

Questions of Judgment

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WASHINGTON — According to this column's complaint department, quite a few readers seem to have the notion that my support for President Nixon is so strong as to rule out any criticism of his administration in this space.

T'aint true. My well-known backing of the President of the United States and his policies is indeed general, and he gets the benefit of any doubts—as he should. But, in my opinion, when he gets clearly off base that opinion has got to be sounded as much as any other.

According to my scoreboard, the President got caught way off first base last week. He did so when he cited executive privilege in declaring that no present or past members of his personal staff would make any formal appearances before congressional committees.

This seemed to me an arrogant and almost unnecessary rebuff to the lawmakers. And it was provoked solely by their continuing probes of matters relating to Republican political sabotage and espionage during last year's presidential race, as climaxed by the notorious Watergate break-in of Democratic campaign headquarters.

President Nixon, as early as last Jan. 31, assured reporters that they need not fear that executive privilege would be claimed by the White House to block full exposure of any political wrongdoing.

"The general attitude I have," he said, "is to be as liberal as possible in terms of making people available to testify before Congress. We are not going to use executive privilege as a shield for conversations that might be embarrassing to us."

In his formal claim to greatly expanded use of executive privilege last week, Mr. Nixon amended his earlier statement by declaring that privilege "will be used only in those particular instances in which disclosure would harm the public."

Now to anyone who can read words, that amendment means that the President believes the public would be harmed if Congress were to succeed in its demand for questioning his counsel, John W. Dean III, since it was that demand which specifically provoked the executive privilege fiat.

The Senate committee involved, it seems, is charged with the responsibility of approving the President's nomination of L. Patrick Gray as permanent head of the F.B.I. It wanted to question Dean about the propriety of his receiving from Gray numerous reports from an F.B.I. investigation of the Watergate scandal.



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There is just no way the public could be harmed by a full disclosure of all the facts here. If Dean was doing something wrong in using the F.B.I. as a political tool—the public should know. And the public, like the Senate committee, should certainly know exactly how Gray views his responsibilities as acting head of the nation's top law enforcement agency.

J. Edgar Hoover, whatever his faults as aging chief of the bureau, to the very end kept his agency clear of any suspicion of partisan politics. Its total independence from such interference was a major reason it had so much public confidence.

There is only one conclusion to be drawn from the present hassle between Congress and the President—and it is one I make with reluctance and regret.

The conclusion is that Mr. Nixon, far from being concerned about possible harm to the public, is deeply concerned about the harm which proliferating truths about Watergate and its aftermath have been doing to his administration.

His spokesmen have notably been less than frank about the matter ever since the scandal broke, to their discredit.

Now, last week, the President decreed what will surely be interpreted by the vast majority of the public as an attempted cover-up of still more embarrassing truths.

It was a truly remarkable lapse in good judgment.

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SINCE WE ARE THE SUBJECT, another Administration lapse in judgment which comes to my mind involves the current Pentagon Papers trial in Los Angeles of Daniel Ellsberg and a co-defendant on charges of espionage and theft.

Ellsberg freely admits he stole the secret government documents on Vietnam, which he subsequently gave over for sensational play by newspapers opposed to the war. But he denies he is guilty of espionage, claiming that the material was of no importance and could not possibly have helped Hanoi.

In this claim he has been backed by such leading liberals in the Kennedy Administration as John Kenneth Galbraith and Arthur Schlesinger Jr. They have testified that the Pentagon Papers were hopelessly dated, of value only to historians, and furthermore were about as dull to read as anything could be.

The interesting fact about this — outside of the complete reversal of liberal attitudes on the importance of the papers — is that the Ellsberg defense is dead right about the material. What is being testified is exactly what I suggested here back in all the uproar.

The following quotations are taken from my Sunday column dated June 27, 1971:

"It strikes me that all those pages and pages of type which various members of our liberal press have been gleefully printing off and on for the past two weeks represent a lot more smoke than fire. The secret Pentagon Papers, basically, are pretty dull stuff and the headlines they have been given are way out of proportion to the content.

"There is a very good reason for this, of course. The reason is that The New York Times, the Washington Post and the other liberal, anti-war papers which picked up the same material, realize that making a big smoky deal out of the Pentagon report helps to further cloud, confuse and impede our official program in Vietnam.

"The so-called Pentagon Papers fundamentally are a lot of bits and pieces of history, with plenty of bits and pieces missing. To me it is most significant that the papers which ran this stolen material were unable to come up with anything scandalous—and that's what they surely were looking for. All they could report was their own questionable interpretation of the incomplete material."

Now what I am getting to in all this is that Ellsberg's crime — first, last and always — is the stealing of property belonging to and locked away by someone else.

He is no better, and no worse, than the Watergate mob which bugged and rifled the Democratic headquarters in the hope of getting something helpful to their cause. And it makes no difference that Ellsberg thought he was taking something of real importance, or that the newspapers played it up as important.

The simple truth is that the Pentagon Papers were NOT important or vital to the security of this country, even though marked secret, and to accuse this second-story man of espionage is blowing an anti-war caper as much out of proportion as the news stories which followed.

It is understandable that the Nixon Administration, with its over-regard for secrecy, would be outraged by the Ellsberg theft and be tempted to throw all the books possible at the guilty man.

Nevertheless, except by the wildest stretch of imagination and a driving desire for vengeance, Ellsberg should not stand accused, of espionage — which means acting as a secret agent in enemy territory.

The man is a self-admitted thief, and it is an error in judgment for the Administration to try to make a mountain out of what shakes down to a molehill.

We'd all feel better off if the government dropped its dubious and vindictive charges of espionage against Ellsberg in Los Angeles—and simultaneously let Mr. Dean of the White House staff take the stand in Washington to testify fully and under oath before that Senate committee which has more questions on Watergate.