

New York Times
Sunday Observer

By Russell Baker

The Injustice Department

Here is an alarming little news story. It is about eight men who went to Florida in 1972 with a mind to stage some sort of protest against the Vietnam war.

It was not an illogical place for protest. Both Democrats and Republicans held their conventions that summer in Miami Beach, largely because Miami Beach is an artificial city cut off from the world by a natural moat, and this moat mentality arose mainly from a sense among men who ran the country that they had behaved so badly about the war that sensible persons might be tempted to make an embarrassing scene about it.

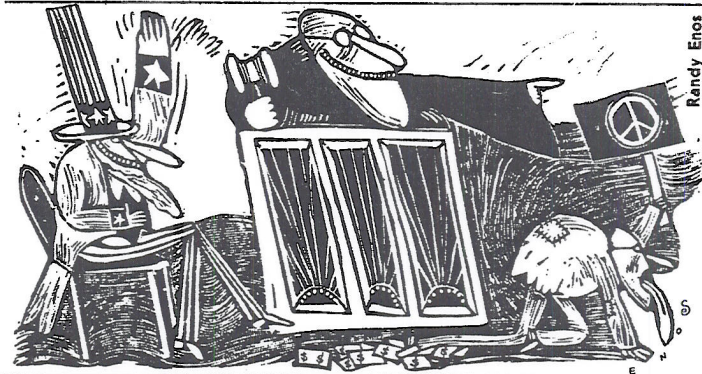
Politicians dislike scenes in election years. They want to hear their excellence praised before the multitude, and this was the game plan in Miami Beach, at least for the Republicans. From inside the moat they filled the television screens of six continents with self-praise of a density and volume that would have made a Pharaoh blush.

All that is politics, and perfectly all right, the politician's trade being, on occasion, to fool all of the people some of the time, but only for their own good, mind you, only for their own good. The eight men in this alarming news story were in politics, too, the politician's trade being, on other occasions, to make life embarrassing for politicians they disagree with.

Very quickly, however, they ceased being in politics and became in jail. The Justice Department had them indicted on charges of conspiring to do violence within the moat, which they never reached, of course, on account of their major problem with the law.

They were tried this summer in Gainesville. After deliberating briefly, a jury found them not guilty. This was 14 months after their arrest and five weeks of trial.

Lovers of American law customarily give themselves airs at this stage of this repetitious story, for, they say, it shows that the American legal system manages finally to



serve justice. And yet, very little justice was done in this case, or in many others like it which have ended in acquittals for persons charged with political crimes in the past decade.

This alarming little news story, for example. It states that the eight men who wanted to protest the war at Miami Beach have bills of about \$150,000 as a result. Being tried by Uncle Sam is an expensive luxury.

In fact, Uncle Sam is something like the man in the cigar commercial who keeps threatening that he is going to get you. When Uncle Sam sets out to get you, he is going to get you. He doesn't know how. Maybe by putting you in prison, maybe by letting you escape prison and merely driving you into bankruptcy. But he is going to get you.

The financial drain of being tried by the Government is only part of the grand disaster. What of the fact that the eight men were deprived of their right to make their protest?

How about being required to spend 14 months of their lives preoccupied with lawyers and absorbed with the threat of imprisonment? Who among us can afford to be distracted from his normal work for more than a year while the Government attempts to put us away?

Whether defendants in such cases are convicted or not probably makes small difference to the Government. The punishment for being indicted is severe enough to make a man swear off disagreements with reigning politicians for the rest of his life, which is

really what governments want.

The Nixon Administration's use of these indictments to preoccupy, harass and bankrupt opponents of the Vietnam war has been part of a general policy of injustice pursued by the Justice Department since the early nineteen-sixties to compel people to quit complaining about Vietnam and love the war.

The remedy seems obvious enough. If the Justice Department is going to function as an Injustice Department, then the Government ought to provide a comparable source of wealth and power for the aid of persons whom the Government sets out to get.

The legal costs of being a defendant ought to be paid in full by the Government if it fails to get you. Why should an innocent person have to go into bankruptcy because John Mitchell doesn't like his looks? Travel costs should be paid, too. Hotel bills and bail fees, compensation for time missed from the job, and compensatory damages for worry and fretting and time lost from active opposition to the Government.

Why not, in fact, permit the bringing of extremely expensive, time-consuming indictments against any Attorney General who has you indicted for a political crime and can't make it stick? With a clear understanding, of course, that he has to pay all his legal costs out of his own bank balance, even if a jury clears him.

If the Government can't get you fair and square, it ought to have to think twice before it tries. ■