

The Fearless Spectator

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Secrecy After Watergate

IN A REAL SENSE, secrecy is what the Nixon Administration is about. This is because our President is a secretive and fearful man, for whatever reasons and whatever their validity. Mr. Nixon has taken his licks in his time, and is still getting them; but no one will accuse him of not having dished it out, and copiously, when he had the clout to do so.

Mr. Nixon doesn't like most newspapers, and make no mistake about it, especially when the newspapers speak for "the Eastern establishment." He doesn't like the tube much, either, save when he has total control of it for a half hour or so. In fact, one has the feeling that Mr. Nixon thinks the best way to inform the American public about the functioning of government would be to give 'em a series of avuncular telly lectures, written, produced, edited and delivered by Richard Nixon.

It hasn't come to that yet, though there were some pretty scary signs before Watergate deposed a Palace Guard that Mussolini would have adored. Whatever the final results of Watergate, THAT kind of thing won't happen again for a while. Like the White House liar, Ron Ziegler, calling The Washington Post a liar because it told the truth about the White House brigands.

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JUST HOW besotted by secrecy the Nixon Administration was, in the days when John Mitchell was riding herd on the civil rights of the country as Attorney General, is best seen in Mr.



Mitchell's favorite bit of legislation — the Criminal Code Reform Act of 1973, S. 1400 and H. R. 6046. This odious pending measure is the most outspoken attack on the Bill of Rights in our history. It was drafted in major part in Mitchell's office.

Among the dandy provisos of Mr. Mitchell's law and order thinking is a section which allows any cop anywhere to use deadly force to prevent the escape of a person arrested for any crime, however petty, and without regard to the danger to the life of others. This is the notorious Latin "ley de fuga," with knobs on.

The measure specifically rejects effective national control of handguns. In the morals field, the proposal would make criminals of all persons who in any way disseminate any material describing sexual intercourse or depicting unity. And much, much more.

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IN THE secrecy field, the provisos are almost beyond belief. They would make it virtually impossible for any media reporter to cover any government department in any way other than by accepting departmental handouts. Media reporting as we have known it would simply wither and die under the provisions of the act.

These are, briefly: Any federal employee who "communicates . . . classified information" to an unauthorized recipient even if the data was "improperly classified at the time" is subject to three years in jail and/or a fine of \$25,000. Any person outside the government who receives "national defense information" and "fails to deliver it promptly" back to the government source is liable to seven years in the federal pen and/or a fine of \$50,000.

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AS THE Watergate investigation has made it only too clear, the word "classified" in the Nixon Administration context is often a code word for "embarrassing." Any fact which might lose Republican votes by coming into print becomes a possible crime.

Among those who could have been nailed for seven-year sentences, had this thing been made law last year, are the New York Times, the Washington Post, the Unitarian - Universalist Press and columnist Jack Anderson. And maybe you, sitting right there in your comfortable chair.

Senate bill 1400 is currently snaking its way through the Judiciary Subcommittee on Criminal Laws and Procedures. Ask for more about it from its sponsors — Senators John McClellan of Arkansas and Roman Hruska of Nebraska, the darling boys who gave us the "law and order" act of 1970.