

Watergate

A Warning, Says Judge

A State Supreme Court justice warned yesterday that the Watergate incident was characteristic of a police state and that if unchallenged, it could mark an end to the democratic process.

Justice Mathew O. Tobriner told a luncheon meeting of the San Francisco Federal Bar Association that Watergate is a warning. "If these methods of the police state are to be accepted, could not the party in power, whether Democratic or Republican, perpetually preserve themselves in government and freeze the democratic process?" he asked.

The break in of the Democratic headquarters one year ago demonstrates the difference between law and order, Tobriner commented.

"Law embraces the Constitution and the courts. Order without the Constitution and the courts is facism," Tobriner said.

Introduced by Martin A. Schainbaum, assistant U.S. attorney and president of the local association, Tobriner told the district court judges, sitting as guests,

that "The courts have been forced to face this contest between those who would preserve the law as it has been developed in the United States and those who would sacrifice constitutional protection for 'order.'"

"The record of an independent judiciary has been a proud one; the courts have sought order under and with the Constitution" Tobriner added.

He endorsed the role of an activist court that "must face and respond to the problems of the current society."