

Principles vs. Political Practice

by James Reston

New York

I T IS A common habit of most people to proclaim great principles when it suits their purposes, and evade or ignore them when it doesn't, and President Nixon's definition of the "privileges" of his office and his White House staff is only the latest illustration of the habit.

In his definition of "executive privilege," Mr. Nixon has insisted on the privacy and integrity of communications within the executive branch of the government. His personal aides must be free to advise him in private, without fear of being summoned by the Congress to testify on their advice, he says, and nobody would seriously question this principle.

He was even generous in modifying this right: "Executive privilege," he said, "will not be used as a shield to prevent embarrassing information from being made available, but will be used only in those particular instances in which disclosure would harm the public interest."

★ ★ ★

T HIS RAISES some practical questions. The Watergate charges of bugging the Democratic headquarters in the presidential campaign have been confirmed by the courts, and the testimony of the FBI has involved not only members of the President's campaign committee, but members of the President's own personal staff.

Would it harm "the public interest" to allow them to appear before the Congress and tell what they know about this case? If the President does not want to use his right of "executive privilege" to prevent "embarrassing information from being made available," why not let them be questioned by the Congress?

"Executive privilege," the President said in his official statement, "will not be invoked until the compelling need for its exercise has been clearly demonstrated, and the request has been approved first by the attorney general and then by the President."

This suggests that the burden of proof for keeping White House officials from testifying in the Watergate case rests personally on the President himself, but he has offered no proof why John Dean, the President's attorney, who sat in on all the testimony by members of the White House staff and others in the Watergate case, should not be questioned. The President has merely said that Dean would not be allowed to do so, presumably because, in the President's personal judgment, it is not in "the public interest."

T HE MORE you try to reconcile the administration's principles and its actions, the more confused you get.

The administration's "principle" is that the FBI should be independent, but the testimony of L. Patrick Gray, the acting head of the FBI, is that he made political speeches for the President in the last campaign, undertook to investigate the Watergate case but agreed to have the White House lawyer sit in on his investigations, responded to appeals for private talks with people involved in the Watergate, and then turned over their private testimony to the White House.

All this at least raises some interesting questions about what the President's private aides were doing, but the President refuses to allow them to talk, as if they were involved not in charges of political espionage and sabotage, but some fundamental question of national military security.

★ ★ ★

A NOTHER CONFLICT of principle and political practice: When Mr. Gray told the Congress that Herbert W. Kalmbach, the President's personal lawyer, had admitted that he paid Donald Segretti to engage in unusual political operations in the last presidential campaign, the White House complained that Gray was releasing "raw unevaluated material" out of the FBI files, thereby violating Mr. Kalmbach's "privacy."

But the White House has said nothing about the men from the Committee to Re-elect the President, who were convicted of invading the privacy of the Democrats, bugging the Democratic headquarters, and then turning over their illegal transcripts of those telephone conversations to officials in the White House.

★ ★ ★

F INALLY, THERE is a paragraph in President Nixon's defense of "executive privilege" that goes beyond the normal rules of privacy, for it suggests that White House officials should not only be silent while they are in office but after they leave it.

"In the performance of their duties for the President," Mr. Nixon said, "those (White House) staff members must not be inhibited by the possibility that their advice and assistance will ever become a matter of public debate, either during their tenure in government or at a later date . . ."

If this is to be taken seriously, Henry Kissinger, for example, is not only forbidden to testify before the Congress now on his critical role in the Vietnam peace talks, but he should not "ever" — even after he leaves the White House — get involved in the "possibility" that "his advice and assistance will ever become a matter of public debate . . ."

★ ★ ★

T HIS IS obviously ridiculous. The President has gone way beyond the normal meaning of "executive privilege." He has applied a sound principle on security information to block the publication of "embarrassing information" of a political nature, while promising to avoid doing precisely what he is doing.

It is all very odd, and the oddest thing about it is that it is being done in the name of sound and noble principles, which are obviously being violated while they are being proclaimed.

N.Y. Times Service

ALSO FILED
WATERGATE
14 MAR 73