

Blackmun's Grim View of Watergate

Washington

Supreme Court Justice Harry A. Blackmun said yesterday that under the "pall" of the Watergate scandal, the "very glue of our ship of state seems about to become unstuck."

"There is a resulting fear of consequent grave damage to the democratic process of which we have been so proud, and in which we firmly have believed, and which we have proclaimed to the world," he said in a speech at the American Bar Association convention here.

Blackmun was appointed to the court by President Nixon and is generally counted part of the court's conservative bloc.

VIEW

But he gave his audience a perspective on Watergate that was different from the official White House stance that the scandal has been blown out of proportion.

The justice noted that America has often been marked by "adversity," that there have been "other scandals, large and small, that have rocked every administration of recent times." He noted, too, that various public officials were recently implicated in other crimes or improprieties.

"One senses a laxness in public life that 20 years ago, if indulged in, could not be politically surmounted," he told the lawyers and judges and their families, gathered for the association's annual prayer breakfast.

WATERGATE

Then he turned to Watergate, and said: "The pall of the Watergate, with all its revelations of misplaced loyalties, of strange measures of the unethical, of unusual doings in high places, and by lawyer after lawyer after lawyer, is upon us. It is something that necessarily

touches us all, irrespective of political inclination.

"Seemingly," he said a moment later, "there is an environment of diffuse but

Back Page Col. 1

BLACKMUN

From Page 1

broad taint and corruption in our public life."

Blackmun went to the Old Testament for a parallel to — and a way out of — the Watergate problem. He found it in the story of the rebuilding of the ruins of Jerusalem by the prophet Nehemiah in 446 B.C.

"One may say that our Jerusalem is in ruins," he suggested. With Watergate coming on top of the era's other problems, one might question, he said, whether this society's "foundations are eroding and whether the walls, after all, are only rubble."

"It is perhaps time, he said, to follow Nehemiah's example, and begin to rebuild.

"Perhaps we need to make our own solitary inspection of the walls," Blackmun said. "To plan; to cooperate; to resolve that it is worth doing; to provide leadership; to engage, if necessary, in activity that simultaneously is both defensive and constructive; to rededicate — or should I say dedicate — ourselves to what this bar association and this nation stand for."

TOPIC

Lawyers have been mortified by Watergate, with its spectacle of attorneys admitting to lawbreaking. At this convention, the ABA's 96th annual meeting, the talk returns to Watergate over and over.

To a great degree, the talk has been defensive, with lawyers conceding that the profession's disciplinary structure is inadequate but insisting that the profession itself did not cause Watergate.

Blackmun did not blame the profession for Watergate. He referred to the general decline in traditional American values.

When he finished, his

listeners gave him a standing ovation.

Judges traditionally have been quiet about matters of public controversy, asserting that the courts should be "above debate" and that they don't want to discuss an issue on which they might be asked to rule.

But critics have long pointed out that it is possible to discuss controversial matters without prejudicing or pre-judging a specific case.

In Blackmun's speech, for instance, he mentioned no participant in Watergate by name.

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