

TUESDAY, NOVEMBER 28, 1972

Nixon proves permissive in dealing with Indians

WASHINGTON — On Thanksgiving Day, White House counsel John Dean sent a letter to the House Interior Committee, dropping an iron curtain of secrecy over a shocking exhibition by President Nixon that matched the worst permissiveness he has so harshly decried in his political opponents.

Dean's letter refused an urgent request for five White House aides (Dean included) to testify at Interior subcommittee hearings beginning Dec. 4 on the destructive (\$2 million-plus) occupation of the Bureau of Indian Affairs (BIA) building here by armed Indian militants.

Dean invoked executive privilege, but his true reasons are steeped in politics. The White House knows it will get a black eye out of the congressional investigation and, therefore, is desperately trying to separate Mr. Nixon from the government's handling of the BIA occupation.

But taking an executive branch Fifth Amendment won't accomplish that. Even some White House aides privately acknowledge this inescapable conclusion: The President's public abhorrence of permissiveness is grounded in political expediency. When it becomes more expedient to avoid admittedly dangerous confrontations with armed demonstrators, Mr. Nixon does not hesitate to look the other way.

No staff meeting

Thanks to compartmentalized decision-making at the White House, there simply was no staff meeting on the BIA occupation. Thus, high-level aides read newspaper reports of the government's bowing to lawlessness without ever seeing a memorandum or attending a conference about it.

The basic White House decision was made on Thursday, Nov. 2, the day the Indians occupied BIA. High Interior Department officials, recognizing three top Indian leaders as violence-prone hoodlums with no claims to legitimacy, wanted them evicted at once. Instead, the White House began protracted legal proceedings, a decision almost surely made by White House domestic policy chief John Ehrlichman and his deputy, Bud Krogh.

It is inconceivable that the President himself did not concur.

Where the White House was heading was made evident that afternoon by the identity of its agent negotiating with the Indians: Bradley H. Patterson Jr., a career bureaucrat regarded as a staunch liberal. As the White House aide specializing in Indian affairs, Patterson had recommended government acquiescence in the 1970 peaceful occupation of Alcatraz Island by Indian militants.

On Monday, Nov. 6, supervision of the BIA crisis was taken over by Patterson's

boss, Leonard Garment. Washington insiders got the message. By delegating responsibility to Garment, his House liberal in dealing with minority groups, the President sig-

Rowland Evans and Robert Novak

nalled he preferred appeasement to firmness the day before the election. Accordingly, Garment decided to pay the militants \$66,650 cold cash, for travel money home.

Garment was avoiding what could have been a bloody Indian massacre. But he was ignorant of inexcusable vandalism then underway at BIA. Less understandable, he did not know that the three Indian ringleaders had criminal records with multiple convictions for armed robbery, assault and burglary.

Ignorance of the facts is not a valid excuse in the view of critics—such as one university president, a liberal Democrat, who displayed commendable firmness in forcibly ending student sit-ins during the 1970 Cambodian crisis. "If I had acted like the White House did in the Indian business," he told us, "Spiro Agnew would have chewed me out for permissiveness."

Not yet condemned

However, Mr. Nixon has not yet been condemned either by his liberal Democratic critics or his distressed Republican allies. Indeed, he might well escape criticism save for lameduck conservative Democratic Rep. Wayne Aspinall of Colorado, chairman of the Interior Committee. Aspinall intends to show the vandalizing of BIA was not representative of the larger Indian community, the most aggrieved minority in U.S. history.

To expose White House decision-making, Indian Affairs Subcommittee chairman James Haley of Florida asked for appearances by Dean, Ehrlichman, Krogh, Garment and Patterson. Though refused by Dean, Rep. Haley may get an earful anyway from Harrison Loesch, assistant secretary of the Interior who is boiling mad at the White House.

But Loesch cannot say what some presidential aides now confide privately: The White House did not move against the invasion because it feared public support for the Indians. Now that Indian excesses at BIA have changed public opinion, they add, the White House would move much more boldly. In short, Mr. Nixon's oft-stated contempt for permissiveness does not match his compulsion for political expediency.