trials.

● Hearsay evidence against one member of the conspiracy may be used as evidence against all other members.

● Only one act is necessary to prove the conspiracy existed.

Wolf, however, defended some applications of the conspiracy laws.

"There's nothing wrong with a conspiracy law, particularly if persons are conspiring to commit murder, rob a bank or obstruct justice," he said. "You just

have to be careful how you use it."

Wolf said the Nixon administration used the conspiracy laws to stop persons from saying things to which the administration objected. In almost every case the defendants were acquitted or the convictions were set aside.

Spock was accused of conspiring to violate the selective service laws by urging young men to evade the draft.

The Chicago Seven were accused of crossing a state boundary in conspiring to incite a riot at the 1968 Democratic National Convention.

Ellsberg was accused of stealing, espionage and conspiring to obtain the Pentagon papers.

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The Berrigans were accused of conspiring to blow up heating tunnels in Washington and to kidnap Secretary of State Kissinger.

The Gainesville Eight were accused of conspiring to create havoc at the 1972 Republican National Convention.

Mitchell — who himself took part in discussions of G. Gordon Liddy's plan to kidnap demonstration leaders at the 1972 GOP convention—testified in the Gainesville Eight trial.

One defendant in that trial, Scott Camil, said:

"The conspiracy that exists is a conspiracy on the part of the Nixon administration to silence any person, organization or political party whose actions do not reinforce the Nixon administration."