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Who Else Is Guilty?

By William Safire

WASHINGTON, Jan. 1—"Four out of five guilty!" shouted the man on the desk in the newsroom, as the bottom fell out of the lives of John Mitchell, Bob Haldeman, John Ehrlichman and Robert Mardian.

The Appeals Courts will determine whether justice triumphed in the Watergate cover-up trial, or whether truth triumphed at the expense of justice. But the decision of the nine women and three men puts the seal of finality on the seamiest episode of our time.

When Mr. Average Man pronounced the verdict of guilty on four formerly powerful men, the reaction of other average people was that they must have deserved it, and thank God it's all over.

But it's not over. Up to now, inquiry into the unlawful use of the law has centered on Watergate and its aftermath, but the investigation of the abuse of power has only just begun. Guilt is guilt, and it is not lessened by an examination of "root causes";

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however, today's verdict—significantly, on the first day of the final quarter century of this millennium—marks the end of Watergate and the beginning of a broader self-examination.

The forthcoming exposure of the Central Intelligence Agency also has to do with the unlawful use of the law. When The New York Times recently blew the lid off C.I.A. domestic activity, a headline writer automatically narrowed the wrongdoings to "44 Nixon years," but we are coming to see that these illegal practices began well before that.

During the Watergate investigation, Charles Colson put forward a theory that the C.I.A. had more to do with Watergate than met the F.B.I. This was ignored; even when Senator Howard Baker issued a report detailing the curious coincidences of C.I.A. involvement, the idea was resisted as somehow taking the blame away from then-President Nixon.

Now, a year after his testimony was taken in secret by the Senate Watergate Committee, we see that

Howard Hunt was in a C.I.A. unit that spied on Barry Goldwater's 1964 campaign. Why was this testimony suppressed — "covered up" — for a year? What other useful information about the unlawful use of the law has been put on ice to protect us from distraction until the Nixon men were jailed?

Perhaps now a Congressional committee will look into the surveillance of newsmen by L.B.J.'s Marvin Watson, hinted at and hushed up at the House Judiciary inquiry. Perhaps the American Civil Liberties Union will volunteer to represent Mrs. Martin Luther King Jr. in a lawsuit against the F.B.I. for illegally wiretapping her

late husband.

For the Office of the Special Prosecutor, these are the days of Jill Wine and roses, with the acquittal of Kenneth Parkinson the lone exception in an otherwise perfect record. Even Harry Dent was forced to plead guilty to a misdemeanor, and the indictment of some Hubert Humphrey aides has helped present a nicely nonpartisan image. But soon some hard questions will be asked, and not by diehards or partisans.

How can we account for the sweetheart relationship that appears to exist between the special prosecution force and the F.B.I.? L. Patrick Gray, a fine and patriotic man, has reportedly admitted destroying evidence during the cover-up. Why has the former F.B.I. chief not been prosecuted? Probably because Pat Gray could blow the whistle on a dozen top agents of the F.B.I., requiring trials on a variety of crimes and generally lowering morale.

Another example: William Sullivan, a former high F.B.I. official, has not been placed under oath and asked the kind of question that might embarrass F.B.I. men currently in office, or might conflict with sworn testimony of our supreme commander in Europe. Mr. Sullivan has been unwell, but the reason he has not been called is that the special prosecutor does not want to get into sticky areas of "bag jobs" and political spying.

On those same lines, Cartha DeLoach, a close aide to the late J. Edgar Hoover, has not been asked under oath about the wiretapping of Anna Chennault in 1968, and of the subsequent illegal F.B.I. intrusion in the U.S. political process in that year's election campaign. But the law enforcement establishment, of which the special prosecution force is a part, does not want to foul its own nest.

Perhaps the nation's interest in the unlawful use of the law will wane with the satisfying clank of prison gates behind the four men pronounced guilty today. I hope not. Revelation of embryonic activity in the sixties does not extenuate crimes of more recent vintage, but they will show us how pervasive and dangerous our unconcern has been.

No vendetta is needed, no "getting even" by besmearing dead men's reputations, no prison sentences for lawmen who operated in the approved context of their times. But needed after today's verdict of guilty is a searching look at who else was guilty, what set the pattern for the excesses being paid for today, so that we can gain an understanding of why some upright men go wrong.

Anthony Lewis is on vacation.