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In The Nation: The Real Mess in Washington

By TOM WICKER

WASHINGTON, April 13—It is too bad that the Democratic and Republican national chairmen have fired away at each other as to whether Clark Mollenhoff, a White House assistant, should have the right to inspect individual income tax returns. Since Democratic Chairman L. F. O'Brien raised the question and Republican Chairman Rogers Morton responded that the Democrats were "unduly sensitive to investigation," it may indeed look as if Mr. O'Brien's party has something to hide.

But whether it does or not, that is not the reason Mr. Mollenhoff has no business with such a privilege. In fact, it would be remarkable if after eight years in power the Democrats were not in some ways vulnerable to investigation; on the other hand, until Mr. Morton charged it, few had been aware that the Democrats under Presidents Kennedy and Johnson had created the kind of "mess in Washington" that studying their tax returns might reveal.

Actually, if the shoe were on the other foot and the Democrats had taken power and started checking income tax returns, the practice would be just as reprehensible, although perhaps as rewarding. Two for-

mer Commissioners of Internal Revenue have said that Mr. Mollenhoff's access to these documents is illegal; it certainly should be, but it doesn't necessarily settle the matter if it is since no doubt he could follow the practice secretly or at least put up all sorts of legal arguments for White House privilege, immunity, special needs, etc.

The real issue is one of propriety, privacy and procedure. No politician like Clark Mollenhoff has any right to see such sensitive material because it gives him power that he has no right to exercise, over the innocent as well as the guilty. Moreover—to propound the oldest truism in the whole field of human liberty—once this sort of thing gets started, and no matter for what apparently useful reason, there is no telling where, if at all, it can be stopped.

Questionable Privilege

Mr. Morton argued, for instance, that there was no reason to "tie the hands of authorized investigators probing official corruption." Who made Clark Mollenhoff an "authorized investigator"? Since when has he been a member of the F.B.I. or any other authorized investigating agency? He is, rather, a political appointee to the personal staff of the President, a far different thing.

Would Mr. Morton suggest that in that political role Mr. Mollenhoff ought to have subpoena powers as, say, a Congressional committee or a special Presidential commission would have? Yet, even such groups as that have no privilege of examining income tax returns. If that privilege is to be extended to Mr. Mollenhoff, why not to Murray Chotiner or Harry Dent or anyone else on the President's staff?

The White House, of course, has replied that Mr. Mollenhoff sees tax returns only to investigate "wrongdoing by Government officials or those close to the Government." Does this mean the White House is checking the returns of its own Administration officials, as well as former officials? That ought to make for a happy ship, if so. Who checks on who Mr. Mollenhoff is checking on? And how "close to the Government" do you have to be before White House underlings run through your tax returns? Does Clark Mollenhoff decide that, or does the President? And even if the whole operation is as rigorously fair and as antiseptically controlled as brain surgery (which can go wrong, too), once the Nixon Administration establishes the practice, who can say how the next Administration might extend it?

But it is obviously vain to

put this kind of consideration up to this Administration; if Mr. Nixon and his circle were sensitive to such matters, Mr. Mollenhoff would never have got his hands on anybody's tax return in the first place; Attorney General Mitchell would never have claimed the right to tap and bug, without a shred of court approval, anybody he suspected of threatening national security; the preventive detention of those who might commit crimes in the future would never have been proposed, nor would a whole bag of other legislation offensive to the Bill of Rights.

Security Syndrome

But among Mr. Nixon's policy-makers, the end justifies the means with a vengeance. A story in The New York Times Sunday detailed how the Administration, dismissing what one aide called "hangups about snooping," was planning greater surveillance of "extreme radicals" by more wiretapping, undercover agents, and even Federal grants through the Law Enforcement Assistance Administration to help states and cities develop such intelligence techniques for themselves.

But when we have been saved from the radicals, who will save us from the security agents?