

The Right to Burglarize

A Watergate Fantasy

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The only way the Senate Watergate committee can get hold of those presidential tapes is to break into the White House and seize them.

Is there anything wrong with breaking in to get vital documents? Surely the White House doesn't think so.

All week long in the caucus room, John D. Ehrlichman, the President's still esteemed former aide, has been de-

A Personal View

ending the White House-sponsored bag-job on Daniel Ellsberg's psychiatrist's office. His venerable lawyer, John J. Wilson, told the committee that the President can do anything that is not specifically forbidden in the Constitution. Congress is, although the present White House incumbent doesn't think so, a coequal branch and you can turn the Court upside down and not find a single line that says a congressional team

cannot break in to get the tapes of what John Dean said to the President on March 21, and vice-versa.

The national security argument, which justified the Ellsberg job — Ehrlichman prefers to call it an "entry" — was given by the President's own Watergate consultant, Charles Alan Wright, a distinguished lawyer, who said, "The sooner we can get to the bottom of Watergate, the better off the country will be."

FITTING

And the President himself, speaking on May 22 of the Ellsberg break-in, said that while he would have disapproved had he known, he could understand how "highly motivated individuals could have felt justified in engaging in specific activities."

What would be most picturesque and fitting, of course, would be for chairman Sam Ervin to lead the charge in broad daylight accompanied by a drummer boy and two files playing "Yankee Doodle." Unfortunately that is out of the ques-

tion. The chairman takes literal view of the Constitution, especially the Fourth Amendment which protects people against "unreasonable searches and seizures."

On the Watergate staff, however, there are several young men, as clean-cut as Nixon's "plumbers," who might think there is nothing "unreasonable" about direct action to get the papers particularly since the President said in ignoring the Senate subpoena that one of his hangups was manpower.

"You will understand," he wrote, "that it would simply not be feasible for my staff and me to review thousands of documents to decide which do and which do not fit within the sweeping but vague terms of the subpoena."

HANDS

This suggests he might like the matter to be taken out of his hands. It is manifest that his staff is depleted, its ex-members engaged in playing tennis and preparing statements for the committee.

The congressional expeditionary team would have

certain logistical problems. They could not, for instance, count on CIA cooperation, the agency having been burned by its helpfulness in the Ellsberg enterprise. But there are other wig shops.

One thing is perfectly clear. The President would know nothing about the rip-off until the tapes were played in the caucus room, and then only if he had an agent on the premises.

Neither he nor any member of his staff, as a matter of conscience reads the newspaper or watches a news broadcast.

John Ehrlichman got a chuckle in the caucus room when he said, discussing the Watergate affair about which he knows nothing, "One thing we were scrupulous about was never to have Ron Ziegler go out and say something that was erroneous."

RESULTS

But they never checked the results.

Ehrlichman said when he offered the job of FBI director to the judge presiding in the Ellsberg case, he had

not the faintest notion about the progress of the trial he was "relying" on the judge for that.

The papers and television were grinding out reams to the effect that the government's cause was going down the drain, but how in the world could he have known?

Also we learn in the caucus room that none of the people around him ever volunteered any information to the preoccupied President. John Mitchell said he would gladly have filled him on Watergate, but the President never asked.

So unless he says to General Haig some morning, "Say Al, is there anything I should know about the files — are they all still there, or did somebody from Capitol Hill break in and steal them?" There's not a chance he'll find out.

By the time he does it will be too late to do anything but start an investigation, one that he doubtless thinks will take the headlines away from Watergate — which he says is taking too much of his time anyway.