

A Fatal Trap

Editor — Apologists for Richard Nixon have often praised his refusal to challenge the allegedly fraudulent results of the 1960 presidential election. Robert L. King (Letters, August 28) succumbs to this seductive but fatal trap. King can "imagine no more venal assault on the American system than that of the actual theft of ballots and perversion of the citizen's basic voting right at the ballot box itself." And yet he praises the one man who could have challenged the "venality," "assault," "perversion," and "theft," and chose instead to smilingly accept its results. King and Nixon's supporters cannot have it both ways. If, in fact, there was fraud in 1960, Nixon implicitly approved and ratified it by refusing to challenge the tainted ballots. If there was no fraud, Nixon was simply bowing to the free choice of the people when he "permitted" the election of John Kennedy.

King is further in error when he

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states "any way you cut the Ellsberg cake, this man violated the laws too." The presumption of innocence is no mere fiction. It was, in fact, one of the concessions which the people of this Republic demanded as a price for ratification of the Constitution, and it remains one of the most precious rights of a free people. The presumption abides with every accused man until he is convicted. Ellsberg was never convicted, and his innocence is still presumed. It is significant that, after publication of the Pentagon Papers, Congress acted to prohibit unauthorized publication of secret governmental documents. It is at least arguable that Ellsberg's publication of these papers was not illegal under the law which then existed. This fact, alone, would sufficiently account for the apparent inclination of the Ellsberg jury to vote for acquittal. King is, at the very least, presumptuous when he undertakes to convict Daniel Ellsberg of crimes which neither a jury nor a federal judge saw fit to convict him. Many people were offended by Ellsberg's act. Many others saw it as an act of heroism, a courageous example of civil disobedience in the noble tradition of Thoreau and Gandhi. The fact that Ellsberg's act offended some does not, however, make it illegal. Only Congress may do that.

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