

One Briton Calls It a 'Senatorial

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By Bernard Levin

LONDON—I have just come back from ten days or so in America, where I watched a good deal of the Senate inquiry into the Watergate affair; the proceedings are being carried live and in full on television, with generous repetition in the evenings. I do not know what sort of viewing figures the business is getting, but it must certainly run into millions, perhaps tens or scores of millions. And it is just about the most scandalous violation of every standard of justice to take place in a free society since the Southern gentry abandoned lynching as their favourite outdoor sport.

Mencken called the United States Senate (and in a piece commiserating with Presidents on some of the burdens of their office, at that) "the windiest and most tedious group of men in Christendom," and it does not seem to have changed much, except for the worse, since his day. To start with, the conduct of the Chairman, Senator Sam Ervin, is so deplorable that the lack of any serious protest against his behavior is in itself a measure of the loss of nerve on the part of so many distinguished Americans, in the press, the academic world and politics itself, who would once, in similar circumstances, have been campaigning vigorously to bring him to heel. (As far as I know, nobody has even bothered to draw pointed attention—or unpointed attention, for that matter—to the fact that Ervin is up for re-election next year.)

Senator Ervin, in his chairmanship of the committee, has clearly determined on two things. First is that he is going to play the role of simple ol' Sam Ervin from Dogpatch, North Carolina, first cousin to Mammy Yokum and dispenser of the same brand of homespun wisdom that grows 'way down among the grassroots. He does not (at least he didn't while I was watching) actually chew tobacco and spit the juice into a brass spittoon, snap his galluses or use a fly-swatter, but the mugging and grimacing, the posturing and posing and hamming, which would get the sixteenth spear-carrier from the left flung out of Barclays Bank Musical and Dramatic Society even if his father was the chairman, indicate, as clearly as if he had a sign up admitting as much, that he is having a whale of a time in his first experience of nationwide limelight, and that he not only knows when the cameras are on him, but exactly when they start to move in for a close-up.

One of the sadder phenomena of this business is the way in which the liberal establishment of America, in its insatiable greed for President Nixon's destruction, has tried to suggest that Ervin is a kind of reincarnation of Clarence Darrow, which would be all very well if it were not for his record of implacable opposition to civil rights legislation, and, incidentally, his no less consistent record of support for the American involvement in Vietnam. (But the American liberal—or, more correctly, pseudo-liberal—establishment, does not mind how muddy is the stick with which it beats its devil-figures; Senator William Fulbright, whose record on civil-rights legislation is hardly less lamentable than Ervin's, and who topped even this

sorry aspect of his career when he sneered that it couldn't possibly matter to a Vietnamese peasant whether he lived under a Communist or a non-Communist Government, was the great hero of the sloppier American left, whose concern with Negroes and Vietnamese alike was in many cases a good deal less than their enjoyment of the nice, warm feeling their opposition to the Vietnam war gave them.)

Worse, however, than Senator Ervin's yokum-hokum is the way in which he has clearly decided that some of those appearing before him

under suspicion of various malpractices are heroes, and some villains. Mr. Maurice Stans, for instance, was a villain; his interrogation (and most of the rest of the committee seem to take their cue from Ervin, or at least to realize the advantage of getting their own bread in any political gravy that might be going) was relentless, entirely hostile and plainly based on an assumption that Stans was guilty of everything of which he was accused and a good deal more besides. The odious Mr. Jeb Stuart Magruder, however, who followed Mr. Stans before the committee, was a hero: Ervin and others—especially the ridiculous and maudlin Lowell Weicker, who looked several times as though he was going to cry at his own benignity—fell over themselves to congratulate Magruder on being a fine, upstanding young man with a splendid future in front of him despite this setback.

The technique, of course, was exactly the one used by Senator Joseph McCarthy. Those who stood up to him, denied his accusations and refused to implicate anybody else, were torn to pieces; those who agreed with everything he said *and hastened to add the names of others* were given an easy passage and congratulated at the end of their session. So it was with Stans and Magruder. The former admitted nothing and pointed the finger at nobody; the latter readily agreed on his own complicity in crime, and sprinkled hatfuls of names about with cheerful abandon. Their respective treatment at the hands of Ervin and his posse was eloquent testimony to the fact that the lesson taught by McCarthy had been learned.

But there is a wider, and more important, aspect of this scandal that needs examination, though before turning to it I cannot resist one digression, in the direction of yet another

member of the Ervin committee. I nearly fell out of my chair when the wizened face of Senator Herman Talmadge came up on the screen. For this Talmadge is no stranger to constitutional irregularity. Apart from being one of the worst opponents of Negro rights in Congress, he was once guilty of an action from which Huey Long himself might have flinched. Herman Talmadge's father, Eugene, was Governor of Georgia (and also used to campaign for white supremacy and against Negro advancement); after one re-election to the post, however, in 1947, he died before being inaugurated. The state constitution provided for the lieutenant governor (that is, the deputy) to succeed, in such circumstances, to the unexpired term. Talmadge junior, however, backed by his tame state legislature, demanded

the governorship for himself and seized the state capitol and posted armed guards to keep the rightful governor out. And now here he was, quoting Woodrow Wilson and plainly determined to put down sin; it was like the town harlot reporting the clergyman's son to the police for kissing his girl goodnight in the church doorway.

Such grotesqueries make the whole business nastier; but they are not in themselves the cause of the distaste and concern that must be felt by any viewer of the Senate proceedings who retains some sense of proportion. What is really wrong with this inquisition is that it appears to be a judicial process, but is in fact a political one. There seem to be no rules of evidence; certainly hearsay and even "opinion" evidence is freely admitted and even encouraged. No opportunity for confrontation of accused and accuser is permitted; no cross-examination of accusers by counsel for the accused takes place; nobody is there to see legal fair play. Men are having their reputations

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destroyed in full view of millions; worse, men who may shortly have to face a criminal trial are having their cases literally prejudged, without any of the safeguards of true legal proceedings. Backed up by a press now overwhelmingly determined to find President Nixon guilty of every accusation flung at him, the Senators of the committee are conducting a tainted trial the nature of which would still be indefensible even if the motives of every one of them were beyond reproach.

President Nixon may be the greatest scoundrel unchanged; or wholly innocent of any kind of complicity in the Watergate activities; or anything in between. The same goes for all those whose names are being exchanged like trading-stamps. It is very important indeed that the truth should be determined in every case, and that full justice should be done to the innocent and to the guilty. But the method of Senatorial inquisition, certainly as it is actually being conducted by the Ervin pack and almost certainly however it was conducted, is unable to determine the question of guilt or innocence in respect of any individual, or even the question of what actually happened. What it will quite certainly do, however, is to ruin a number of men, some of whom will not deserve ruin, and none of whom will deserve ruin before such a forum and in such a manner. "My conscience," Senator Ervin has said, "will not permit me to follow after a great multitude to do what I conceive to be evil." But at the moment, the great multitude is following him and in a very disturbing direction too.

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