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ITT, Watergate, et al.:

Thinking About the Scandals

When the ITT affair was in full swing a year ago, I decided that it wouldn't make much of a movie, but that it had considerable potential as an opera: *Die Kleindienstlinger* perhaps, or maybe something full length in Italian, featuring the moving aria, "O, *Mia Conglomerata*." Actually, I didn't work very hard on the score, since this was not so much as an opera I envisioned being sung as one I envisioned being explained by Milton Cross at half time. ("The second act curtain goes up on the banquet hall of the governor's mansion where festivities are under way for the Royal Derby. Dita Barba, now disguised as a guest, rushes forth from the chorus of revellers and throws herself before the official procession. 'Who is this supplicant and what is meant by her strange words?' the attorney general demands to know...")

However . . . I decided not to fool around. And that was because, even without the piled-on revelations of Watergate and Vesco and the wheat deal and the rest, at the bottom of the foolishness, beyond the libretto-like preposterousness of it all, there seemed to be something profoundly unfunny. There still is. Only now it is more pervasive and better documented and even less amusing. I think as the scandals of the past year have unfolded, all of us have had great trouble in arranging our attitudes toward them, in deciding how to think about each new disclosure, in judging how alarmed or how complacent to be—how enraged or how entertained.

The news of the past few weeks, disagreeable as it has been, must have settled one thing anyway for most people, namely, that we are dealing here with something indisputably serious—and dangerous into the bargain. We have had testimony, after all, suggesting that the basic minimum integrity we might expect from our instruments of justice—the Justice Department itself and the FBI—has been compromised and perverted. And we have heard descriptions of systematic deception in high places, of wrong-doing and cover-up—and cover-up that did not mind involving and debasing offices and institutions of government the people thought they could trust.

There will be a tendency toward vindictiveness, even glee, I suppose, in some quarters as the squalid facts continue to come out, if they do. But these are emotions that seem to me as inap-

propriate at this moment as the jokes that kept springing to mind at the beginning. For there is something pitiful and wasted and useless and transparently foredoomed about all the energy that has been squandered in these scandals by those who have perpetrated them. What was the purpose? Greed, where the money was concerned? Or was it uncontrollable (and wildly misplaced) fear where the political infiltration into the Democratic Party's workings was concerned? One thing at least is clear: The purpose over the past several months has been evasion and cover-up—and that has proved even more costly than the original transactions and transgressions that were being covered up. Those of us who have never learned to rest easy with the implications of Chappaquiddick will see a painful analogy here writ large. How much destruction have the leaders of the administration brought upon themselves and the offices they hold by that early false move—the one that said not just "we can do these things," but "we can disguise the fact that they ever happened."

A government that rode into power over the remains of an enormously weakened opposition party, a President who had an overwhelming majority of voters on his side, an administra-

tion that had everything going for it—why was all the wheeling-and-dealing, the subterfuge, the downright subversion of our institutions necessary? What was the game? What was the point? *Why?* One year after the ITT affair gave us a taste of things to come, I turn from Wagner and Mozart to—yes—Pogo. I think of this needlessly combative administration and, in my mind's eye, I see the bedraggled company of Okefenokee Swamp, "We have met the enemy," as Pogo once declared, "and he is us."

We should be clear about one thing. Okefenokee brings crocodiles to mind and crocodiles shed notoriously false tears. We don't need any of those. But I would argue that if we are about to take this thing dead seriously, if numbers of people are finally in a way to cease regarding it as a sideshow or a joke, then it is something other than shedding crocodile tears to worry some about the rights of those put on the spot by all these disclosures, to beware a pendulum swing of public emotions. For there is an important point to be made concerning the Watergate defendants and whoever else may be caught in the tightening net of investigation and disclosure. It is that we must be careful.

With breathtaking cynicism—talk about crocodile tears—almost from the day of the discovery of the Watergate crime, the administration and its minions have been invoking constitutional protections and civil liberties in behalf of the accused as if they themselves hadn't been in the rearguard of concern for these matters for most of their adult lives. And what is more, much of the time they have been trumpeting their new civil libertarian position off-key—not to say, off the point. Mr. Nixon, for example, gave a ringing explanation in a recent press conference of the dangers of making the FBI's raw data generally available—an unimpeachable position for which civil libertarians shed gallons of blood in the 1950s, but one that had nothing to do with the question he had been asked.

When you have said as much, however, and when you have discounted a great deal of the professed concern for constitutional niceties coming out of the White House at this moment, you still have not addressed the urgent need to observe those niceties in relation to those now accused and/or convicted of a wide range of political malpractice. If those things were important in the battles of the 1950s, they are important now; and one of the perils of gloating and glee is that in the course of indulging these unworthy emotions people can do great harm—further harm—to the system of justice meant to protect us all.

In a way, the unfolding saga of scandal and corruption that has been brought ever more forcibly to public attention over the past year has had a quality of the late 1940s and the 1950s revisited. For at least tangentially and indirectly some of the great civil liberties issues—procedural and substantive—of the period have been raised: guilt-by-association, guilt-by-hearsay-and-headlines, guilt-by-the-Fifth-Amendment, the rights of the accused, the limits of congressional investigation and the rest. I don't think that up until this point there has been a violation of the important rights of the accused in these cases or even much carelessness in relation to them. But I think that could change in a period of heightened and excited feeling, change in a way which everyone would ultimately have reason to regret.

It has been some odyssey of attitude and feeling—from ITT one-liners to this enveloping sense of concern. When you look around at what has already been made public about wrong-doing in high places and when you try to get ready for what seems bound to come, it seems to me that this is not just a time to be sad—which is to say, sorry. It is also a time to be terribly careful.