

The Camden 28 and the National Interest

There is a large and brooding question hanging over Washington these days. That question has to do with the amount of damage to individual rights those temporarily entrusted by the people with the protection and enhancement of the nation may do in their zeal to defend us all from the threats and the dangers which they perceive. The recent acquittal of 17 of the "Camden 28" on charges of burglarizing a draft board and destroying its records is a minor, but instructive case in point.

There is no question that the raid occurred and that it was perpetrated by American citizens who abhorred the war in Indochina. There is also no question that the perpetrators were prosecuted by a government led by men who believed their policies in Southeast Asia to be correct and in the best interests of the country.

So far, so good. Acts of conscience by citizens of high moral sensibility against laws or policies which they deem intolerable or fundamentally unjust have a long and honorable tradition in the political development of our country. The people who have carried out these acts have generally been willing to take the full legal consequences of their behavior in order to change the law or the policy or at least to make a point. And the duty of the authorities is just as clear. Their duty is to prevent the breaking of the law, if they can do so, or to apprehend and to prosecute the criminals if an illegal act has occurred.

But that is not quite the way it worked in Camden. A man named Robert W. Hardy testified that he learned of the burglary plan, reported it to the FBI and then joined the group at the FBI's urging. He then learned that the plan had been abandoned by the group because

they couldn't figure out how to bring it off. Mr. Hardy testified at the trial that with the aid and encouragement of the FBI, he revived the plan and breathed new life into it.

He "cased" the draft board, drew up the burglary plans and with FBI help purchased most of the burglary tools. He kept the FBI abreast of the group's progress and then at the trial, in a devastating line of testimony, he said that the raid would not have taken place "without the FBI and me." Despite all of that, the Department of Justice decided to prosecute the "Camden 28."

There is something corrupt about the government actively encouraging a criminal conspiracy—in the name of law enforcement, and for the sake of some national security interest as it may be defined by those in authority at the time. The judge faced this squarely in his charge to the jury when he said, "If you find the over-reaching participation by government agents or informers in the activities as you have heard them were so fundamentally unfair as to be an offense to the basic standards of decency and shocking to the universal sense of justice, then you may acquit any of the defendants to whom this defense applies."

That is not simply good law, it is also good sense. It is too bad that those in Washington controlling this particular operation, and deciding on this particular prosecution, did not have the wisdom and good judgment to understand not simply the perversion of the law but also the distortion of American values which they were engaging in as a consequence of their own arbitrary definition of what needed to be done for the sake of "national security".